

Bill No. CS for SB 204

Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Silver moved the following amendment:		
12			
13	<b>Senate Amendment (with title amendment)</b>		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Section 790.22, Florida Statutes, 1998		
18	Supplement, is amended to read:		
19	790.22 Use of BB guns, air or gas-operated guns, or		
20	electric weapons or devices by minor under 16; limitation;		
21	possession of firearms by minor under 18 prohibited;		
22	penalties.--		
23	(1) The use for any purpose whatsoever of BB guns, air		
24	or gas-operated guns, or electric weapons or devices, by any		
25	minor under the age of 16 years is prohibited unless such use		
26	is under the supervision and in the presence of an adult who		
27	is acting with the consent of the minor's parent.		
28	(2) Any adult responsible for the welfare of any child		
29	under the age of 16 years who knowingly permits such child to		
30	use or have in his or her possession any BB gun, air or		
31	gas-operated gun, electric weapon or device, or firearm in		

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1 violation of the provisions of subsection (1) of this section  
2 commits a misdemeanor of the second degree, punishable as  
3 provided in s. 775.082 or s. 775.083.

4 (3) A minor under 18 years of age may not possess a  
5 firearm, other than an unloaded firearm at his or her home,  
6 unless:

7 (a) The minor is engaged in a lawful hunting activity  
8 and is:

- 9 1. At least 16 years of age; or  
10 2. Under 16 years of age and supervised by an adult.

11 (b) The minor is engaged in a lawful marksmanship  
12 competition or practice or other lawful recreational shooting  
13 activity and is:

- 14 1. At least 16 years of age; or  
15 2. Under 16 years of age and supervised by an adult  
16 who is acting with the consent of the minor's parent or  
17 guardian.

18 (c) The firearm is unloaded and is being transported  
19 by the minor directly to or from an event authorized in  
20 paragraph (a) or paragraph (b).

21 (4)(a) Any parent or guardian of a minor, or other  
22 adult responsible for the welfare of a minor, who knowingly  
23 and willfully permits the minor to possess a firearm in  
24 violation of subsection (3) commits a felony of the third  
25 degree, punishable as provided in s. 775.082, s. 775.083, or  
26 s. 775.084.

27 (b) Any natural parent or adoptive parent, whether  
28 custodial or noncustodial, or any legal guardian or legal  
29 custodian of a minor, if that minor possesses a firearm in  
30 violation of subsection (3) may, if the court finds it  
31 appropriate, be required to participate in classes on

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1 parenting education which are approved by the Department of  
2 Juvenile Justice, upon the first conviction of the minor. Upon  
3 any subsequent conviction of the minor, the court may, if the  
4 court finds it appropriate, require the parent to attend  
5 further parent education classes or render community service  
6 hours together with the child.

7 (c) No later than July 1, 1994, the district juvenile  
8 justice boards or county juvenile justice councils or the  
9 Department of Juvenile Justice shall establish appropriate  
10 community service programs to be available to the alternative  
11 sanctions coordinators of the circuit courts in implementing  
12 this subsection. The boards or councils or department shall  
13 propose the implementation of a community service program in  
14 each circuit, and may submit a circuit plan, to be implemented  
15 upon approval of the circuit alternative sanctions  
16 coordinator.

17 (d) For the purposes of this section, community  
18 service may be provided on public property as well as on  
19 private property with the expressed permission of the property  
20 owner. Any community service provided on private property is  
21 limited to such things as removal of graffiti and restoration  
22 of vandalized property.

23 (5)(a) A minor who violates subsection (3) commits a  
24 misdemeanor of the first degree; for a first offense, may  
25 serve a period of detention of up to 3 days in a secure  
26 detention facility;~~and~~, in addition to any other penalty  
27 provided by law, shall be required to perform 100 hours of  
28 community service;~~and~~:

29 1. If the minor is eligible by reason of age for a  
30 driver license or driving privilege, the court shall direct  
31 the Department of Highway Safety and Motor Vehicles to revoke

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1 or to withhold issuance of the minor's driver license or  
2 driving privilege for up to 1 year.

