

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Grieco offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 38-127 and insert:

5 (4)~~(3)~~ A child who is alleged to be dependent under
6 chapter 39 may not, under any circumstances, be placed into
7 secure detention care.

8 Section 2. Subsections (2), (3), and (4) of section
9 985.26, Florida Statutes, are amended, and subsection (7) is
10 added to that section, to read:

11 985.26 Length of detention.—

12 (2)(a)1. A court may order a child to be placed on
13 supervised release detention care for any time period until an

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14 adjudicatory hearing is completed. However, if a child has
15 served 60 days on supervised release detention care, the court
16 must conduct a hearing within 15 days after the 60th day, to
17 determine the need for continued supervised release detention
18 care. At the hearing, and upon good cause being shown that the
19 nature of the charge requires additional time for the
20 prosecution or defense of the case or the totality of the
21 circumstances, including the preservation of public safety,
22 warrant an extension, the court may order the child to remain on
23 supervised release detention care until the adjudicatory hearing
24 is completed.

25 2. Except as provided in paragraph (b) or paragraph (c), a
26 child may not be held in detention care under a special
27 detention order for more than 21 days unless an adjudicatory
28 hearing for the case has been commenced in good faith by the
29 court.

30 (b) Upon good cause being shown that the nature of the
31 charge requires additional time for the prosecution or defense
32 of the case, the court may extend the length of detention care
33 for an additional up to an additional 21 9 days if the child is
34 charged with an offense which ~~that would be~~, if committed by an
35 adult, would be a capital felony, a life felony, a felony of the
36 first degree or the second degree, or a felony of the third
37 ~~second~~ degree involving violence against any individual.

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38 (c) A prolific juvenile offender under s. 985.255(1) (f)
39 shall be placed on supervised release detention care with
40 electronic monitoring or in secure detention care under a
41 special detention order until disposition. If secure detention
42 care is ordered by the court, it must be authorized under this
43 part and may not exceed:

44 1. Twenty-one days unless an adjudicatory hearing for the
45 case has been commenced in good faith by the court or the period
46 is extended by the court pursuant to paragraph (b); or

47 2. Fifteen days after the entry of an order of
48 adjudication.

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50 As used in this paragraph, the term "disposition" means a
51 declination to file under s. 985.15(1) (h), the entry of nolle
52 prosequi for the charges, the filing of an indictment under s.
53 985.56 or an information under s. 985.557, a dismissal of the
54 case, or an order of final disposition by the court.

55 (d) A prolific juvenile offender under s. 985.255(1) (f)
56 who is taken into custody for a violation of the conditions of
57 his or her supervised release detention must be held in secure
58 detention until a detention hearing is held.

59 (3) Except as provided in subsection (2), a child may not
60 be held in detention care for more than 15 days after ~~following~~
61 the entry of an order of adjudication.

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62 (4) ~~(a)~~ The time limits in subparagraph (2) (a)2.
63 ~~subsections (2)~~ and subsection (3) do not include periods of
64 delay resulting from a continuance granted by the court for
65 cause on motion of the child or his or her counsel or of the
66 state. Upon the issuance of an order granting a continuance for
67 cause on a motion by either the child, the child's counsel, or
68 the state, the court shall conduct a hearing at the end of each
69 72-hour period, excluding Saturdays, Sundays, and legal
70 holidays, to determine the need for continued detention

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T I T L E A M E N D M E N T

Remove lines 6-18 and insert:
specified conditions; amending s. 985.26, F.S.; authorizing
a court to place a child on supervised release detention
care for any time period; providing an exception;
specifying the time period for which a court may order a
child to be held in detention care under certain
circumstances; revising time