



498472

LEGISLATIVE ACTION

Senate	.	House
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Floor: 2/AE/2R	.	Floor: C
03/07/2024 05:57 PM	.	03/07/2024 09:11 PM
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Senator Rouson moved the following:

1           **Senate Substitute for Amendment (374600) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Subsection (4) of section 790.115, Florida  
7 Statutes, is amended to read:

8           790.115 Possessing or discharging weapons or firearms at a  
9 school-sponsored event or on school property prohibited;  
10 penalties; exceptions.-

11           ~~(4) Notwithstanding s. 985.24, s. 985.245, or s. 985.25(1),~~



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12 ~~any minor under 18 years of age who is charged under this~~  
13 ~~section with possessing or discharging a firearm on school~~  
14 ~~property shall be detained in secure detention, unless the state~~  
15 ~~attorney authorizes the release of the minor, and shall be given~~  
16 ~~a probable cause hearing within 24 hours after being taken into~~  
17 ~~custody. At the hearing, the court may order that the minor~~  
18 ~~continue to be held in secure detention for a period of 21 days,~~  
19 ~~during which time the minor shall receive medical, psychiatric,~~  
20 ~~psychological, or substance abuse examinations pursuant to s.~~  
21 ~~985.18, and a written report shall be completed.~~

22 Section 2. Subsections (1), (5), (8), (9), and (10) of  
23 section 790.22, Florida Statutes, are amended, and subsection  
24 (3) of that section is republished, to read:

25 790.22 Use of BB guns, air or gas-operated guns, or  
26 electric weapons or devices by minor under 16; limitation;  
27 possession of firearms by minor under 18 prohibited; penalties.-

28 (1) The use for any purpose whatsoever of BB guns, air or  
29 gas-operated guns, or electric weapons or devices, by any minor  
30 under the age of 16 years is prohibited unless such use is under  
31 the supervision and in the presence of an adult who is acting  
32 with the consent of the minor's parent or guardian.

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

36 (a) The minor is engaged in a lawful hunting activity and  
37 is:

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

40 (b) The minor is engaged in a lawful marksmanship



41 competition or practice or other lawful recreational shooting  
42 activity and is:

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

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

49 (5) (a) A minor who violates subsection (3):

50 1. For a first offense, commits a misdemeanor of the first  
51 degree; ~~for a first offense, shall~~ may serve a period of  
52 detention of up to 5 days in a secure detention facility, with  
53 credit for time served in secure detention prior to disposition,  
54 ~~and; and, in addition to any other penalty provided by law,~~  
55 shall be required to perform 100 hours of community service or  
56 paid work as determined by the department.; and;

57 ~~1. If the minor is eligible by reason of age for a driver~~  
58 ~~license or driving privilege, the court may direct the~~  
59 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
60 ~~withhold issuance of the minor's driver license or driving~~  
61 ~~privilege for up to 1 year.~~

62 ~~2. If the minor's driver license or driving privilege is~~  
63 ~~under suspension or revocation for any reason, the court may~~  
64 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
65 ~~extend the period of suspension or revocation by an additional~~  
66 ~~period of up to 1 year.~~

67 ~~3. If the minor is ineligible by reason of age for a driver~~  
68 ~~license or driving privilege, the court may direct the~~  
69 ~~Department of Highway Safety and Motor Vehicles to withhold~~



70 ~~issuance of the minor's driver license or driving privilege for~~  
71 ~~up to 1 year after the date on which the minor would otherwise~~  
72 ~~have become eligible.~~

73 2.(b) For a second or subsequent offense, a minor who  
74 violates subsection (3) commits a felony of the third degree.  
75 For a second offense, the minor and shall serve a period of  
76 detention of up to 21 days in a secure detention facility, with  
77 credit for time served in secure detention prior to disposition,  
78 and shall be required to perform not less than 100 nor more than  
79 250 hours of community service or paid work as determined by the  
80 department. For a third or subsequent offense, the minor shall  
81 be adjudicated delinquent and committed to a residential  
82 program. A withhold of adjudication of delinquency shall be  
83 considered a prior offense for the purpose of determining a  
84 second, third, or subsequent offense., and:

85 (b) In addition to the penalties for a violation of  
86 subsection (3):

87 1. If the minor is eligible by reason of age for a driver  
88 license or driving privilege, the court may direct the  
89 Department of Highway Safety and Motor Vehicles to revoke or to  
90 withhold issuance of the minor's driver license or driving  
91 privilege for up to 1 year for a first offense and up to 2 years  
92 for a second or subsequent offense.