3           2. If the minor's driver license or driving privilege  
4 is under suspension or revocation for any reason, the court  
5 shall direct the Department of Highway Safety and Motor  
6 Vehicles to extend the period of suspension or revocation by  
7 an additional period of up to 1 year.

8           3. If the minor is ineligible by reason of age for a  
9 driver license or driving privilege, the court shall direct  
10 the Department of Highway Safety and Motor Vehicles to  
11 withhold issuance of the minor's driver license or driving  
12 privilege for up to 1 year after the date on which the minor  
13 would otherwise have become eligible.

14           (b) For a second or subsequent offense, ~~the~~ a minor  
15 who violates subsection (3) commits a felony of the third  
16 degree and shall serve a period of detention of up to 15 days  
17 in a secure detention facility and shall be required to  
18 perform not less than 100 nor more than 250 hours of community  
19 service, and:

20           1. If the minor is eligible by reason of age for a  
21 driver license or driving privilege, the court shall direct  
22 the Department of Highway Safety and Motor Vehicles to revoke  
23 or to withhold issuance of the minor's driver license or  
24 driving privilege for up to 2 years.

25           2. If the minor's driver license or driving privilege  
26 is under suspension or revocation for any reason, the court  
27 shall direct the Department of Highway Safety and Motor  
28 Vehicles to extend the period of suspension or revocation by  
29 an additional period of up to 2 years.

30           3. If the minor is ineligible by reason of age for a  
31 driver license or driving privilege, the court shall direct

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1 the Department of Highway Safety and Motor Vehicles to  
2 withhold issuance of the minor's driver license or driving  
3 privilege for up to 2 years after the date on which the minor  
4 would otherwise have become eligible.

5

6 For the purposes of this subsection, community service shall  
7 be performed, if possible, in a manner involving a hospital  
8 emergency room or other medical environment that deals on a  
9 regular basis with trauma patients and gunshot wounds.

10 (6) Any firearm that is possessed or used by a minor  
11 in violation of this section shall be promptly seized by a law  
12 enforcement officer and disposed of in accordance with s.  
13 790.08(1)-(6).

14 (7) The provisions of this section are supplemental to  
15 all other provisions of law relating to the possession, use,  
16 or exhibition of a firearm.

17 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a  
18 minor under 18 years of age is charged with an offense that  
19 involves the use or possession of a firearm, as defined in s.  
20 790.001, including ~~other than~~ a violation of subsection (3),  
21 or is charged for any offense during the commission of which  
22 the minor possessed a firearm, the minor shall be detained in  
23 secure detention, unless the state attorney authorizes the  
24 release of the minor, and shall be given a hearing within 24  
25 hours after being taken into custody. At the hearing, the  
26 court may order that the minor continue to be held in secure  
27 detention in accordance with the applicable time periods  
28 specified in s. 985.215(5), if the court finds that the minor  
29 meets the criteria specified in s. 985.215(2), or if the court  
30 finds by clear and convincing evidence that the minor is a  
31 clear and present danger to himself or herself or the

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1 community. The Department of Juvenile Justice shall prepare a  
2 form for all minors charged under this subsection that states  
3 the period of detention and the relevant demographic  
4 information, including, but not limited to, the sex, age, and  
5 race of the minor; whether or not the minor was represented by  
6 private counsel or a public defender; the current offense; and  
7 the minor's complete prior record, including any pending  
8 cases. The form shall be provided to the judge to be  
9 considered when determining whether the minor should be  
10 continued in secure detention under this subsection. An order  
11 placing a minor in secure detention because the minor is a  
12 clear and present danger to himself or herself or the  
13 community must be in writing, must specify the need for  
14 detention and the benefits derived by the minor or the  
15 community by placing the minor in secure detention, and must  
16 include a copy of the form provided by the department. The  
17 Department of Juvenile Justice must send the form, including a  
18 copy of any order, without client-identifying information, to  
19 the Office of Economic and Demographic Research.

