

By the Committees on Rules; and Appropriations

595-03330-22

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1 A bill to be entitled
2 An act relating to time limitations for
3 preadjudicatory juvenile detention care; amending s.
4 985.24, F.S.; requiring a child placed on supervised
5 release detention care to comply with specified
6 conditions under certain circumstances; prohibiting
7 certain alleged dependent children from being placed
8 into secure detention care; amending s. 985.26, F.S.;
9 authorizing a court to order that a child be placed on
10 supervised release detention care for any time period
11 until the adjudicatory hearing is completed; requiring
12 a court to conduct a hearing within a specified
13 timeframe if a child has served longer than a
14 specified number of days on supervised release
15 detention care; prohibiting a child from being held in
16 secure detention care for longer than a certain time
17 period under certain circumstances; authorizing a
18 court to extend the length of secure detention care
19 for an increased amount of days under specified
20 circumstances; authorizing a court to continue to
21 extend the time period for secure detention care under
22 specified circumstances; requiring a court to make
23 specified findings; requiring a court to conduct a
24 hearing to determine the continued need for secure
25 detention care under specified circumstances; revising
26 time limitations resulting from a continuance;
27 deleting provisions relating to supervised release
28 detention care and its exclusion from specified time
29 limitations; authorizing certain electronic monitoring

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30 ordered by a court to be supervised by the Department
31 of Juvenile Justice or a law enforcement agency, or
32 both; providing construction; providing an effective
33 date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Present subsections (2), (3), and (4) of section
38 985.24, Florida Statutes, are redesignated as subsections (3),
39 (4), and (5), respectively, a new subsection (2) is added to
40 that section, and present subsection (3) of that section is
41 amended, to read:

42 985.24 Use of detention; prohibitions.—

43 (2) A child who is placed on supervised release detention
44 care must comply with any available condition established by the
45 department or ordered by the court, including electronic
46 monitoring, if the court finds such a condition is necessary to
47 preserve public safety or to ensure the child's safety or
48 appearance in court.

49 (4)~~(3)~~ A child who is alleged to be dependent under chapter
50 39, but who is not alleged to have committed a delinquent act or
51 violation of law, may not, under any circumstances, be placed
52 into secure detention care.

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

55 985.26 Length of detention.—

56 (1) A child may not be placed into or held in detention
57 care for longer than 24 hours unless the court orders such
58 detention care, and the order includes specific instructions

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59 that direct the release of the child from such detention care,
60 in accordance with s. 985.255. The order shall be a final order,
61 reviewable by appeal under s. 985.534 and the Florida Rules of
62 Appellate Procedure. Appeals of such orders shall take
63 precedence over other appeals and other pending matters.

64 (2) (a) 1. A court may order that a child be placed on
65 supervised release detention care for any time period until the
66 adjudicatory hearing is completed. However, if a child has
67 served 60 days on supervised release detention care, the court
68 must conduct a hearing within 15 days after the 60th day to
69 determine the need for continued supervised release detention
70 care. At the hearing, upon good cause being shown that the
71 nature of the charge requires additional time for the
72 prosecution or defense of the case or upon consideration of the
73 totality of the circumstances, including the preservation of
74 public safety, warranting an extension, the court may order the
75 child to remain on supervised release detention care until the
76 adjudicatory hearing is completed.

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

82 3. This section does not prohibit a court from
83 transitioning a child between secure detention care and
84 supervised release detention care, including electronic
85 monitoring, if the court finds that such placement is necessary
86 to preserve public safety or to ensure the child's safety,
87 appearance in court, or compliance with any condition of

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88 supervised release detention care. Each period of secure
89 detention care or supervised release detention care counts
90 toward the time limitations in this subsection, whether served
91 consecutively or nonconsecutively.