93 2. If the minor's driver license or driving privilege is  
94 under suspension or revocation for any reason, the court may  
95 direct the Department of Highway Safety and Motor Vehicles to  
96 extend the period of suspension or revocation by an additional  
97 period of up to 1 year for a first offense and up to 2 years for  
98 a second or subsequent offense.



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99           3. If the minor is ineligible by reason of age for a driver  
100 license or driving privilege, the court may direct the  
101 Department of Highway Safety and Motor Vehicles to withhold  
102 issuance of the minor's driver license or driving privilege for  
103 up to 1 year ~~2 years~~ after the date on which the minor would  
104 otherwise have become eligible and up to 2 years for a second or  
105 subsequent offense.

106  
107 For the purposes of this subsection, community service shall be  
108 performed, if possible, in a manner involving a hospital  
109 emergency room or other medical environment that deals on a  
110 regular basis with trauma patients and gunshot wounds.

111       ~~(8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor~~  
112 ~~is charged with an offense that involves the use or possession~~  
113 ~~of a firearm, including a violation of subsection (3), or is~~  
114 ~~charged for any offense during the commission of which the minor~~  
115 ~~possessed a firearm, the minor shall be detained in secure~~  
116 ~~detention, unless the state attorney authorizes the release of~~  
117 ~~the minor, and shall be given a hearing within 24 hours after~~  
118 ~~being taken into custody. At the hearing, the court may order~~  
119 ~~that the minor continue to be held in secure detention in~~  
120 ~~accordance with the applicable time periods specified in s.~~  
121 ~~985.26(1)-(5), if the court finds that the minor meets the~~  
122 ~~criteria specified in s. 985.255, or if the court finds by clear~~  
123 ~~and convincing evidence that the minor is a clear and present~~  
124 ~~danger to himself or herself or the community. The Department of~~  
125 ~~Juvenile Justice shall prepare a form for all minors charged~~  
126 ~~under this subsection which states the period of detention and~~  
127 ~~the relevant demographic information, including, but not limited~~



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128 ~~to, the gender, age, and race of the minor; whether or not the~~  
129 ~~minor was represented by private counsel or a public defender;~~  
130 ~~the current offense; and the minor's complete prior record,~~  
131 ~~including any pending cases. The form shall be provided to the~~  
132 ~~judge for determining whether the minor should be continued in~~  
133 ~~secure detention under this subsection. An order placing a minor~~  
134 ~~in secure detention because the minor is a clear and present~~  
135 ~~danger to himself or herself or the community must be in~~  
136 ~~writing, must specify the need for detention and the benefits~~  
137 ~~derived by the minor or the community by placing the minor in~~  
138 ~~secure detention, and must include a copy of the form provided~~  
139 ~~by the department.~~

140 ~~(9) Notwithstanding s. 985.245, if the minor is found to~~  
141 ~~have committed an offense that involves the use or possession of~~  
142 ~~a firearm, as defined in s. 790.001, other than a violation of~~  
143 ~~subsection (3), or an offense during the commission of which the~~  
144 ~~minor possessed a firearm, and the minor is not committed to a~~  
145 ~~residential commitment program of the Department of Juvenile~~  
146 ~~Justice, in addition to any other punishment provided by law,~~  
147 ~~the court shall order:~~

148 ~~(a) For a first offense, that the minor shall serve a~~  
149 ~~minimum period of detention of 15 days in a secure detention~~  
150 ~~facility; and~~

- 151 ~~1. Perform 100 hours of community service; and may~~  
152 ~~2. Be placed on community control or in a nonresidential~~  
153 ~~commitment program.~~

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



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157           ~~1. Perform not less than 100 nor more than 250 hours of~~  
158 ~~community service; and may~~

159           ~~2. Be placed on community control or in a nonresidential~~  
160 ~~commitment program.~~