20 (9) Notwithstanding s. 985.214, if the minor is found  
21 to have committed an offense that involves the use or  
22 possession of a firearm, as defined in s. 790.001, other than  
23 a violation of subsection (3), or an offense during the  
24 commission of which the minor possessed a firearm, and the  
25 minor is not committed to a residential commitment program of  
26 the Department of Juvenile Justice, in addition to any other  
27 punishment provided by law, the court shall order:

28 (a) For a first offense, that the minor shall serve a  
29 minimum ~~mandatory~~ period of detention of 15 ~~5~~ days in a secure  
30 detention facility; and

31 1. Perform 100 hours of community service; and-

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1           2. Be committed to the department for placement on  
2 community control or in a nonresidential or residential  
3 commitment program.

4           (b) For a second or subsequent offense, that the minor  
5 shall serve a mandatory period of detention of at least 21 ~~10~~  
6 days in a secure detention facility; and

7           1. Perform not less than 100 nor more than 250 hours  
8 of community service; and-

9           2. Be committed to the department for placement on  
10 community control or in a nonresidential or residential  
11 commitment program.

12  
13 The minor shall not receive credit for time served before  
14 adjudication. For the purposes of this subsection, community  
15 service shall be performed, if possible, in a manner involving  
16 a hospital emergency room or other medical environment that  
17 deals on a regular basis with trauma patients and gunshot  
18 wounds.

19           (10) If a minor is found to have committed an offense  
20 under subsection (9), the court shall impose the following  
21 penalties in addition to any penalty imposed under paragraph  
22 (9)(a) or paragraph (9)(b):

23           (a) For a first offense:

24           1. If the minor is eligible by reason of age for a  
25 driver license or driving privilege, the court shall direct  
26 the Department of Highway Safety and Motor Vehicles to revoke  
27 or to withhold issuance of the minor's driver license or  
28 driving privilege for up to 1 year.

29           2. If the minor's driver license or driving privilege  
30 is under suspension or revocation for any reason, the court  
31 shall direct the Department of Highway Safety and Motor

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1 Vehicles to extend the period of suspension or revocation by  
2 an additional period for up to 1 year.

3           3. If the minor is ineligible by reason of age for a  
4 driver license or driving privilege, the court shall direct  
5 the Department of Highway Safety and Motor Vehicles to  
6 withhold issuance of the minor's driver license or driving  
7 privilege for up to 1 year after the date on which the minor  
8 would otherwise have become eligible.

9           (b) For a second or subsequent offense:

10           1. If the minor is eligible by reason of age for a  
11 driver license or driving privilege, the court shall direct  
12 the Department of Highway Safety and Motor Vehicles to revoke  
13 or to withhold issuance of the minor's driver license or  
14 driving privilege for up to 2 years.

15           2. If the minor's driver license or driving privilege  
16 is under suspension or revocation for any reason, the court  
17 shall direct the Department of Highway Safety and Motor  
18 Vehicles to extend the period of suspension or revocation by  
19 an additional period for up to 2 years.

20           3. If the minor is ineligible by reason of age for a  
21 driver license or driving privilege, the court shall direct  
22 the Department of Highway Safety and Motor Vehicles to  
23 withhold issuance of the minor's driver license or driving  
24 privilege for up to 2 years after the date on which the minor  
25 would otherwise have become eligible.

26           Section 2. Section 943.051, Florida Statutes, is  
27 amended to read:

28           943.051 Criminal justice information; collection and  
29 storage; fingerprinting.--

30           (3)

31           (b) A minor who is charged with or found to have



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1 committed the following offenses misdemeanors shall be  
2 fingerprinted and the fingerprints shall be submitted to the  
3 department:

- 4 1. Assault, as defined in s. 784.011.
- 5 2. Battery, as defined in s. 784.03.
- 6 3. Carrying a concealed weapon, as defined in s.  
7 790.01(1).
- 8 4. Unlawful use of destructive devices or bombs, as  
9 defined in s. 790.1615(1).
- 10 5. Negligent treatment of children, as defined in s.  
11 827.05.
- 12 6. Assault or battery on a law enforcement officer, a  
13 firefighter, or other specified officers, as defined in s.  
14 784.07(2)(a) and (b).
- 15 7. Open carrying of a weapon, as defined in s.  
16 790.053.
- 17 8. Exposure of sexual organs, as defined in s. 800.03.
- 18 9. Unlawful possession of a firearm, as defined in s.  
19 790.22(5).
- 20 10. Petit theft, as defined in s. 812.014(3).
- 21 11. Cruelty to animals, as defined in s. 828.12(1).
- 22 12. Arson, as defined in s. 806.031(1).
- 23 13. Unlawful possession or discharge or a weapon or  
24 firearm at a school-sponsored event or on school property as  
25 defined in s. 790.115.