92 (b) Upon good cause being shown that the nature of the
93 charge requires additional time for the prosecution or defense
94 of the case or upon the totality of the circumstances, including
95 the preservation of public safety, warranting an extension, the
96 court may extend the length of secure detention care for up to
97 21 ~~an additional 9~~ days if the child is charged with an offense
98 that ~~would be~~, if committed by an adult, would be a capital
99 felony, a life felony, a felony of the first or second degree,
100 or a felony of the ~~third~~ ~~second~~ degree involving violence
101 against any individual. The court may continue to extend the
102 period of secure detention care in increments of up to 21 days
103 by conducting a hearing before the expiration of the current
104 period to determine the need for continuing the secure detention
105 care of the child. At the hearing, the court must make the
106 required findings in writing to extend the period of secure
107 detention care. If the court extends the time period for secure
108 detention care, it must ensure that an adjudicatory hearing for
109 the case commences as soon as reasonably possible considering
110 the totality of the circumstances, and it must prioritize the
111 efficient disposition of those cases in which the child has
112 served 60 or more days in secure detention care.

113 (c) A prolific juvenile offender under s. 985.255(1)(f)
114 shall be placed on supervised release detention care with
115 electronic monitoring or in secure detention care under a
116 special detention order until disposition. If secure detention

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

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

122 2. Fifteen days after the entry of an order of
123 adjudication.

124

125 As used in this paragraph, the term "disposition" means a
126 declination to file under s. 985.15(1)(h), the entry of nolle
127 prosequi for the charges, the filing of an indictment under s.
128 985.56 or an information under s. 985.557, a dismissal of the
129 case, or an order of final disposition by the court.

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

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

137 (4) ~~(a)~~ The time limitation ~~limits~~ in subsection ~~subsections~~
138 ~~(2) and~~ (3) does ~~do~~ not include periods of delay resulting from
139 a continuance granted by the court for cause on motion of the
140 child or his or her counsel or of the state. Upon the issuance
141 of an order granting a continuance for cause on a motion by
142 either the child, the child's counsel, or the state, the court
143 shall conduct a hearing at the end of each 72-hour period,
144 excluding Saturdays, Sundays, and legal holidays, to determine
145 the need for continued detention of the child and the need for

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146 further continuance of proceedings for the child or the state.

147 ~~(b) The period for supervised release detention care under~~
148 ~~this section is tolled on the date that the department or a law~~
149 ~~enforcement officer alleges that the child has violated a~~
150 ~~condition of the child's supervised release detention care until~~
151 ~~the court enters a ruling on the violation. Notwithstanding the~~
152 ~~tolling of supervised release detention care, the court retains~~
153 ~~jurisdiction over the child for a violation of a condition of~~
154 ~~supervised release detention care during the tolling period. If~~
155 ~~the court finds that a child has violated his or her supervised~~
156 ~~release detention care, the number of days that the child served~~
157 ~~in any type of detention care before commission of the violation~~
158 ~~shall be excluded from the time limits under subsections (2) and~~
159 ~~(3).~~

160 (5) A child who was not in secure detention at the time of
161 the adjudicatory hearing, but for whom residential commitment is
162 anticipated or recommended, may be placed under a special
163 detention order for a period not to exceed 72 hours, excluding
164 weekends and legal holidays, for the purpose of conducting a
165 comprehensive evaluation as provided in s. 985.185. Motions for
166 the issuance of such special detention order may be made
167 subsequent to a finding of delinquency. Upon said motion, the
168 court shall conduct a hearing to determine the appropriateness
169 of such special detention order and shall order the least
170 restrictive level of detention necessary to complete the
171 comprehensive evaluation process that is consistent with public
172 safety. Such special detention order may be extended for an
173 additional 72 hours upon further order of the court.

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

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

178 (7) Any electronic monitoring ordered by a court as a
179 condition of supervised release detention care pursuant to this
180 section may be supervised by the department, a law enforcement
181 agency, or the department and a law enforcement agency working
182 in partnership. However, this subsection does not require a law
183 enforcement agency to supervise a child placed on electronic
184 monitoring.

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