



851600

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2022	.	
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The Committee on Appropriations (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 41 - 100  
and insert:  
by the department or ordered by the court, including electronic monitoring, when the court finds such condition necessary to preserve public safety or to ensure the child's safety or appearance in court.

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



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11 985.26 Length of detention.—

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

20 (2) (a) 1. A court may order that a child be placed on  
21 supervised release detention care for any time period until the  
22 adjudicatory hearing is completed. However, if a child has  
23 served 75 days on supervised release detention care, the court  
24 must conduct a hearing within 15 days, excluding Saturdays,  
25 Sundays, and legal holidays, to determine the need for continued  
26 supervised release detention care. At the hearing, upon good  
27 cause being shown that the nature of the charge requires  
28 additional time for the prosecution or defense of the case or  
29 upon consideration of the totality of the circumstances,  
30 including the preservation of public safety, which may warrant  
31 an extension, the court may order the child to remain on  
32 supervised release detention care until the adjudicatory hearing  
33 is completed.

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

39 3. This section does not prohibit a court from



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40 transitioning a child between secure detention care and  
41 supervised release detention care, including electronic  
42 monitoring, if the court finds that such placement is necessary  
43 to preserve public safety or to ensure the child's safety,  
44 appearance in court, or compliance with any condition of  
45 supervised release detention care. Each period of secure  
46 detention care counts toward the time limitation in this  
47 paragraph, whether served consecutively or nonconsecutively.

48 (b) Upon good cause being shown that the nature of the  
49 charge requires additional time for the prosecution or defense  
50 of the case or upon the totality of the circumstances, including  
51 the preservation of public safety, warranting an extension, the  
52 court may extend the length of secure detention care for up to  
53 21 ~~an additional 9~~ days if the child is charged with an offense  
54 that ~~would be~~, if committed by an adult, would be a capital  
55 felony, a life felony, a felony of the first or second degree,  
56 or a felony of the third ~~second~~ degree involving violence  
57 against any individual. The court may continue to extend the  
58 period of secure detention care in increments of up to 21 days  
59 by conducting a hearing before the expiration of the current  
60 period, excluding Saturdays, Sundays, and legal holidays, to  
61 determine the need for continuing the secure detention care of  
62 the child. At the hearing, the court must make the required  
63 findings in writing to extend the period of secure detention

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

65 And the title is amended as follows:

66 Delete lines 9 - 10

67 and insert:

68 care for any time period until the adjudicatory



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hearing is completed; requiring a court to