26 Section 3. Paragraph (b) of subsection (1) of Section  
27 985.212, Florida Statutes, is amended to read:

28 985.212 Fingerprinting and photographing.--

29 (1)

30 (b) A child who is charged with or found to have  
31 committed one of the following misdemeanors shall be

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- 1 fingerprinted and the fingerprints shall be submitted to the  
2 Department of Law Enforcement as provided in s. 943.051(3)(b):
- 3 1. Assault, as defined in s. 784.011.
  - 4 2. Battery, as defined in s. 784.03.
  - 5 3. Carrying a concealed weapon, as defined in s.  
6 790.01(1).
  - 7 4. Unlawful use of destructive devices or bombs, as  
8 defined in s. 790.1615(1).
  - 9 5. Negligent treatment of children, as defined in  
10 former s. 827.05.
  - 11 6. Assault on a law enforcement officer, a  
12 firefighter, or other specified officers, as defined in s.  
13 784.07(2)(a).
  - 14 7. Open carrying of a weapon, as defined in s.  
15 790.053.
  - 16 8. Exposure of sexual organs, as defined in s. 800.03.
  - 17 9. Unlawful possession of a firearm, as defined in s.  
18 790.22(5).
  - 19 10. Petit theft, as defined in s. 812.014.
  - 20 11. Cruelty to animals, as defined in s. 828.12(1).
  - 21 12. Arson, resulting in bodily harm to a firefighter,  
22 as defined in s. 806.031(1).
  - 23 13. Unlawful possession or discharge of a weapon or  
24 firearm at a school-sponsored event or on school property as  
25 defined in s. 790.115.

26  
27 A law enforcement agency may fingerprint and photograph a  
28 child taken into custody upon probable cause that such child  
29 has committed any other violation of law, as the agency deems  
30 appropriate. Such fingerprint records and photographs shall be  
31 retained by the law enforcement agency in a separate file, and

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1 these records and all copies thereof must be marked "Juvenile  
 2 Confidential." These records shall not be available for public  
 3 disclosure and inspection under s. 119.07(1) except as  
 4 provided in ss. 943.053 and 985.04(5), but shall be available  
 5 to other law enforcement agencies, criminal justice agencies,  
 6 state attorneys, the courts, the child, the parents or legal  
 7 custodians of the child, their attorneys, and any other person  
 8 authorized by the court to have access to such records. These  
 9 records may, in the discretion of the court, be open to  
 10 inspection by anyone upon a showing of cause. The fingerprint  
 11 and photograph records shall be produced in the court whenever  
 12 directed by the court. Any photograph taken pursuant to this  
 13 section may be shown by a law enforcement officer to any  
 14 victim or witness of a crime for the purpose of identifying  
 15 the person who committed such crime.

16 Section 4. Section 790.115, Florida Statutes, is  
 17 amended to read:

18 790.115 Possessing or discharging weapons or firearms  
 19 at a school-sponsored event or on school property prohibited;  
 20 penalties; exceptions.--

21 (1) A person who exhibits any sword, sword cane,  
 22 firearm, electric weapon or device, destructive device, or  
 23 other weapon, including a razor blade, box cutter, or knife,  
 24 except as authorized in support of school-sanctioned  
 25 activities, in the presence of one or more persons in a rude,  
 26 careless, angry, or threatening manner and not in lawful  
 27 self-defense, at a school-sponsored event or on the grounds or  
 28 facilities of any school, school bus, or school bus stop, or  
 29 within 1,000 feet of the real property that comprises a public  
 30 or private elementary school, middle school, or secondary  
 31 school, during school hours or during the time of a sanctioned

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1 school activity, commits a felony of the third degree,  
2 punishable as provided in s. 775.082, s. 775.083, or s.  
3 775.084. This subsection does not apply to the exhibition of a  
4 firearm or weapon on private real property within 1,000 feet  
5 of a school by the owner of such property or by a person whose  
6 presence on such property has been authorized, licensed, or  
7 invited by the owner.