161  
162 ~~The minor shall not receive credit for time served before~~  
163 ~~adjudication. For the purposes of this subsection, community~~  
164 ~~service shall be performed, if possible, in a manner involving a~~  
165 ~~hospital emergency room or other medical environment that deals~~  
166 ~~on a regular basis with trauma patients and gunshot wounds.~~

167           ~~(10) If a minor is found to have committed an offense under~~  
168 ~~subsection (9), the court shall impose the following penalties~~  
169 ~~in addition to any penalty imposed under paragraph (9)(a) or~~  
170 ~~paragraph (9)(b):~~

171           ~~(a) For a first offense:~~

172           ~~1. If the minor is eligible by reason of age for a driver~~  
173 ~~license or driving privilege, the court may direct the~~  
174 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
175 ~~withhold issuance of the minor's driver license or driving~~  
176 ~~privilege for up to 1 year.~~

177           ~~2. If the minor's driver license or driving privilege is~~  
178 ~~under suspension or revocation for any reason, the court may~~  
179 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
180 ~~extend the period of suspension or revocation by an additional~~  
181 ~~period for up to 1 year.~~

182           ~~3. If the minor is ineligible by reason of age for a driver~~  
183 ~~license or driving privilege, the court may direct the~~  
184 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
185 ~~issuance of the minor's driver license or driving privilege for~~



186 ~~up to 1 year after the date on which the minor would otherwise~~  
187 ~~have become eligible.~~

188 ~~(b) For a second or subsequent offense:~~

189 ~~1. If the minor is eligible by reason of age for a driver~~  
190 ~~license or driving privilege, the court may direct the~~  
191 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
192 ~~withhold issuance of the minor's driver license or driving~~  
193 ~~privilege for up to 2 years.~~

194 ~~2. If the minor's driver license or driving privilege is~~  
195 ~~under suspension or revocation for any reason, the court may~~  
196 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
197 ~~extend the period of suspension or revocation by an additional~~  
198 ~~period for up to 2 years.~~

199 ~~3. If the minor is ineligible by reason of age for a driver~~  
200 ~~license or driving privilege, the court may direct the~~  
201 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
202 ~~issuance of the minor's driver license or driving privilege for~~  
203 ~~up to 2 years after the date on which the minor would otherwise~~  
204 ~~have become eligible.~~

205 Section 3. Subsection (9) of section 901.15, Florida  
206 Statutes, is amended to read:

207 901.15 When arrest by officer without warrant is lawful.—A  
208 law enforcement officer may arrest a person without a warrant  
209 when:

210 (9) There is probable cause to believe that the person has  
211 committed:

212 (a) Any battery upon another person, as defined in s.  
213 784.03.

214 (b) An act of criminal mischief or a graffiti-related





215 offense as described in s. 806.13.

216 (c) A violation of a safety zone, security zone, regulated  
217 navigation area, or naval vessel protection zone as described in  
218 s. 327.461.

219 (d) A racing, street takeover, or stunt driving violation  
220 as described in s. 316.191(2).

221 (e) An exposure of sexual organs in violation of s. 800.03.

222 (f) Possession of a firearm by a minor in violation of s.  
223 790.22(3).

224 Section 4. Paragraph (d) of subsection (1) of section  
225 985.101, Florida Statutes, is amended to read:

226 985.101 Taking a child into custody.—

227 (1) A child may be taken into custody under the following  
228 circumstances:

229 (d) By a law enforcement officer who has probable cause to  
230 believe that the child is in violation of the conditions of the  
231 child's probation, supervised release detention, ~~postcommitment~~  
232 ~~probation~~, or conditional release supervision; has absconded  
233 from nonresidential commitment; or has escaped from residential  
234 commitment.

235  
236 Nothing in this subsection shall be construed to allow the  
237 detention of a child who does not meet the detention criteria in  
238 part V.

