

CHAPTER 2022-181

Committee Substitute for House Bill No. 7029

An act relating to time limitations for preadjudicatory juvenile detention care; amending s. 985.24, F.S.; authorizing a court to order a child on supervised release detention care to comply with specified conditions; authorizing a dependent child with an allegation of delinquency to be placed in secure detention care; amending s. 985.26, F.S.; authorizing a court to place a child on supervised release detention care for any time period; providing an exception; specifying the time period for which a court may order a child to be held in secure detention care under certain circumstances; authorizing a court to extend the time period for secure detention care under certain circumstances; requiring a court to make specified findings; requiring a court to conduct a hearing to determine the continued need for secure detention care in certain circumstances; revising time limitations resulting from a continuance; removing provisions relating to supervised release detention care and its exclusion from specified time limitations; authorizing specified entities to conduct electronic monitoring; providing an effective date.

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

Section 1. Subsections (2) through (4) of section 985.24, Florida Statutes, are renumbered as subsections (3) through (5), respectively, a new subsection (2) is added to 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 may be required to 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 preserve public safety or to ensure the child's safety or appearance in court.

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

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

985.26 Length of detention.—

(2)(a)1. A court may order a child to be placed on supervised release detention care for any time period until an adjudicatory hearing is completed. However, if a child has served 60 days on supervised release detention care, the court must conduct a hearing within 15 days after the 60th day, to determine the need for continued supervised release detention

care. At the hearing, and upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case or the totality of the circumstances, including the preservation of public safety, warrant an extension, the court may order the child to remain on supervised release detention care until the adjudicatory hearing is completed.

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

3. This section does not prohibit a court from transitioning a child to and from secure detention care and supervised release detention care, including electronic monitoring, when the court finds such a placement necessary, or no longer necessary, to preserve public safety or to ensure the child's safety, appearance in court, or compliance with a court order. Each period of secure detention care or supervised release detention care counts toward the time limitations in this subsection whether served consecutively or nonconsecutively.

(b) Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case or the totality of the circumstances, including the preservation of public safety, warrant an extension, the court may extend the length of secure detention care for ~~an additional up to an additional 21~~ 9 days if the child is charged with an offense ~~which that would be, if committed by an adult, would be a capital felony, a life felony, a felony of the first degree or the second degree, or a felony of the third second degree involving violence against any individual.~~ The court may continue to extend the period of secure detention care in increments of up to 21-days each by conducting a hearing before the expiration of the current period to determine the need for continued secure detention of the child. At the hearing, the court must make the required findings in writing to extend the period of secure detention. If the court extends the time period for secure detention care, it shall ensure an adjudicatory hearing for the case commences as soon as is reasonably possible considering the totality of the circumstances. The court shall prioritize the efficient disposition of cases in which the child has served 60 or more days in secure detention care.

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 8, 2022.

Filed in Office Secretary of State June 8, 2022.