

By the Committee on Appropriations

576-02924-22

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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.; authorizing a court to order a child  
5       placed on supervised release detention care to comply  
6       with specified conditions under certain circumstances;  
7       amending s. 985.26, F.S.; authorizing a court to order  
8       that a child be placed on supervised release detention  
9       care for any time period until the adjudicatory  
10      hearing is completed; requiring a court to conduct a  
11      hearing within a specified timeframe if a child has  
12      served longer than a specified number of days on  
13      supervised release detention care; prohibiting a child  
14      from being held in secure detention care for longer  
15      than a certain time period under certain  
16      circumstances; authorizing a court to extend the  
17      length of secure detention care for an increased  
18      amount of days under specified circumstances;  
19      authorizing a court to continue to extend the time  
20      period for secure detention care under specified  
21      circumstances; requiring a court to make specified  
22      findings; requiring a court to conduct a hearing to  
23      determine the continued need for secure detention care  
24      under specified circumstances; revising provisions  
25      relating to supervised release detention care and its  
26      exclusion from specified time limitations; authorizing  
27      certain electronic monitoring ordered by a court to be  
28      supervised by the Department of Juvenile Justice or a  
29      law enforcement agency, or both; providing

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30 construction; providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Present subsections (2), (3), and (4) of section  
35 985.24, Florida Statutes, are redesignated as subsections (3),  
36 (4), and (5), respectively, and a new subsection (2) is added to  
37 that section, to read:

38 985.24 Use of detention; prohibitions.—

39 (2) The court may order a child placed on supervised  
40 release detention care to comply with any condition established  
41 by the department or ordered by the court, including electronic  
42 monitoring, when the court finds such condition necessary to  
43 preserve public safety or to ensure the child's safety or  
44 appearance in court.

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

47 985.26 Length of detention.—

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

56 (2) (a) 1. A court may order that a child be placed on  
57 supervised release detention care for any time period until the  
58 adjudicatory hearing is completed. However, if a child has

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59 served 75 days on supervised release detention care, the court  
60 must conduct a hearing within 15 days, excluding Saturdays,  
61 Sundays, and legal holidays, to determine the need for continued  
62 supervised release detention care. At the hearing, upon good  
63 cause being shown that the nature of the charge requires  
64 additional time for the prosecution or defense of the case or  
65 upon consideration of the totality of the circumstances,  
66 including the preservation of public safety, which may warrant  
67 an extension, the court may order the child to remain on  
68 supervised release detention care until the adjudicatory hearing  
69 is completed.

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

75 3. This section does not prohibit a court from  
76 transitioning a child between secure detention care and  
77 supervised release detention care, including electronic  
78 monitoring, if the court finds that such placement is necessary  
79 to preserve public safety or to ensure the child's safety,  
80 appearance in court, or compliance with any condition of  
81 supervised release detention care. Each period of secure  
82 detention care counts toward the time limitation in this  
83 paragraph, whether served consecutively or nonconsecutively.

84 (b) Upon good cause being shown that the nature of the  
85 charge requires additional time for the prosecution or defense  
86 of the case or upon the totality of the circumstances, including  
87 the preservation of public safety, warranting an extension, the

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88 court may extend the length of secure detention care for up to  
89 21 ~~an additional 9~~ days if the child is charged with an offense  
90 that ~~would be~~, if committed by an adult, would be a capital  
91 felony, a life felony, a felony of the first or second degree,  
92 or a felony of the third ~~second~~ degree involving violence  
93 against any individual. The court may continue to extend the  
94 period of secure detention care in increments of up to 21 days  
95 by conducting a hearing before the expiration of the current  
96 period, excluding Saturdays, Sundays, and legal holidays, to  
97 determine the need for continuing the secure detention care of  
98 the child. At the hearing, the court must make the required  
99 findings in writing to extend the period of secure detention  
100 care. If the court extends the time period for secure detention  
101 care, it must ensure that an adjudicatory hearing for the case  
102 commences as soon as reasonably possible considering the  
103 totality of the circumstances, and it must prioritize the  
104 efficient disposition of those cases in which the child has  
105 served 60 or more days in secure detention care.

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

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

115 2. Fifteen days after the entry of an order of  
116 adjudication.

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117  
118 As used in this paragraph, the term "disposition" means a  
119 declination to file under s. 985.15(1)(h), the entry of nolle  
120 prosequi for the charges, the filing of an indictment under s.  
121 985.56 or an information under s. 985.557, a dismissal of the  
122 case, or an order of final disposition by the court.

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

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

130 (4)(a) The time limits in subsections (2) and (3) do not  
131 include periods of delay resulting from a continuance granted by  
132 the court for cause on motion of the child or his or her counsel  
133 or of the state. Upon the issuance of an order granting a  
134 continuance for cause on a motion by either the child, the  
135 child's counsel, or the state, the court shall conduct a hearing  
136 at the end of each 72-hour period, excluding Saturdays, Sundays,  
137 and legal holidays, to determine the need for continued secure  
138 detention of the child and the need for further continuance of  
139 proceedings for the child or the state.

140 (b) Any ~~The~~ period of for supervised release detention care  
141 ~~under this section is tolled on the date that the department or~~  
142 ~~a law enforcement officer alleges that the child has violated a~~  
143 ~~condition of the child's supervised release detention care until~~  
144 ~~the court enters a ruling on the violation. Notwithstanding the~~  
145 ~~tolling of supervised release detention care, the court retains~~

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146 ~~jurisdiction over the child for a violation of a condition of~~  
147 ~~supervised release detention care during the tolling period. If~~  
148 ~~the court finds that a child has violated his or her supervised~~  
149 ~~release detention care, the number of days that the child served~~  
150 ~~in any type of detention care before commission of the violation~~  
151 shall be excluded from the time limits under subsections (2) and  
152 (3).

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

167 (6) If a child is detained and a petition for delinquency  
168 is filed, the child must ~~shall~~ be arraigned in accordance with  
169 the Florida Rules of Juvenile Procedure within 48 hours after  
170 the filing of the petition for delinquency.

171 (7) Any electronic monitoring ordered by a court as a  
172 condition of supervised release detention care pursuant to this  
173 section may be supervised by the department, a law enforcement  
174 agency, or the department and a law enforcement agency working

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175 in partnership. However, this subsection does not require a law  
176 enforcement agency to supervise a child placed on electronic  
177 monitoring.

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