

By Representative Ryan

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 the
7 circuit court within a time certain; amending
8 s. 985.215, F.S.; requiring law enforcement
9 agencies to complete and present certain
10 investigations to a state attorney within a
11 time certain; providing for increased holding
12 times for children charged with offenses of
13 certain severity; amending s. 985.218, F.S.;
14 requiring that petitions for delinquency be
15 filed within times certain; authorizing courts
16 to extend such times; requiring state attorneys
17 to report failures to file to certain entities;
18 providing construction; amending s. 985.228,
19 F.S.; conforming a cross reference; providing
20 an effective date.

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

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24 Section 1. Subsection (3) and paragraph (a) of
25 subsection (6) of section 985.211, Florida Statutes, are
26 amended to read:

27 985.211 Release or delivery from custody.--

28 (3) If the child is released, the person taking the
29 child into custody shall make a written report or probable
30 cause affidavit to the appropriate juvenile probation officer
31 within 24 hours after such release ~~3 days~~, stating the facts

1 and the reason for taking the child into custody. Such
2 written report or probable cause affidavit shall:

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

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

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

23 Section 2. Subsection (5) of section 985.215, Florida
24 Statutes, is amended to read:

25 985.215 Detention.--

26 (5)(a) A child may not be placed into or held in
27 secure, nonsecure, or home detention care for longer than 24
28 hours unless the court orders such detention care, and the
29 order includes specific instructions that direct the release
30 of the child from such detention care, in accordance with
31 subsection (2). The order shall be a final order, reviewable

1 by appeal pursuant to s. 985.234 and the Florida Rules of
2 Appellate Procedure. Appeals of such orders shall take
3 precedence over other appeals and other pending matters.

4 (b) The arresting law enforcement agency shall
5 complete and present its investigation of an offense under
6 this subsection to the appropriate state attorney's office
7 within 8 days after placement of the child in secure
8 detention. The investigation shall include, but is not limited
9 to, police reports and supplemental police reports, witness
10 statements, and evidence collection documents. The failure of
11 a law enforcement agency to complete and present its
12 investigation within 8 days shall not entitle a juvenile to be
13 released from secure detention or to a dismissal of any
14 charges.

15 (c)~~(b)~~ Except as provided in paragraph (f), a child
16 may not be held in secure, nonsecure, or home detention care
17 under a special detention order for more than 21 days unless
18 an adjudicatory hearing for the case has been commenced by the
19 court.

20 (d)~~(c)~~ Except as provided in paragraph (f), a child
21 may not be held in secure, nonsecure, or home detention care
22 for more than 15 days following the entry of an order of
23 adjudication.

24 (e)~~(d)~~ The time limits in paragraphs (c) and (d)~~(b)~~
25 ~~and (c)~~ do not include periods of delay resulting from a
26 continuance granted by the court for cause on motion of the
27 child or his or her counsel or of the state. Upon the issuance
28 of an order granting a continuance for cause on a motion by
29 either the child, the child's counsel, or the state, the court
30 shall conduct a hearing at the end of each 72-hour period,
31 excluding Saturdays, Sundays, and legal holidays, to determine

1 the need for continued detention of the child and the need for
2 further continuance of proceedings for the child or the state.

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

10 Section 3. Subsection (1) of section 985.218, Florida
11 Statutes, is amended to read:

12 985.218 Petition.--

13 (1) All proceedings seeking a finding that a child has
14 committed a delinquent act or violation of law shall be
15 initiated by the state by the filing of a petition for
16 delinquency by the state attorney. The petition for
17 delinquency shall be filed within 14 days after the arrest, or
18 within 25 days after the arrest if the state attorney
19 determines that forensic evidence is required. The time
20 periods may be extended by the court. The state attorney in
21 each circuit shall report each year, to the Florida
22 Prosecuting Attorneys Association and the House Juvenile
23 Justice Committee and the Senate Criminal Justice Committee,
24 every case in which the juvenile is securely detained and a
25 petition for delinquency was not filed within such time
26 periods and the reasons for not filing the petition within
27 such time periods. The failure to file a petition within such
28 time periods shall not entitle a juvenile to release from
29 custody or a dismissal of any charges.

30 Section 4. Subsection (1) of section 985.228, Florida
31 Statutes, is amended to read:

1 985.228 Adjudicatory hearings; withheld adjudications;
2 orders of adjudication.--

3 (1) The adjudicatory hearing must be held as soon as
4 practicable after the petition alleging that a child has
5 committed a delinquent act or violation of law is filed and in
6 accordance with the Florida Rules of Juvenile Procedure; but
7 reasonable delay for the purpose of investigation, discovery,
8 or procuring counsel or witnesses shall be granted. If the
9 child is being detained, the time limitations provided for in
10 s. 985.215(5) (c) ~~(b)~~ and (d) ~~(c)~~ apply.

11 Section 5. This act shall take effect October 1, 2000.

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14 HOUSE SUMMARY

15 Requires a probable cause affidavit or written report to
16 be made within 24 hours after taking a juvenile into
17 custody and a copy of the affidavit or report to be filed
18 with the clerk of the circuit court within 24 hours after
19 being made. Requires an arresting law enforcement agency
20 to complete and present its investigation within 8 days
21 after placing a child in secure detention. Provides for
22 holding for up to 30 days a child charged with a capital
23 felony, a life felony, a felony of the first degree, or a
24 felony of the second degree involving violence against an
25 individual and the nature of the charge requires
26 additional time for the prosecution or defense of the
27 case. Requires petitions for delinquency to be filed
28 within specified times certain whenever a juvenile is
29 held in secure detention. Requires state attorneys to
30 report failures to file such petitions within the
31 specified time periods. Specifies that a failure to file
the petition does not entitle the juvenile to release or
a dismissal of the charges.