

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Grieco offered the following:

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3 **Substitute Amendment for Amendment (184053) (with title**  
4 **amendment)**

5 Remove lines 38-127 and insert:

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

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

12 985.26 Length of detention.—

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13           (2) (a)1. A court may order a child to be placed on  
14 supervised release detention care for any time period until an  
15 adjudicatory hearing is completed. However, if a child has  
16 served 60 days on supervised release detention care, the court  
17 must conduct a hearing within 15 days after the 60th day, to  
18 determine the need for continued supervised release detention  
19 care. At the hearing, and upon good cause being shown that the  
20 nature of the charge requires additional time for the  
21 prosecution or defense of the case or the totality of the  
22 circumstances, including the preservation of public safety,  
23 warrant an extension, the court may order the child to remain on  
24 supervised release detention care until the adjudicatory hearing  
25 is completed.

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

31           3. This section does not prohibit a court from  
32 transitioning a child to and from secure detention care and  
33 supervised release detention care, including electronic  
34 monitoring, when the court finds such a placement necessary, or  
35 no longer necessary, to preserve public safety or to ensure the  
36 child's safety, appearance in court, or compliance with a court  
37 order. Each period of secure detention care or supervised

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38 release detention care counts toward the time limitations in  
39 this subsection whether served consecutively or  
40 nonconsecutively.

41 (b) Upon good cause being shown that the nature of the  
42 charge requires additional time for the prosecution or defense  
43 of the case, the court may extend the length of detention for an  
44 additional 9 days if the child is charged with an offense which  
45 ~~that would be~~, if committed by an adult, would be a capital  
46 felony, a life felony, a felony of the first degree, or a felony  
47 of the degree involving violence against any individual.

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

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

57 2. Fifteen days after the entry of an order of  
58 adjudication.

59  
60 As used in this paragraph, the term "disposition" means a  
61 declination to file under s. 985.15(1)(h), the entry of nolle  
62 prosequi for the charges, the filing of an indictment under s.

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63 985.56 or an information under s. 985.557, a dismissal of the  
64 case, or an order of final disposition by the court.

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

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

72 (4)~~(a)~~ The time limits in subparagraph (2)(a)2.  
73 ~~subsections (2)~~ and subsection (3) do not include periods of  
74 delay resulting from a continuance granted by the court for  
75 cause on motion of the child or his or her counsel or of the  
76 state. Upon the issuance of an order granting a continuance for  
77 cause on a motion by either the child, the child's counsel, or  
78 the state, the court shall conduct a hearing at the end of each  
79 72-hour period, excluding Saturdays, Sundays, and legal  
80 holidays, to determine the need for continued detention

81  
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**T I T L E A M E N D M E N T**

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

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