



467696

LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Delete lines 58 - 177  
and insert:  
adjudicatory hearing is completed, in accordance with s.  
985.255. However, if a child has served 60 days on supervised  
release detention care, the court must conduct a hearing within  
15 days, excluding Saturdays, Sundays, and legal holidays, to  
determine the need for continued supervised release detention  
care. At the hearing, upon good cause being shown that the  
nature of the charge requires additional time for the



467696

12 prosecution or defense of the case or upon consideration of the  
13 totality of the circumstances, including the preservation of  
14 public safety, which may warrant an extension, the court may  
15 order the child to remain on supervised release detention care  
16 until the adjudicatory hearing is completed.

17 2. Except as provided in paragraph (b) or paragraph (d)  
18 (e), a child may not be held in secure detention care under a  
19 special detention order for more than 21 days unless an  
20 adjudicatory hearing for the case has been commenced in good  
21 faith by the court.

22 3. This section does not prohibit a court from  
23 transitioning a child who is a prolific juvenile offender  
24 between secure detention care and supervised release detention  
25 care, including electronic monitoring, if the court finds that  
26 such placement is necessary to preserve public safety or to  
27 ensure the child's safety, appearance in court, or compliance  
28 with any condition of supervised release detention care. Each  
29 period of secure detention care counts toward the time  
30 limitation in this paragraph, whether served consecutively or  
31 nonconsecutively.

32 (b) Upon good cause being shown that the nature of the  
33 charge requires additional time for the prosecution or defense  
34 of the case or upon the totality of the circumstances, including  
35 the preservation of public safety, warranting an extension, the  
36 court may extend the length of secure detention care for an  
37 additional 9 days if the child is charged with an offense that  
38 would be, if committed by an adult, would be a capital felony, a  
39 life felony, a felony of the first degree, or a felony of the  
40 second degree involving violence against any individual. If the



467696

41 adjudicatory hearing has not commenced while the child has been  
42 in secure detention care, the court may order the child to be  
43 transitioned to supervised release detention care for up to 60  
44 days. There is a rebuttable presumption that the child should be  
45 released from all forms of supervision after 60 days of any form  
46 of detention care.

47 (c) If the court has granted a 9-day extension under  
48 paragraph (b) and upon good cause being shown that the nature of  
49 the charge requires additional time for the prosecution or  
50 defense of the case or upon the totality of the circumstances,  
51 including the preservation of public safety, warranting an  
52 extension, the court may extend the length of secure detention  
53 care for another 30 days if the child is a prolific juvenile  
54 offender. To extend the length of secure detention care, the  
55 court must conduct a hearing before the expiration of the  
56 current period, excluding Saturdays, Sundays, and legal  
57 holidays, to determine the need for continuing the secure  
58 detention care of the child. At the hearing, the court must make  
59 the required findings on the record to extend the period of  
60 secure detention care. If the court extends the time period for  
61 secure detention care, it must ensure that an adjudicatory  
62 hearing for the case commences as soon as reasonably possible,  
63 considering the totality of the circumstances, and it must  
64 prioritize the efficient disposition of those cases in which the  
65 child has served 60 or more days in any form of detention.

66 (d) ~~(e)~~ A prolific juvenile offender under s. 985.255(1)(f)  
67 shall be placed on supervised release detention care with  
68 electronic monitoring or in secure detention care under a  
69 special detention order until disposition. If secure detention



467696

70 care is ordered by the court, it must be authorized under this  
71 part and may not exceed:

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

75 2. Fifteen days after the entry of an order of  
76 adjudication.

77  
78 As used in this paragraph, the term "disposition" means a  
79 declination to file under s. 985.15(1)(h), the entry of nolle  
80 prosequi for the charges, the filing of an indictment under s.  
81 985.56 or an information under s. 985.557, a dismissal of the  
82 case, or an order of final disposition by the court.

83 (e) ~~(d)~~ A prolific juvenile offender under s. 985.255(1)(f)  
84 who is taken into custody for a violation of the conditions of  
85 his or her supervised release detention must be held in secure  
86 detention until a detention hearing is held.

