



793404

LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Delete lines 37 - 96

and insert:

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

985.24 Use of detention; prohibitions.—

(2) A child who is placed on supervised release detention care must comply with any available condition established by the department or ordered by the court, including electronic monitoring, if the court finds such a condition is necessary to



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12 preserve public safety or to ensure the child's safety or  
13 appearance in court.

14 (4)~~(3)~~ A child who is alleged to be dependent under chapter  
15 39, but who is not alleged to have committed a delinquent act or  
16 violation of law, may not, under any circumstances, be placed  
17 into secure detention care.

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

20 985.26 Length of detention.—

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

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



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41 adjudicatory hearing is completed.

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

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

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



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

71 And the title is amended as follows:

72       Between lines 6 and 7

73 insert:

74       authorizing a dependent child with a delinquency

75       charge to be placed in secure detention care;