

FOR CONSIDERATION By the Committee on Appropriations

576-02039C-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 an adjudicatory hearing
10 for the case has been commenced; requiring a court to
11 conduct a hearing within a specified timeframe if a
12 child has served longer than a specified number of
13 days on supervised release detention care; prohibiting
14 a child from being held in secure detention care for
15 longer 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.

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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 and 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 an
58 adjudicatory hearing for the case has been commenced in good

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

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

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

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

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

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

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

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

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117 adjudication.

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

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

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

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

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

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146 ~~tolling of supervised release detention care, the court retains~~
147 ~~jurisdiction over the child for a violation of a condition of~~
148 ~~supervised release detention care during the tolling period. If~~
149 ~~the court finds that a child has violated his or her supervised~~
150 ~~release detention care, the number of days that the child served~~
151 ~~in any type of detention care before commission of the violation~~
152 shall be excluded from the time limits under subsections (2) and
153 (3).

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

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

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

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

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