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

90 (4)(a) The time limits in subsections (2) and (3) do not  
91 include periods of delay resulting from a continuance granted by  
92 the court for cause on motion of the child or his or her counsel  
93 or of the state. Upon the issuance of an order granting a  
94 continuance for cause on a motion by either the child, the  
95 child's counsel, or the state, the court shall conduct a hearing  
96 at the end of each 72-hour period, excluding Saturdays, Sundays,  
97 and legal holidays, to determine the need for continued  
98 detention of the child and the need for further continuance of



467696

99 proceedings for the child or the state.

100 (b) Any ~~The period of for~~ supervised release detention care  
101 ~~under this section is tolled on the date that the department or~~  
102 ~~a law enforcement officer alleges that the child has violated a~~  
103 ~~condition of the child's supervised release detention care until~~  
104 ~~the court enters a ruling on the violation. Notwithstanding the~~  
105 ~~tolling of supervised release detention care, the court retains~~  
106 ~~jurisdiction over the child for a violation of a condition of~~  
107 ~~supervised release detention care during the tolling period. If~~  
108 ~~the court finds that a child has violated his or her supervised~~  
109 ~~release detention care, the number of days that the child served~~  
110 ~~in any type of detention care before commission of the violation~~  
111 shall be excluded from the time limits under subsections (2) and  
112 (3).

113 (5) A child who was not in secure detention at the time of  
114 the adjudicatory hearing, but for whom residential commitment is  
115 anticipated or recommended, may be placed under a special  
116 detention order for a period not to exceed 72 hours, excluding  
117 weekends and legal holidays, for the purpose of conducting a  
118 comprehensive evaluation as provided in s. 985.185. Motions for  
119 the issuance of such special detention order may be made  
120 subsequent to a finding of delinquency. Upon said motion, the  
121 court shall conduct a hearing to determine the appropriateness  
122 of such special detention order and shall order the least  
123 restrictive level of detention necessary to complete the  
124 comprehensive evaluation process that is consistent with public  
125 safety. Such special detention order may be extended for an  
126 additional 72 hours upon further order of the court.

127 (6) If a child is detained and a petition for delinquency



467696

128 is filed, the child must ~~shall~~ be arraigned in accordance with  
129 the Florida Rules of Juvenile Procedure within 48 hours after  
130 the filing of the petition for delinquency.

131 (7) Any electronic monitoring ordered by a court as a  
132 condition of supervised release detention care pursuant to this  
133 section may be supervised by the department, a law enforcement  
134 agency, or the department and a law enforcement agency working  
135 in partnership. However, this subsection does not require a law  
136 enforcement agency to supervise a child placed on electronic  
137 monitoring, and it does not authorize a law enforcement agency  
138 to charge a child, or a child's parent or guardian, for  
139 electronic monitoring.

140 Section 3. Paragraph (a) of subsection (3) of section  
141 985.255, Florida Statutes, is amended to read

142 985.255 Detention criteria; detention hearing.—

143 (3) (a) The purpose of the detention hearing required under  
144 subsection (1) is to determine the existence of probable cause  
145 that the child has committed the delinquent act or violation of  
146 law that he or she is charged with and the need for continued  
147 detention. The court shall use the results of the risk  
148 assessment performed by the department and, based on the  
149 criteria in subsection (1), shall determine the need for  
150 continued detention. If the child is a prolific juvenile  
151 offender who is detained under s. 985.26(2) (d) ~~s. 985.26(2) (e)~~,  
152 the court shall use the results of the risk assessment performed  
153 by the department and the criteria in subsection (1) or  
154 subsection (2) only to determine whether the prolific juvenile  
155 offender should be held in secure detention.

156



467696

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

158 And the title is amended as follows:

159       Delete lines 21 - 30

160 and insert:

161       circumstances; authorizing a court to order a child to  
162       be transitioned to supervised release detention care  
163       under certain circumstances; providing a rebuttable  
164       presumption; authorizing a court to extend the length  
165       of secure detention care under specified  
166       circumstances; requiring a court to make specified  
167       findings on the record; requiring a court to conduct a  
168       hearing to extend the length of secure detention care;  
169       revising provisions relating to supervised release  
170       detention care and its exclusion from specified time  
171       limitations; authorizing certain electronic monitoring  
172       ordered by a court to be supervised by the Department  
173       of Juvenile Justice or a law enforcement agency, or  
174       both; providing construction; amending s. 985.255,  
175       F.S.; conforming a cross-reference; providing an  
176       effective date.