239 Section 5. Section 985.12, Florida Statutes, is amended to  
240 read:

241 985.12 Prearrest delinquency ~~Civil citation or similar~~  
242 ~~prearrest diversion~~ programs.—

243 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds



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244 that the creation and implementation of any prearrest  
245 delinquency civil citation ~~or similar prearrest diversion~~  
246 programs at the judicial circuit level promotes public safety,  
247 aids interagency cooperation, and provides the greatest chance  
248 of success for prearrest delinquency civil citation ~~and similar~~  
249 ~~prearrest diversion~~ programs. The Legislature further finds that  
250 the widespread use of prearrest delinquency civil citation ~~and~~  
251 ~~similar prearrest diversion~~ programs has a positive effect on  
252 the criminal justice system by immediately holding youth  
253 accountable for their actions and contributes to an overall  
254 reduction in the crime rate and recidivism in the state. The  
255 Legislature encourages but does not mandate that counties,  
256 municipalities, and public or private educational institutions  
257 participate in a prearrest delinquency civil citation ~~or similar~~  
258 ~~prearrest diversion~~ program created by their judicial circuit  
259 under this section.

260 (2) JUDICIAL CIRCUIT DELINQUENCY CIVIL CITATION ~~OR SIMILAR~~  
261 ~~PREARREST DIVERSION~~ PROGRAM DEVELOPMENT, IMPLEMENTATION, AND  
262 OPERATION.—

263 (a) A prearrest delinquency civil citation ~~or similar~~  
264 ~~prearrest diversion~~ program for misdemeanor offenses shall be  
265 established in each judicial circuit in the state. The state  
266 attorney and public defender of each circuit, the clerk of the  
267 court for each county in the circuit, and representatives of  
268 participating law enforcement agencies in the circuit shall  
269 create a prearrest delinquency civil citation ~~or similar~~  
270 ~~prearrest diversion~~ program and develop its policies and  
271 procedures. In developing the program's policies and procedures,  
272 input from other interested stakeholders may be solicited. The



273 department shall annually develop and provide guidelines on best  
274 practice models for prearrest delinquency civil citation ~~or~~  
275 ~~similar prearrest diversion~~ programs to the judicial circuits as  
276 a resource.

277 (b) Each judicial circuit's prearrest delinquency civil  
278 citation ~~or similar prearrest diversion~~ program must specify all  
279 of the following:

280 1. The misdemeanor offenses that qualify a juvenile for  
281 participation in the program. Offenses involving the use or  
282 possession of a firearm do not qualify for a prearrest  
283 delinquency citation program.†

284 2. The eligibility criteria for the program.†

285 3. The program's implementation and operation.†

286 4. The program's requirements, including, but not limited  
287 to, the completion of community service hours, payment of  
288 restitution, if applicable, classes established by the  
289 department or the prearrest delinquency citation program, and  
290 intervention services indicated by a needs assessment of the  
291 juvenile, approved by the department, such as family counseling,  
292 urinalysis monitoring, and substance abuse and mental health  
293 treatment services.†~~and~~

294 5. A program fee, if any, to be paid by a juvenile  
295 participating in the program. If the program imposes a fee, the  
296 clerk of the court of the applicable county must receive a  
297 reasonable portion of the fee.

298 (c) The state attorney of each circuit shall operate a  
299 prearrest delinquency civil citation ~~or similar prearrest~~  
300 ~~diversion~~ program in each circuit. A sheriff, police department,  
301 county, municipality, locally authorized entity, or public or



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302 private educational institution may ~~continue to~~ operate an  
303 independent prearrest delinquency civil citation or similar  
304 ~~prearrest diversion~~ program that is in operation as of October  
305 ~~1, 2018,~~ if the independent program is reviewed by the state  
306 attorney of the applicable circuit and he or she determines that  
307 the independent program is substantially similar to the  
308 prearrest delinquency civil citation or similar prearrest  
309 ~~diversion~~ program developed by the circuit. If the state  
310 attorney determines that the independent program is not  
311 substantially similar to the prearrest delinquency civil  
312 ~~citation or similar prearrest diversion~~ program developed by the  
313 circuit, the operator of the independent ~~diversion~~ program may  
314 revise the program and the state attorney may conduct an  
315 additional review of the independent program. A civil citation  
316 or similar prearrest diversion program existing before July 1,  
317 2024, shall be deemed a delinquency citation program authorized  
318 by this section if the civil citation or similar prearrest  
319 diversion program has been approved by the state attorney of the  
320 circuit in which it operates and it complies with the  
321 requirements in paragraph (2) (b).

