

By the Committee on Judiciary; and Senator Crist

590-2315-05

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A bill to be entitled

An act relating to juvenile proceedings;  
amending s. 985.228, F.S.; providing the time  
period by which a juvenile shall be brought for  
an adjudicatory hearing; repealing Florida Rule  
of Juvenile Procedure 8.090 to the extent it is  
inconsistent with the act; providing an  
effective date; providing a contingent  
effective date.

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

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

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

(1) If a petition is filed alleging that a child has  
committed a delinquent act or violation of law, the child, in  
accordance with the Florida Rules of Juvenile Procedure, shall  
be brought to an ~~The~~ adjudicatory hearing without demand ~~must  
be held~~ as soon as practicable within 90 days of the earlier  
of the date the child was taken into custody or the date of  
service of the summons issued upon the filing of a petition,  
except that after the petition alleging that a child has  
committed a delinquent act or violation of law is filed and in  
accordance with the Florida Rules of Juvenile Procedure; but  
reasonable delay for the purpose of investigation, discovery,  
or procuring counsel or witnesses shall be granted. If the  
child is being detained, the time limitations provided for in  
s. 985.215(5)(c) and (d) apply.

1           Section 2. Rule 8.090, Florida Rules of Juvenile  
2 Procedure, relating to speedy trial, is repealed to the extent  
3 that it is inconsistent with this act.

4           Section 3. This act shall take effect July 1, 2005,  
5 except that section 2 of this act shall take effect only if  
6 this act is passed by a two-thirds vote of the membership of  
7 each house of the Legislature.

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9                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10                           COMMITTEE SUBSTITUTE FOR  
11                           Senate Bill 1044

12 This committee substitute:

- 13 -- Provides for a child to be brought to an adjudicatory  
14 hearing, without demand, within 90 days from the date  
15 that he or she is taken into custody, or from the service  
16 of summons, whichever is earlier, pursuant to the Florida  
17 Rules of Juvenile Procedure;  
18 -- Repeals Rule 8.090 of the Florida Rules of Juvenile  
19 Procedure, relating to speedy trial in juvenile hearings,  
20 to the extent that it is inconsistent with this committee  
21 substitute, upon approval by a two-thirds vote of both  
22 the Senate and the House of Representatives.  
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