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CS/HB 7029

2022 Legislature

1  
 2 An act relating to time limitations for  
 3 preadjudicatory juvenile detention care; amending s.  
 4 985.24, F.S.; authorizing a court to order a child on  
 5 supervised release detention care to comply with  
 6 specified conditions; authorizing a dependent child  
 7 with an allegation of delinquency to be placed in  
 8 secure detention care; amending s. 985.26, F.S.;  
 9 authorizing a court to place a child on supervised  
 10 release detention care for any time period; providing  
 11 an exception; specifying the time period for which a  
 12 court may order a child to be held in secure detention  
 13 care under certain circumstances; authorizing a court  
 14 to extend the time period for secure detention care  
 15 under certain circumstances; requiring a court to make  
 16 specified findings; requiring a court to conduct a  
 17 hearing to determine the continued need for secure  
 18 detention care in certain circumstances; revising time  
 19 limitations resulting from a continuance; removing  
 20 provisions relating to supervised release detention  
 21 care and its exclusion from specified time  
 22 limitations; authorizing specified entities to conduct  
 23 electronic monitoring; providing an effective date.

24  
 25 Be It Enacted by the Legislature of the State of Florida:

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26  
 27 Section 1. Subsections (2) through (4) of section 985.24,  
 28 Florida Statutes, are renumbered as subsections (3) through (5),  
 29 respectively, a new subsection (2) is added to that section, and  
 30 present subsection (3) is amended, to read:

31 985.24 Use of detention; prohibitions.—

32 (2) A child who is placed on supervised release detention  
 33 care may be required to comply with any available condition  
 34 established by the department or ordered by the court, including  
 35 electronic monitoring, if the court finds such a condition is  
 36 necessary to preserve public safety or to ensure the child's  
 37 safety or appearance in court.

38 (4)(3) A child who is alleged to be dependent under  
 39 chapter 39, but who is not alleged to have committed a  
 40 delinquent act or violation of law, may not, under any  
 41 circumstances, be placed into secure detention care.

42 Section 2. Subsections (2), (3), and (4) of section  
 43 985.26, Florida Statutes, are amended, and subsection (7) is  
 44 added to that section, to read:

45 985.26 Length of detention.—

46 (2)(a)1. A court may order a child to be placed on  
 47 supervised release detention care for any time period until an  
 48 adjudicatory hearing is completed. However, if a child has  
 49 served 60 days on supervised release detention care, the court  
 50 must conduct a hearing within 15 days after the 60th day, to

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51 determine the need for continued supervised release detention  
52 care. At the hearing, and upon good cause being shown that the  
53 nature of the charge requires additional time for the  
54 prosecution or defense of the case or the totality of the  
55 circumstances, including the preservation of public safety,  
56 warrant an extension, the court may order the child to remain on  
57 supervised release detention care until the adjudicatory hearing  
58 is completed.

59 2. Except as provided in paragraph (b) or paragraph (c), a  
60 child may not be held in secure detention care under a special  
61 detention order for more than 21 days unless an adjudicatory  
62 hearing for the case has been commenced in good faith by the  
63 court.

64 3. This section does not prohibit a court from  
65 transitioning a child to and from secure detention care and  
66 supervised release detention care, including electronic  
67 monitoring, when the court finds such a placement necessary, or  
68 no longer necessary, to preserve public safety or to ensure the  
69 child's safety, appearance in court, or compliance with a court  
70 order. Each period of secure detention care or supervised  
71 release detention care counts toward the time limitations in  
72 this subsection whether served consecutively or  
73 nonconsecutively.

74 (b) Upon good cause being shown that the nature of the  
75 charge requires additional time for the prosecution or defense

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76 | of the case or the totality of the circumstances, including the  
 77 | preservation of public safety, warrant an extension, the court  
 78 | may extend the length of secure detention care for ~~an additional~~  
 79 | up to an additional 21 ~~9~~ days if the child is charged with an  
 80 | offense which ~~that would be~~, if committed by an adult, would be  
 81 | a capital felony, a life felony, a felony of the first degree or  
 82 | the second degree, or a felony of the third ~~second~~ degree  
 83 | involving violence against any individual. The court may  
 84 | continue to extend the period of secure detention care in  
 85 | increments of up to 21-days each by conducting a hearing before  
 86 | the expiration of the current period to determine the need for  
 87 | continued secure detention of the child. At the hearing, the  
 88 | court must make the required findings in writing to extend the  
 89 | period of secure detention. If the court extends the time period  
 90 | for secure detention care, it shall ensure an adjudicatory  
 91 | hearing for the case commences as soon as is reasonably possible  
 92 | considering the totality of the circumstances. The court shall  
 93 | prioritize the efficient disposition of cases in which the child  
 94 | has served 60 or more days in secure detention care.

95 | (c) A prolific juvenile offender under s. 985.255(1)(f)  
 96 | shall be placed on supervised release detention care with  
 97 | electronic monitoring or in secure detention care under a  
 98 | special detention order until disposition. If secure detention  
 99 | care is ordered by the court, it must be authorized under this  
 100 | part and may not exceed:

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

104           2. Fifteen days after the entry of an order of  
 105 adjudication.

106  
 107 As used in this paragraph, the term "disposition" means a  
 108 declination to file under s. 985.15(1)(h), the entry of nolle  
 109 prosequi for the charges, the filing of an indictment under s.  
 110 985.56 or an information under s. 985.557, a dismissal of the  
 111 case, or an order of final disposition by the court.

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

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

119           (4) ~~(a)~~ The time limits in subparagraph (2)(a)2.  
 120 ~~subsections (2) and subsection~~ (3) do not include periods of  
 121 delay resulting from a continuance granted by the court for  
 122 cause on motion of the child or his or her counsel or of the  
 123 state. Upon the issuance of an order granting a continuance for  
 124 cause on a motion by either the child, the child's counsel, or  
 125 the state, the court shall conduct a hearing at the end of each

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126 72-hour period, excluding Saturdays, Sundays, and legal  
 127 holidays, to determine the need for continued secure detention  
 128 of the child and the need for further continuance of proceedings  
 129 for the child or the state.

130 ~~(b) The period for supervised release detention care under~~  
 131 ~~this section is tolled on the date that the department or a law~~  
 132 ~~enforcement officer alleges that the child has violated a~~  
 133 ~~condition of the child's supervised release detention care until~~  
 134 ~~the court enters a ruling on the violation. Notwithstanding the~~  
 135 ~~tolling of supervised release detention care, the court retains~~  
 136 ~~jurisdiction over the child for a violation of a condition of~~  
 137 ~~supervised release detention care during the tolling period. If~~  
 138 ~~the court finds that a child has violated his or her supervised~~  
 139 ~~release detention care, the number of days that the child served~~  
 140 ~~in any type of detention care before commission of the violation~~  
 141 ~~shall be excluded from the time limits under subsections (2) and~~  
 142 ~~(3).~~

143 (7) Any electronic monitoring ordered by a court as a  
 144 condition of supervised release detention care under this  
 145 section may be supervised by the department, a law enforcement  
 146 agency, or the department and a law enforcement agency working  
 147 in partnership. However, nothing in this subsection requires a  
 148 law enforcement agency to supervise a child placed on electronic  
 149 monitoring.

150 Section 3. This act shall take effect July 1, 2022.