8 (2)(a) A person shall not possess any firearm,  
9 electric weapon or device, destructive device, or other  
10 weapon, including a razor blade, box cutter, or knife, except  
11 as authorized in support of school-sanctioned activities, at a  
12 school-sponsored event or on the property of any school,  
13 school bus, or school bus stop; however, a person may carry a  
14 firearm:

15 1. In a case to a firearms program, class or function  
16 which has been approved in advance by the principal or chief  
17 administrative officer of the school as a program or class to  
18 which firearms could be carried;

19 2. In a case to a vocational school having a firearms  
20 training range; or

21 3. In a vehicle pursuant to s. 790.25(5); except that  
22 school districts may adopt written and published policies that  
23 waive the exception in this subparagraph for purposes of  
24 student and campus parking privileges.

25  
26 For the purposes of this section, "school" means any  
27 preschool, elementary school, middle school, junior high  
28 school, secondary school, vocational school, or postsecondary  
29 school, whether public or nonpublic.

30 (b) A person who willfully and knowingly possesses any  
31 electric weapon or device, destructive device, or other

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1 weapon, including a razor blade, box cutter, or knife, except  
2 as authorized in support of school-sanctioned activities, in  
3 violation of this subsection commits a felony of the third  
4 degree, punishable as provided in s. 775.082, s. 775.083, or  
5 s. 775.084.

6 (c)1. A person who willfully and knowingly possesses  
7 any firearm in violation of this subsection commits a felony  
8 of the third degree, punishable as provided in s. 775.082, s.  
9 775.083, or s. 775.084.

10 2. A person who stores or leaves a loaded firearm  
11 within the reach or easy access of a minor who obtains the  
12 firearm and commits a violation of subparagraph 1. commits a  
13 misdemeanor of the second degree, punishable as provided in s.  
14 775.082 or s. 775.083; except that this does not apply if the  
15 firearm was stored or left in a securely locked box or  
16 container or in a location which a reasonable person would  
17 have believed to be secure, or was securely locked with a  
18 firearm-mounted push-button combination lock or a trigger  
19 lock; if the minor obtains the firearm as a result of an  
20 unlawful entry by any person; or to members of the Armed  
21 Forces, National Guard, or State Militia, or to police or  
22 other law enforcement officers, with respect to firearm  
23 possession by a minor which occurs during or incidental to the  
24 performance of their official duties.

25 (d) A person who discharges any weapon or firearm  
26 while in violation of paragraph (a), unless discharged for  
27 lawful defense of himself or herself or another or for a  
28 lawful purpose, commits a felony of the second degree,  
29 punishable as provided in s. 775.082, s. 775.083, or s.  
30 775.084.

31 (e) The penalties of this subsection shall not apply

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1 to persons licensed under s. 790.06. Persons licensed under  
2 s. 790.06 shall be punished as provided in s. 790.06(12),  
3 except that a licenseholder who unlawfully discharges a weapon  
4 or firearm on school property as prohibited by this subsection  
5 commits a felony of the second degree, punishable as provided  
6 in s. 775.082, s. 775.083, or s. 775.084.

7 (3) This section does not apply to any law enforcement  
8 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),  
9 (8), (9), or (14).

10 (4) Notwithstanding s. 985.213, s. 985.214, or s.  
11 985.215(1), any minor under 18 years of age who is charged  
12 under this section with possessing or discharging a firearm on  
13 school property shall be detained in secure detention, unless  
14 the state attorney authorizes the release of the minor, and  
15 shall be given a probable cause hearing within 24 hours after  
16 being taken into custody. At the hearing, the court may order  
17 that the minor continue to be held in secure detention for a  
18 period of 21 days, during which time the minor shall receive  
19 medical, psychiatric, psychological, or substance abuse  
20 examinations pursuant to s. 985.224 and a written report shall  
21 be completed.

22 Section 5. Paragraph (b) of subsection (1) and  
23 subsection (2) of section 985.215, Florida Statutes, 1998  
24 Supplement, are amended to read:

25 985.215 Detention.--

26 (1) The juvenile probation officer shall receive  
27 custody of a child who has been taken into custody from the  
28 law enforcement agency and shall review the facts in the law  
29 enforcement report or probable cause affidavit and make such  
30 further inquiry as may be necessary to determine whether  
31 detention care is required.