322 ~~(d) A judicial circuit may model an existing sheriff's,~~  
323 ~~police department's, county's, municipality's, locally~~  
324 ~~authorized entity's, or public or private educational~~  
325 ~~institution's independent civil citation or similar prearrest~~  
326 ~~diversion program in developing the civil citation or similar~~  
327 ~~prearrest diversion program for the circuit.~~

328 ~~(d)(e)~~ If a juvenile does not successfully complete the  
329 prearrest delinquency civil citation or similar prearrest  
330 ~~diversion~~ program, the arresting law enforcement officer shall



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331 determine if there is good cause to arrest the juvenile for the  
332 original misdemeanor offense and refer the case to the state  
333 attorney to determine if prosecution is appropriate or allow the  
334 juvenile to continue in the program.

335 ~~(e)(f)~~ Each prearrest delinquency civil citation or similar  
336 ~~prearrest diversion~~ program shall enter the appropriate youth  
337 data into the Juvenile Justice Information System Prevention Web  
338 within 7 days after the admission of the youth into the program.

339 ~~(f)(g)~~ At the conclusion of a juvenile's prearrest  
340 delinquency civil citation or similar prearrest diversion  
341 program, the state attorney or operator of the independent  
342 program shall report the outcome to the department. The issuance  
343 of a prearrest delinquency civil citation or similar prearrest  
344 ~~diversion~~ program notice is not considered a referral to the  
345 department.

346 ~~(g)(h)~~ Upon issuing a prearrest delinquency civil citation  
347 ~~or similar prearrest diversion~~ program notice, the law  
348 enforcement officer shall send a copy of the prearrest  
349 delinquency civil citation or similar prearrest diversion  
350 program notice to the parent or guardian of the child and to the  
351 victim.

352 Section 6. Section 985.125, Florida Statutes, is amended to  
353 read:

354 985.125 ~~Prearrest or~~ Postarrest diversion programs.—

355 (1) A law enforcement agency ~~or school district~~, in  
356 cooperation with the state attorney, may establish a prearrest  
357 ~~or~~ postarrest diversion program.

358 (2) As part of the ~~prearrest or~~ postarrest diversion  
359 program, a child who is alleged to have committed a delinquent



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360 act may be required to surrender his or her driver license, or  
361 refrain from applying for a driver license, for not more than 90  
362 days. If the child fails to comply with the requirements of the  
363 program, the state attorney may notify the Department of Highway  
364 Safety and Motor Vehicles in writing to suspend the child's  
365 driver license for a period that may not exceed 90 days.

366 Section 7. Subsections (5) and (6) of section 985.126,  
367 Florida Statutes, are renumbered as subsections (6) and (7),  
368 respectively, subsections (3) and (4) of that section are  
369 amended, and a new subsection (5) is added to that section, to  
370 read:

371 985.126 Prearrest and postarrest diversion programs; data  
372 collection; denial of participation or expunged record.—

373 (3) (a) ~~Beginning October 1, 2018,~~ Each diversion program  
374 shall submit data to the department which identifies for each  
375 minor participating in the diversion program:

376 1. The race, ethnicity, gender, and age of that minor.

377 2. The offense committed, including the specific law  
378 establishing the offense.

379 3. The judicial circuit and county in which the offense was  
380 committed and the law enforcement agency that had contact with  
381 the minor for the offense.

382 4. Other demographic information necessary to properly  
383 register a case into the Juvenile Justice Information System  
384 Prevention Web, as specified by the department.

385 (b) ~~Beginning October 1, 2018,~~ Each law enforcement agency  
386 shall submit to the department data for every minor charged for  
387 the first-time, who is charged with a misdemeanor, and who was  
388 that identifies for each minor who was eligible for a diversion



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389 ~~program, but was instead~~ referred to the department, provided a  
390 notice to appear, or arrested:

391 1. The data required pursuant to paragraph (a).

392 2. Whether the minor was offered the opportunity to  
393 participate in a diversion program. If the minor was:

394 a. Not offered such opportunity, the reason such offer was  
395 not made.

