



464134

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/23/2022	.	
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The Committee on Rules (Stargel) recommended the following:

1 **Senate Substitute for Amendment (793404) (with title**
2 **amendment)**

3
4 Delete lines 37 - 152

5 and insert:

6 that section, and present subsection (3) is amended to
7 read:

8 985.24 Use of detention; prohibitions.-

9 (2) A child who is placed on supervised release detention
10 care must comply with any available condition established by the
11 department or ordered by the court, including electronic



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12 monitoring, if the court finds such a condition is necessary to
13 preserve public safety or to ensure the child's safety or
14 appearance in court.

15 (4)~~(3)~~ A child who is alleged to be dependent under chapter
16 39, but who is not alleged to have committed a delinquent act or
17 violation of law, may not, under any circumstances, be placed
18 into secure detention care.

19 Section 2. Section 985.26, Florida Statutes, is amended to
20 read:

21 985.26 Length of detention.—

22 (1) A child may not be placed into or held in detention
23 care for longer than 24 hours unless the court orders such
24 detention care, and the order includes specific instructions
25 that direct the release of the child from such detention care,
26 in accordance with s. 985.255. The order shall be a final order,
27 reviewable by appeal under s. 985.534 and the Florida Rules of
28 Appellate Procedure. Appeals of such orders shall take
29 precedence over other appeals and other pending matters.

30 (2) (a) 1. A court may order that a child be placed on
31 supervised release detention care for any time period until the
32 adjudicatory hearing is completed. However, if a child has
33 served 60 days on supervised release detention care, the court
34 must conduct a hearing within 15 days after the 60th day, to
35 determine the need for continued supervised release detention
36 care. At the hearing, upon good cause being shown that the
37 nature of the charge requires additional time for the
38 prosecution or defense of the case or upon consideration of the
39 totality of the circumstances, including the preservation of
40 public safety, warranting an extension, the court may order the



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41 child to remain on supervised release detention care until the
42 adjudicatory hearing is completed.

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

48 3. This section does not prohibit a court from
49 transitioning a child between secure detention care and
50 supervised release detention care, including electronic
51 monitoring, if the court finds that such placement is necessary
52 to preserve public safety or to ensure the child's safety,
53 appearance in court, or compliance with any condition of
54 supervised release detention care. Each period of secure
55 detention care or supervised release detention care counts
56 toward the time limitations in this subsection, whether served
57 consecutively or nonconsecutively.

58 (b) Upon good cause being shown that the nature of the
59 charge requires additional time for the prosecution or defense
60 of the case or upon the totality of the circumstances, including
61 the preservation of public safety, warranting an extension, the
62 court may extend the length of secure detention care for up to
63 21 ~~an additional 9~~ days if the child is charged with an offense
64 that ~~would be~~, if committed by an adult, would be a capital
65 felony, a life felony, a felony of the first or second degree,
66 or a felony of the third ~~second~~ degree involving violence
67 against any individual. The court may continue to extend the
68 period of secure detention care in increments of up to 21 days
69 by conducting a hearing before the expiration of the current



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70 period to determine the need for continuing the secure detention
71 care of the child. At the hearing, the court must make the
72 required findings in writing to extend the period of secure
73 detention care. If the court extends the time period for secure
74 detention care, it must ensure that an adjudicatory hearing for
75 the case commences as soon as reasonably possible considering
76 the totality of the circumstances, and it must prioritize the
77 efficient disposition of those cases in which the child has
78 served 60 or more days in secure detention care.

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

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

88 2. Fifteen days after the entry of an order of
89 adjudication.

90
91 As used in this paragraph, the term "disposition" means a
92 declination to file under s. 985.15(1)(h), the entry of nolle
93 prosequi for the charges, the filing of an indictment under s.
94 985.56 or an information under s. 985.557, a dismissal of the
95 case, or an order of final disposition by the court.

96 (d) A prolific juvenile offender under s. 985.255(1)(f) who
97 is taken into custody for a violation of the conditions of his
98 or her supervised release detention must be held in secure



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99 detention until a detention hearing is held.

100 (3) Except as provided in subsection (2), a child may not
101 be held in detention care for more than 15 days following the
102 entry of an order of adjudication.

103 (4) ~~(a)~~ The time limitation ~~limits~~ in subsection ~~subsections~~
104 ~~(2) and (3)~~ does ~~de~~ not include periods of delay resulting from
105 a continuance granted by the court for cause on motion of the
106 child or his or her counsel or of the state. Upon the issuance
107 of an order granting a continuance for cause on a motion by
108 either the child, the child's counsel, or the state, the court
109 shall conduct a hearing at the end of each 72-hour period,
110 excluding Saturdays, Sundays, and legal holidays, to determine
111 the need for continued detention of the child and the need for
112 further continuance of proceedings for the child or the state.

113 ~~(b) The period for supervised release detention care under~~
114 ~~this section is tolled on the date that the department or a law~~
115 ~~enforcement officer alleges that the child has violated a~~
116 ~~condition of the child's supervised release detention care until~~
117 ~~the court enters a ruling on the violation. Notwithstanding the~~
118 ~~tolling of supervised release detention care, the court retains~~
119 ~~jurisdiction over the child for a violation of a condition of~~
120 ~~supervised release detention care during the tolling period. If~~
121 ~~the court finds that a child has violated his or her supervised~~
122 ~~release detention care, the number of days that the child served~~
123 ~~in any type of detention care before commission of the violation~~
124 ~~shall be excluded from the time limits under subsections (2) and~~
125 ~~(3).~~

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

127 And the title is amended as follows:



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128 Delete lines 7 - 26
129 and insert:
130 authorizing a dependent child with a delinquency
131 charge to be placed in secure detention care; amending
132 s. 985.26, F.S.; authorizing a court to order that a
133 child be placed on supervised release detention care
134 for any time period until the adjudicatory hearing is
135 completed; requiring a court to conduct a hearing
136 within a specified timeframe if a child has served
137 longer than a specified number of days on supervised
138 release detention care; prohibiting a child from being
139 held in secure detention care for longer than a
140 certain time period under certain circumstances;
141 authorizing a court to extend the length of secure
142 detention care for an increased amount of days under
143 specified circumstances; authorizing a court to
144 continue to extend the time period for secure
145 detention care under specified circumstances;
146 requiring a court to make specified findings;
147 requiring a court to conduct a hearing to determine
148 the continued need for secure detention care under
149 specified circumstances; revising time limitations
150 resulting from a continuance; deleting provisions
151 relating to supervised release detention care and its
152 exclusion from specified time limitations; authorizing