

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 on
 5 supervised release detention care to comply with
 6 specified conditions; amending s. 985.26, F.S.;
 7 authorizing a court to place a child on supervised
 8 release detention care for any time period; providing
 9 an exception; specifying the time period for which a
 10 court may order a child to be held in secure detention
 11 care under certain circumstances; authorizing a court
 12 to extend the time period for secure detention care
 13 under certain circumstances; requiring a court to make
 14 specified findings; requiring a court to conduct a
 15 hearing to determine the continued need for secure
 16 detention care in certain circumstances; excluding
 17 supervised release detention care from specified time
 18 limitations; authorizing specified entities to conduct
 19 electronic monitoring; providing an effective date.

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 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Subsections (2) through (4) of section 985.24,
 24 Florida Statutes, are renumbered as subsections (3) through (5),
 25 respectively, and a new subsection (2) is added to that section

26 | to read:

27 | 985.24 Use of detention; prohibitions.—

28 | (2) The court may order a child who is placed on
 29 | supervised release detention care to comply with any condition
 30 | established by the department and ordered by the court,
 31 | including electronic monitoring, if the court finds such a
 32 | condition is necessary to preserve public safety or to ensure
 33 | the child's safety or appearance in court.

34 | Section 2. Subsections (2), (3), and (4) of section
 35 | 985.26, Florida Statutes, are amended, and subsection (7) is
 36 | added to that section, to read:

37 | 985.26 Length of detention.—

38 | (2)(a)1. A court may order a child to be placed on
 39 | supervised release detention care for any time period until an
 40 | adjudicatory hearing for the case has been commenced in good
 41 | faith by the court. However, if a child has served 75 days on
 42 | supervised release detention care, the court must conduct a
 43 | hearing within 15 days after the 75th day, excluding Saturdays,
 44 | Sundays, and legal holidays, to determine the need for continued
 45 | supervised release detention care. At the hearing, and upon good
 46 | cause being shown that the nature of the charge requires
 47 | additional time for the prosecution or defense of the case or
 48 | the totality of the circumstances, including the preservation of
 49 | public safety, warrant an extension, the court may order the
 50 | child to remain on supervised release detention care until an

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51 adjudicatory hearing has been commenced in good faith by the
52 court.

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

58 3. This section does not prohibit a court from
59 transitioning a child between secure detention care and
60 supervised release detention care, including electronic
61 monitoring, when the court finds such a placement necessary to
62 preserve public safety or to ensure the child's safety,
63 appearance in court, or compliance with any condition of
64 supervised release detention care. Each period of secure
65 detention care counts toward the time limitation in this
66 paragraph whether served consecutively or nonconsecutively.

67 (b) Upon good cause being shown that the nature of the
68 charge requires additional time for the prosecution or defense
69 of the case or the totality of the circumstances, including the
70 preservation of public safety, warrant an extension, the court
71 may extend the length of secure detention care for ~~an additional~~
72 up to an additional 21 ~~9~~ days if the child is charged with an
73 offense which ~~that would be~~, if committed by an adult, would be
74 a capital felony, a life felony, a felony of the first degree or
75 the second degree, or a felony of the third ~~second~~ degree

76 | involving violence against any individual. The court may
 77 | continue to extend the period of secure detention care in
 78 | increments of up to 21-days each by conducting a hearing before
 79 | the expiration of the current period, excluding Saturdays,
 80 | Sundays, and legal holidays, to determine the need for continued
 81 | secure detention of the child. At the hearing, the court must
 82 | make the required findings on the record to extend the period of
 83 | secure detention. If the court extends the time period for
 84 | secure detention care, it shall ensure an adjudicatory hearing
 85 | for the case commences as soon as is reasonably possible
 86 | considering the totality of the circumstances. The court shall
 87 | prioritize the efficient disposition of cases in which the child
 88 | has served 60 or more days in secure detention care.

89 | (c) A prolific juvenile offender under s. 985.255(1)(f)
 90 | shall be placed on supervised release detention care with
 91 | electronic monitoring or in secure detention care under a
 92 | special detention order until disposition. If secure detention
 93 | care is ordered by the court, it must be authorized under this
 94 | part and may not exceed:

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

98 | 2. Fifteen days after the entry of an order of
 99 | adjudication.

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101 As used in this paragraph, the term "disposition" means a
102 declination to file under s. 985.15(1)(h), the entry of nolle
103 prosequi for the charges, the filing of an indictment under s.
104 985.56 or an information under s. 985.557, a dismissal of the
105 case, or an order of final disposition by the court.

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

110 (3) Except as provided in subsection (2), a child may not
111 be held in detention care for more than 15 days after ~~following~~
112 the entry of an order of adjudication.

113 (4)(a) The time limits in subsections (2) and (3) do not
114 include periods of delay resulting from a continuance granted by
115 the court for cause on motion of the child or his or her counsel
116 or of the state. Upon the issuance of an order granting a
117 continuance for cause on a motion by either the child, the
118 child's counsel, or the state, the court shall conduct a hearing
119 at the end of each 72-hour period, excluding Saturdays, Sundays,
120 and legal holidays, to determine the need for continued secure
121 detention of the child and the need for further continuance of
122 proceedings for the child or the state.

123 (b) Any ~~The~~ period of ~~for~~ supervised release detention
124 care ~~under this section is tolled on the date that the~~
125 ~~department or a law enforcement officer alleges that the child~~

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126 ~~has violated a condition of the child's supervised release~~
127 ~~detention care until the court enters a ruling on the violation.~~
128 ~~Notwithstanding the tolling of supervised release detention~~
129 ~~care, the court retains jurisdiction over the child for a~~
130 ~~violation of a condition of supervised release detention care~~
131 ~~during the tolling period. If the court finds that a child has~~
132 ~~violated his or her supervised release detention care, the~~
133 ~~number of days that the child served in any type of detention~~
134 ~~care before commission of the violation shall be excluded from~~
135 ~~the time limits under subsections (2) and (3).~~

136 (7) Any electronic monitoring ordered by a court as a
137 condition of supervised release detention care under this
138 section may be supervised by the department, a law enforcement
139 agency, or the department and a law enforcement agency working
140 in partnership. However, nothing in this subsection requires a
141 law enforcement agency to supervise a child placed on electronic
142 monitoring.

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