396 b. Offered such opportunity, whether the minor or his or  
397 her parent or legal guardian declined to participate in the  
398 diversion program.

399 (c) The data required pursuant to paragraph (a) shall be  
400 entered into the Juvenile Justice Information System Prevention  
401 Web within 7 days after the youth's admission into the program.

402 (d) The data required pursuant to paragraph (b) shall be  
403 submitted on or with the arrest affidavit or notice to appear.

404 (4) ~~Beginning January 1, 2019,~~ The department shall compile  
405 and semiannually publish the data required by subsection (3) on  
406 the department's website in a format that is, at a minimum,  
407 sortable by judicial circuit, county, law enforcement agency,  
408 race, ethnicity, gender, age, and offense committed.

409 (5) The department shall provide a quarterly report to be  
410 published on its website and distributed to the Governor,  
411 President of the Senate, and Speaker of the House of  
412 Representatives listing the entities that use prearrest  
413 delinquency citations for less than 70 percent of first-time  
414 misdemeanor offenses.

415 Section 8. Subsection (4) of section 985.245, Florida  
416 Statutes, is amended to read:

417 985.245 Risk assessment instrument.—



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418 (4) For a child who is under the supervision of the  
419 department through probation, supervised release detention,  
420 conditional release, ~~postcommitment probation~~, or commitment and  
421 who is charged with committing a new offense, the risk  
422 assessment instrument may be completed and scored based on the  
423 underlying charge for which the child was placed under the  
424 supervision of the department.

425 Section 9. Subsection (1) of section 985.25, Florida  
426 Statutes, is amended to read:

427 985.25 Detention intake.—

428 (1) The department shall receive custody of a child who has  
429 been taken into custody from the law enforcement agency or court  
430 and shall review the facts in the law enforcement report or  
431 probable cause affidavit and make such further inquiry as may be  
432 necessary to determine whether detention care is appropriate.

433 (a) During the period of time from the taking of the child  
434 into custody to the date of the detention hearing, the initial  
435 decision as to the child's placement into detention care shall  
436 be made by the department under ss. 985.24 and 985.245(1).

437 (b) The department shall base the decision whether to place  
438 the child into detention care on an assessment of risk in  
439 accordance with the risk assessment instrument and procedures  
440 developed by the department under s. 985.245, except that a  
441 child shall be placed in secure detention care until the child's  
442 detention hearing if the child meets the criteria specified in  
443 s. 985.255(1) (f), ~~is charged with possessing or discharging a~~  
444 ~~firearm on school property in violation of s. 790.115,~~ or is  
445 charged with any other offense involving the possession or use  
446 of a firearm.





447 (c) If the final score on the child's risk assessment  
448 instrument indicates detention care is appropriate, but the  
449 department otherwise determines the child should be released,  
450 the department shall contact the state attorney, who may  
451 authorize release.

452 (d) If the final score on the risk assessment instrument  
453 indicates detention is not appropriate, the child may be  
454 released by the department in accordance with ss. 985.115 and  
455 985.13.

456 (e) Notwithstanding any other provision of law, a child who  
457 is arrested for violating the terms of his or her electronic  
458 monitoring supervision or his or her supervised release shall be  
459 placed in secure detention until his or her detention hearing.

460 (f) Notwithstanding any other provision of law, a child on  
461 probation for an underlying felony firearm offense in chapter  
462 790 and who is taken into custody under s. 985.101 for violating  
463 conditions of probation not involving a new law violation shall  
464 be held in secure detention to allow the state attorney to  
465 review the violation. If, within 21 days, the state attorney  
466 notifies the court that commitment will be sought, then the  
467 child shall remain in secure detention pending proceedings under  
468 s. 985.439 until the initial 21-day period of secure detention  
469 has expired. Upon motion of the state attorney, the child may be  
470 held for an additional 21-day period if the court finds that the  
471 totality of the circumstances, including the preservation of  
472 public safety, warrants such extension. Any release from secure  
473 detention shall result in the child being held on supervised  
474 release with electronic monitoring pending proceedings under s.  
475 985.439.



