



464134

LEGISLATIVE ACTION

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

1           **Senate Substitute for Amendment (793404) (with title**  
2 **amendment)**

3  
4           Delete lines 37 - 152

5 and insert:

6           that section, and present subsection (3) is amended to  
7 read:

8           985.24 Use of detention; prohibitions.-

9           (2) A child who is placed on supervised release detention  
10 care must comply with any available condition established by the  
11 department or ordered by the court, including electronic



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12 monitoring, if the court finds such a condition is necessary to  
13 preserve public safety or to ensure the child's safety or  
14 appearance in court.

15 (4)~~(3)~~ A child who is alleged to be dependent under chapter  
16 39, but who is not alleged to have committed a delinquent act or  
17 violation of law, may not, under any circumstances, be placed  
18 into secure detention care.

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

21 985.26 Length of detention.—

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

30 (2) (a) 1. A court may order that a child be placed on  
31 supervised release detention care for any time period until the  
32 adjudicatory hearing is completed. However, if a child has  
33 served 60 days on supervised release detention care, the court  
34 must conduct a hearing within 15 days after the 60th day, to  
35 determine the need for continued supervised release detention  
36 care. At the hearing, upon good cause being shown that the  
37 nature of the charge requires additional time for the  
38 prosecution or defense of the case or upon consideration of the  
39 totality of the circumstances, including the preservation of  
40 public safety, warranting an extension, the court may order the



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41 child to remain on supervised release detention care until the  
42 adjudicatory hearing is completed.

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

48 3. This section does not prohibit a court from  
49 transitioning a child between secure detention care and  
50 supervised release detention care, including electronic  
51 monitoring, if the court finds that such placement is necessary  
52 to preserve public safety or to ensure the child's safety,  
53 appearance in court, or compliance with any condition of  
54 supervised release detention care. Each period of secure  
55 detention care or supervised release detention care counts  
56 toward the time limitations in this subsection, whether served  
57 consecutively or nonconsecutively.

58 (b) Upon good cause being shown that the nature of the  
59 charge requires additional time for the prosecution or defense  
60 of the case or upon the totality of the circumstances, including  
61 the preservation of public safety, warranting an extension, the  
62 court may extend the length of secure detention care for up to  
63 21 ~~an additional 9~~ days if the child is charged with an offense  
64 that ~~would be~~, if committed by an adult, would be a capital  
65 felony, a life felony, a felony of the first or second degree,  
66 or a felony of the third ~~second~~ degree involving violence  
67 against any individual. The court may continue to extend the  
68 period of secure detention care in increments of up to 21 days  
69 by conducting a hearing before the expiration of the current



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70 period to determine the need for continuing the secure detention  
71 care of the child. At the hearing, the court must make the  
72 required findings in writing to extend the period of secure  
73 detention care. If the court extends the time period for secure  
74 detention care, it must ensure that an adjudicatory hearing for  
75 the case commences as soon as reasonably possible considering  
76 the totality of the circumstances, and it must prioritize the  
77 efficient disposition of those cases in which the child has  
78 served 60 or more days in secure detention care.

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

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

88 2. Fifteen days after the entry of an order of  
89 adjudication.

90  
91 As used in this paragraph, the term "disposition" means a  
92 declination to file under s. 985.15(1)(h), the entry of nolle  
93 prosequi for the charges, the filing of an indictment under s.  
94 985.56 or an information under s. 985.557, a dismissal of the  
95 case, or an order of final disposition by the court.

96 (d) A prolific juvenile offender under s. 985.255(1)(f) who  
97 is taken into custody for a violation of the conditions of his  
98 or her supervised release detention must be held in secure



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99 detention until a detention hearing is held.

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

103 (4) ~~(a)~~ The time limitation ~~limits~~ in subsection ~~subsections~~  
104 ~~(2) and (3)~~ does ~~de~~ not include periods of delay resulting from  
105 a continuance granted by the court for cause on motion of the  
106 child or his or her counsel or of the state. Upon the issuance  
107 of an order granting a continuance for cause on a motion by  
108 either the child, the child's counsel, or the state, the court  
109 shall conduct a hearing at the end of each 72-hour period,  
110 excluding Saturdays, Sundays, and legal holidays, to determine  
111 the need for continued detention of the child and the need for  
112 further continuance of proceedings for the child or the state.

113 ~~(b) The period for supervised release detention care under~~  
114 ~~this section is tolled on the date that the department or a law~~  
115 ~~enforcement officer alleges that the child has violated a~~  
116 ~~condition of the child's supervised release detention care until~~  
117 ~~the court enters a ruling on the violation. Notwithstanding the~~  
118 ~~tolling of supervised release detention care, the court retains~~  
119 ~~jurisdiction over the child for a violation of a condition of~~  
120 ~~supervised release detention care during the tolling period. If~~  
121 ~~the court finds that a child has violated his or her supervised~~  
122 ~~release detention care, the number of days that the child served~~  
123 ~~in any type of detention care before commission of the violation~~  
124 ~~shall be excluded from the time limits under subsections (2) and~~  
125 ~~(3).~~

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

127 And the title is amended as follows:



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128           Delete lines 7 - 26  
129 and insert:  
130           authorizing a dependent child with a delinquency  
131           charge to be placed in secure detention care; amending  
132           s. 985.26, F.S.; authorizing a court to order that a  
133           child be placed on supervised release detention care  
134           for any time period until the adjudicatory hearing is  
135           completed; requiring a court to conduct a hearing  
136           within a specified timeframe if a child has served  
137           longer than a specified number of days on supervised  
138           release detention care; prohibiting a child from being  
139           held in secure detention care for longer than a  
140           certain time period under certain circumstances;  
141           authorizing a court to extend the length of secure  
142           detention care for an increased amount of days under  
143           specified circumstances; authorizing a court to  
144           continue to extend the time period for secure  
145           detention care under specified circumstances;  
146           requiring a court to make specified findings;  
147           requiring a court to conduct a hearing to determine  
148           the continued need for secure detention care under  
149           specified circumstances; revising time limitations  
150           resulting from a continuance; deleting provisions  
151           relating to supervised release detention care and its  
152           exclusion from specified time limitations; authorizing