

By Representatives Ryan, Murman, Trovillion, Stafford,  
Merchant, Heyman, Patterson and Gay

1                                   A bill to be entitled  
2           An act relating to juvenile detention; amending  
3           s. 985.211, F.S.; requiring a probable cause  
4           affidavit or written report to be made within a  
5           time certain; requiring such affidavit or  
6           report to be filed with the clerk of circuit  
7           court within a time certain; amending s.  
8           985.215, F.S.; providing for increased holding  
9           times for children charged with offenses of  
10          certain severity; amending s. 985.218, F.S.;  
11          requiring petitions for delinquency to be filed  
12          within a time certain under certain  
13          circumstances; authorizing the court to extend  
14          such times under certain circumstances;  
15          requiring release from custody under certain  
16          circumstances; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Subsection (3) and paragraph (a) of  
21          subsection (6) of section 985.211, Florida Statutes, 1998  
22          Supplement, are amended to read:

23           985.211 Release or delivery from custody.--

24           (3) If the child is released, the person taking the  
25          child into custody shall make a written report or probable  
26          cause affidavit to the appropriate juvenile probation officer  
27          within 24 hours after such release ~~3 days~~, stating the facts  
28          and the reason for taking the child into custody. Such  
29          written report or probable cause affidavit shall:

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1           (a) Identify the child, the parents, guardian, or  
2 legal custodian, and the person to whom the child was  
3 released.

4           (b) Contain sufficient information to establish the  
5 jurisdiction of the court and to make a prima facie showing  
6 that the child has committed a violation of law or a  
7 delinquent act.

8           (6)(a) A copy of the probable cause affidavit or  
9 written report made by the person taking the child into  
10 custody ~~a law enforcement agency~~ shall be filed, by the law  
11 enforcement agency which employs the person making such  
12 affidavit or written report, with the clerk of the circuit  
13 court for the county in which the child is taken into custody  
14 or in which the affidavit or report is made within 24 hours  
15 ~~after the child is taken into custody and detained, within 1~~  
16 ~~week after the child is taken into custody and released, or~~  
17 ~~within 1 week~~ after the affidavit or report is made, excluding  
18 Saturdays, Sundays, and legal holidays. Such affidavit or  
19 report is a case for the purpose of assigning a uniform case  
20 number pursuant to this subsection.

21           (b) Upon the filing of a copy of a probable cause  
22 affidavit or written report by a law enforcement agency with  
23 the clerk of the circuit court, the clerk shall immediately  
24 assign a uniform case number to the affidavit or report,  
25 forward a copy to the state attorney, and forward a copy to  
26 the intake office of the department which serves the county in  
27 which the case arose.

28           (c) Each letter of recommendation, written notice,  
29 report, or other paper required by law pertaining to the case  
30 shall bear the uniform case number of the case, and a copy  
31 shall be filed with the clerk of the circuit court by the

1 issuing agency. The issuing agency shall furnish copies to  
2 the juvenile probation officer and the state attorney.

3 (d) Upon the filing of a petition based on the  
4 allegations of a previously filed probable cause affidavit or  
5 written report, the agency filing the petition shall include  
6 the appropriate uniform case number on the petition.

7 Section 2. Subsection (5) of section 985.215, Florida  
8 Statutes, 1998 Supplement, is amended to read:

9 985.215 Detention.--

10 (5)(a) A child may not be placed into or held in  
11 secure, nonsecure, or home detention care for longer than 24  
12 hours unless the court orders such detention care, and the  
13 order includes specific instructions that direct the release  
14 of the child from such detention care, in accordance with  
15 subsection (2). The order shall be a final order, reviewable  
16 by appeal pursuant to s. 985.234 and the Florida Rules of  
17 Appellate Procedure. Appeals of such orders shall take  
18 precedence over other appeals and other pending matters.

19 (b) Except as provided in paragraph (e), a child may  
20 not be held in secure, nonsecure, or home detention care under  
21 a special detention order for more than 21 days unless an  
22 adjudicatory hearing for the case has been commenced by the  
23 court.

24 (c) Except as provided in paragraph (e), a child may  
25 not be held in secure, nonsecure, or home detention care for  
26 more than 15 days following the entry of an order of  
27 adjudication.

28 (d) The time limits in paragraphs (b) and (c) do not  
29 include periods of delay resulting from a continuance granted  
30 by the court for cause on motion of the child or his or her  
31 counsel or of the state. Upon the issuance of an order

1 granting a continuance for cause on a motion by either the  
2 child, the child's counsel, or the state, the court shall  
3 conduct a hearing at the end of each 72-hour period, excluding  
4 Saturdays, Sundays, and legal holidays, to determine the need  
5 for continued detention of the child and the need for further  
6 continuance of proceedings for the child or the state.

7 (e) For good cause shown, the court may extend the  
8 time limits for detention specified in paragraphs (b) and (c)  
9 to 30 days if the child is charged with a capital felony, a  
10 life felony, a felony of the first degree, or a felony of the  
11 second degree involving violence against any individual and  
12 the nature of the charge requires additional time for the  
13 prosecution or defense of the case.

14 Section 3. Subsection (1) of section 985.218, Florida  
15 Statutes, 1998 Supplement, is amended to read:

16 985.218 Petition.--

17 (1) All proceedings seeking a finding that a child has  
18 committed a delinquent act or violation of law shall be  
19 initiated by the state by the filing of a petition for  
20 delinquency by the state attorney. The petition for  
21 delinquency shall be filed within 14 days after the arrest, or  
22 within 25 days after the arrest if the state attorney  
23 determines that forensic evidence is required. The time  
24 periods may be extended by the court if the state seeks to  
25 waive the juvenile to adult court or for other good cause. If  
26 the petition is not filed within such time periods, the  
27 juvenile shall be released from custody.

28 Section 4. This act shall take effect October 1, 1999.  
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HOUSE SUMMARY

Requires a probable cause affidavit or written report to be made within 24 hours after taking a juvenile into custody and a copy of the affidavit or report to be filed with the clerk of the circuit court within 24 hours after being made. Provides for holding for up to 30 days a child charged with a capital felony, a life felony, a felony of the first degree, or a felony of the second degree involving violence against an individual and the nature of the charge requires additional time for the prosecution or defense of the case. Requires petitions for delinquency to be filed within 14 days after the arrest, or within 25 days after arrest if the state attorney determines that forensic evidence is required.