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Under no circumstances shall the department or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

Section 10. Paragraph (a) of subsection (1) and subsection (3) of section 985.255, Florida Statutes, are amended, and paragraphs (g) and (h) are added to subsection (1) of that section, to read:

985.255 Detention criteria; detention hearing.—

(1) Subject to s. 985.25(1), a child taken into custody and placed into detention care shall be given a hearing within 24 hours after being taken into custody. At the hearing, the court may order a continued detention status if:

(a) The result of the risk assessment instrument pursuant to s. 985.245 indicates secure or supervised release detention or the court makes the findings required under paragraph (3) (b).

(g) The court finds probable cause at the detention hearing that the child committed one or more of the following offenses:

1. Murder in the first degree under s. 782.04(1) (a).

2. Murder in the second degree under s. 782.04(2).

3. Armed robbery under s. 812.13(2) (a) that involves the use or possession of a firearm as defined in s. 790.001.

4. Armed carjacking under s. 812.133(2) (a) that involves the use or possession of a firearm as defined in s. 790.001.

5. Having a firearm while committing a felony under s. 790.07(2).

6. Armed burglary under s. 810.02(2) (b) that involves the use or possession of a firearm as defined in s. 790.001.



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505 7. Delinquent in possession of a firearm under s.  
506 790.23(1)(b).

507 8. An attempt to commit any offense listed in this  
508 paragraph under s. 777.04.

509 (h) For a child who meets the criteria in paragraph (g):

510 1. There is a presumption that the child presents a risk to  
511 public safety and danger to the community and such child must be  
512 held in secure detention prior to an adjudicatory hearing,  
513 unless the court enters a written order that the child would not  
514 present a risk to public safety or a danger to the community if  
515 he or she were placed on supervised release detention care.

516 2. The written order releasing a child from secure  
517 detention must be based on clear and convincing evidence why the  
518 child does not present a risk to public safety or a danger to  
519 the community and must list the child's prior adjudications,  
520 dispositions, and prior violations of pretrial release orders. A  
521 court releasing a child from secure detention under this  
522 subparagraph shall place the child on supervised release  
523 detention care with electronic monitoring until the child's  
524 adjudicatory hearing.

525 3. If an adjudicatory hearing has not taken place after 60  
526 days of secure detention for a child held in secure detention  
527 under this paragraph, the court must prioritize the efficient  
528 disposition of cases and hold a review hearing within each  
529 successive 7-day review period until the adjudicatory hearing or  
530 until the child is placed on supervised release with electronic  
531 monitoring under subparagraph 2.

532 4. If the court, under this section, releases a child to  
533 supervised release detention care, the court must provide a copy



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534 of the written order to the victim, to the law enforcement  
535 agency that arrested the child, and to the law enforcement  
536 agency with primary jurisdiction over the child's primary  
537 residence.

538 (3) (a) The purpose of the detention hearing required under  
539 subsection (1) is to determine the existence of probable cause  
540 that the child has committed the delinquent act or violation of  
541 law that he or she is charged with and the need for continued  
542 detention. The court shall consider ~~use~~ the results of the risk  
543 assessment performed by the department and, based on the  
544 criteria in subsection (1), shall determine the need for  
545 continued detention. If the child is a prolific juvenile  
546 offender who is detained under s. 985.26(2)(c), the court shall  
547 consider ~~use~~ the results of the risk assessment performed by the  
548 department and the criteria in subsection (1) or subsection (2)  
549 only to determine whether the prolific juvenile offender should  
550 be held in secure detention.

551 (b) ~~If~~ The court may order ~~orders~~ a placement more or less  
552 restrictive than indicated by the results of the risk assessment  
553 instrument, and, if the court does so, shall state, in writing,  
554 clear and convincing reasons for such placement.

555 (c) Except as provided in ~~s. 790.22(8) or~~ s. 985.27, when a  
556 child is placed into detention care, or into a respite home or  
557 other placement pursuant to a court order following a hearing,  
558 the court order must include specific instructions that direct  
559 the release of the child from such placement no later than 5  
560 p.m. on the last day of the detention period specified in s.  
561 985.26 or s. 985.27, whichever is applicable, unless the  
562 requirements of such applicable provision have been met or an



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563 order of continuance has been granted under s. 985.26(4). If the  
564 court order does not include a release date, the release date  
565 shall be requested from the court on the same date that the  
566 child is placed in detention care. If a subsequent hearing is  
567 needed to provide additional information to the court for safety  
568 planning, the initial order placing the child in detention care  
569 shall reflect the next detention review hearing, which shall be  
570 held within 3 calendar days after the child's initial detention  
571 placement.