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1           (b) The juvenile probation officer shall base the  
2 decision whether or not to place the child into secure  
3 detention care, home detention care, or nonsecure detention  
4 care on an assessment of risk in accordance with the risk  
5 assessment instrument and procedures developed by the  
6 Department of Juvenile Justice under s. 985.213. However, a  
7 child charged with possessing or discharging a firearm on  
8 school property in violation of s. 790.115 shall be placed in  
9 secure detention care.

10  
11 Under no circumstances shall the juvenile probation officer or  
12 the state attorney or law enforcement officer authorize the  
13 detention of any child in a jail or other facility intended or  
14 used for the detention of adults, without an order of the  
15 court.

16           (2) Subject to the provisions of subsection (1), a  
17 child taken into custody and placed into nonsecure or home  
18 detention care or detained in secure detention care prior to a  
19 detention hearing may continue to be detained by the court if:

20           (a) The child is alleged to be an escapee or an  
21 absconder from a commitment program, a community control  
22 program, furlough, or aftercare supervision, or is alleged to  
23 have escaped while being lawfully transported to or from such  
24 program or supervision.

25           (b) The child is wanted in another jurisdiction for an  
26 offense which, if committed by an adult, would be a felony.

27           (c) The child is charged with a delinquent act or  
28 violation of law and requests in writing through legal counsel  
29 to be detained for protection from an imminent physical threat  
30 to his or her personal safety.

31           (d) The child is charged with committing an offense of

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1 domestic violence as defined in s. 741.28(1) and is detained  
 2 as provided in s. 985.213(2)(b)3.

3 (e) The child is charged with possession or  
 4 discharging a firearm on school property in violation of  
 5 790.115.

6 (f)~~(e)~~ The child is charged with a capital felony, a  
 7 life felony, a felony of the first degree, a felony of the  
 8 second degree that does not involve a violation of chapter  
 9 893, or a felony of the third degree that is also a crime of  
 10 violence, including any such offense involving the use or  
 11 possession of a firearm.

12 (g)~~(f)~~ The child is charged with any second degree or  
 13 third degree felony involving a violation of chapter 893 or  
 14 any third degree felony that is not also a crime of violence,  
 15 and the child:

16 1. Has a record of failure to appear at court hearings  
 17 after being properly notified in accordance with the Rules of  
 18 Juvenile Procedure;

19 2. Has a record of law violations prior to court  
 20 hearings;

21 3. Has already been detained or has been released and  
 22 is awaiting final disposition of the case;

23 4. Has a record of violent conduct resulting in  
 24 physical injury to others; or

25 5. Is found to have been in possession of a firearm.

26 (h)~~(g)~~ The child is alleged to have violated the  
 27 conditions of the child's community control or aftercare  
 28 supervision. However, a child detained under this paragraph  
 29 may be held only in a consequence unit as provided in s.  
 30 985.231(1)(a)1.c. If a consequence unit is not available, the  
 31 child shall be placed on home detention with electronic



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1 monitoring.

2

3 A child who meets any of these criteria and who is ordered to  
4 be detained pursuant to this subsection shall be given a  
5 hearing within 24 hours after being taken into custody. The  
6 purpose of the detention hearing is to determine the existence  
7 of probable cause that the child has committed the delinquent  
8 act or violation of law with which he or she is charged and  
9 the need for continued detention. Unless a child is detained  
10 under paragraph (d) or paragraph (e), the court shall utilize  
11 the results of the risk assessment performed by the juvenile  
12 probation officer and, based on the criteria in this  
13 subsection, shall determine the need for continued detention.  
14 A child placed into secure, nonsecure, or home detention care  
15 may continue to be so detained by the court pursuant to this  
16 subsection. If the court orders a placement more restrictive  
17 than indicated by the results of the risk assessment  
18 instrument, the court shall state, in writing, clear and  
19 convincing reasons for such placement. Except as provided in  
20 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
21 paragraph (10)(c), or paragraph (10)(d), when a child is  
22 placed into secure or nonsecure detention care, or into a  
23 respite home or other placement pursuant to a court order  
24 following a hearing, the court order must include specific  
25 instructions that direct the release of the child from such  
26 placement no later than 5 p.m. on the last day of the  
27 detention period specified in paragraph (5)(b) or paragraph  
28 (5)(c), or subparagraph (10)(a)1., whichever is applicable,  
29 unless the requirements of such applicable provision have been  
30 met or an order of continuance has been granted pursuant to  
31 paragraph (5)(d).

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1           Section 6. Paragraph (a) of subsection (1) of section  
2 985.227, Florida Statutes, is amended to read:

3           985.227 Prosecution of juveniles as adults by the  
4 direct filing of an information in the criminal division of  
5 the circuit court; discretionary criteria; mandatory  
6 criteria.--

7           (1) DISCRETIONARY DIRECT FILE; CRITERIA.--

8           (a) With respect to any child who was 14 or 15 years  
9 of age at the time the alleged offense was committed, the  
10 state attorney may file an information when in the state  
11 attorney's judgment and discretion the public interest  
12 requires that adult sanctions be considered or imposed and  
13 when the offense charged is:

- 14           1. Arson;
- 15           2. Sexual battery;
- 16           3. Robbery;
- 17           4. Kidnapping;
- 18           5. Aggravated child abuse;
- 19           6. Aggravated assault;
- 20           7. Aggravated stalking;
- 21           8. Murder;
- 22           9. Manslaughter;
- 23           10. Unlawful throwing, placing, or discharging of a  
24 destructive device or bomb;
- 25           11. Armed burglary in violation of s. 810.02(2)(b) or  
26 specified burglary of a dwelling or structure in violation of  
27 s. 810.02(2)(c);
- 28           12. Aggravated battery;
- 29           13. Lewd or lascivious assault or act in the presence  
30 of a child;
- 31           14. Carrying, displaying, using, threatening, or

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1 attempting to use a weapon or firearm during the commission of  
2 a felony; ~~or~~

3 15. Grand theft in violation of s. 812.014(2)(a); ~~or-~~

4 16. Possessing or discharging any weapon or firearm on  
5 school property in violation of s. 790.115.

6 Section 7. This act shall take effect October 1, 1999.

7  
8

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

10 And the title is amended as follows:

11 Delete everything before the enacting clause, title

12

13 and insert:

14

A bill to be entitled

15

An act relating to weapons and firearms;

16

amending s. 790.22, F.S.; relating to certain

17

offenses involving use or possession of a

18

firearm by a minor or offenses during the

19

commission of which the minor possessed a

20

firearm; authorizing secure detention for a

21

first offense of possession of a firearm by a

22

minor, providing that possession of a firearm

23

by a minor for a second or subsequent offense

24

constitutes a felony of the third degree

25

instead of a misdemeanor of the first degree;

26

authorizing secure detention for a specified

27

period; providing or revising penalties for

28

specified offenses; requiring secure detention

29

for specified periods, or increasing detention

30

periods imposed, for commission of specified

31

initial, second, or subsequent offenses;

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1 providing for performance of community service  
2 in a manner involving a hospital emergency room  
3 or other medical environment dealing on a  
4 regular basis with trauma patients and gunshot  
5 wounds; providing that the minor offender may  
6 not receive credit for time served before  
7 adjudication of certain offenses; amending ss.  
8 943.051(3)(b); and 985.212(1)(b), F.S.,  
9 relating to criminal justice information and  
10 fingerprinting; amending s. 790.115, F.S.;  
11 prohibiting the possession or discharging  
12 firearms at a school-sponsored event, requiring  
13 a minor charged with certain activities to be  
14 detained in secure detention; requiring a  
15 hearing within a time certain; authorizing a  
16 court to order continued secure detention for a  
17 certain period; providing requirements for such  
18 detention; amending s. 985.215, F.S.; requiring  
19 secure detention care placement for a child  
20 charged with certain activities; authorizing a  
21 court to continue detaining a child charged  
22 with certain activities; amending s. 985.227,  
23 F.S.; providing for discretionary direct file  
24 for the offense of possessing or discharging  
25 firearms on school property; providing an  
26 effective date.

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