572 Section 11. Paragraph (b) of subsection (2) of section  
573 985.26, Florida Statutes, is amended to read:

574 985.26 Length of detention.—

575 (2)

576 (b) The court may order the child to be held in secure  
577 detention beyond 21 days under the following circumstances:

578 1. Upon good cause being shown that the nature of the  
579 charge requires additional time for the prosecution or defense  
580 of the case or that the totality of the circumstances, including  
581 the preservation of public safety, warrants an extension, the  
582 court may extend the length of secure detention care for up to  
583 an additional 21 days if the child is charged with an offense  
584 which, if committed by an adult, would be a capital felony, a  
585 life felony, a felony of the first degree or the second degree,  
586 a felony of the third degree involving violence against any  
587 individual, or any other offense involving the possession or use  
588 of a firearm. Except as otherwise provided in subparagraph 2.,  
589 the court may continue to extend the period of secure detention  
590 care in increments of up to 21 days each by conducting a hearing  
591 before the expiration of the current period to determine the



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592 need for continued secure detention of the child. At the  
593 hearing, the court must make the required findings in writing to  
594 extend the period of secure detention. If the court extends the  
595 time period for secure detention care, it shall ensure an  
596 adjudicatory hearing for the case commences as soon as is  
597 reasonably possible considering the totality of the  
598 circumstances. The court shall prioritize the efficient  
599 disposition of cases in which the child has served 60 or more  
600 days in secure detention care.

601 2. When the child is being held in secure detention under  
602 s. 985.255(1)(g), and subject to s. 985.255(1)(h).

603 Section 12. Paragraph (d) is added to subsection (7) of  
604 section 985.433, Florida Statutes, and subsections (8) and (9)  
605 of that section are amended, to read:

606 985.433 Disposition hearings in delinquency cases.—When a  
607 child has been found to have committed a delinquent act, the  
608 following procedures shall be applicable to the disposition of  
609 the case:

610 (7) If the court determines that the child should be  
611 adjudicated as having committed a delinquent act and should be  
612 committed to the department, such determination shall be in  
613 writing or on the record of the hearing. The determination shall  
614 include a specific finding of the reasons for the decision to  
615 adjudicate and to commit the child to the department, including  
616 any determination that the child was a member of a criminal  
617 gang.

618 (d) Any child adjudicated by the court and committed to the  
619 department under a restrictiveness level described in s.  
620 985.03(44)(a)-(d), for any offense or attempted offense



621 involving a firearm must be placed on conditional release, as  
622 defined in s. 985.03, for a period of 1 year following his or  
623 her release from a commitment program. Such term of conditional  
624 release shall include electronic monitoring of the child by the  
625 department for the initial 6 months following his or her release  
626 and at times and under terms and conditions set by the  
627 department.

628 (8) If the court determines not to adjudicate and commit to  
629 the department, then the court shall determine what community-  
630 based sanctions it will impose in a probation program for the  
631 child. Community-based sanctions may include, but are not  
632 limited to, participation in substance abuse treatment, a day-  
633 treatment probation program, restitution in money or in kind, a  
634 curfew, revocation or suspension of the driver license of the  
635 child, community service, and appropriate educational programs  
636 as determined by the district school board.

637 (a)1. Where a child is found to have committed an offense  
638 that involves the use or possession of a firearm, as defined in  
639 s. 790.001, other than a violation of s. 790.22(3), or is found  
640 to have committed an offense during the commission of which the  
641 child possessed a firearm, and the court has decided not to  
642 commit the child to a residential program, the court shall order  
643 the child, in addition to any other punishment provided by law,  
644 to:

645 a. Serve a period of detention of 30 days in a secure  
646 detention facility, with credit for time served in secure  
647 detention prior to disposition.

648 b. Perform 100 hours of community service or paid work as  
649 determined by the department.



650 c. Be placed on probation for a period of at least 1 year.  
651 Such term of probation shall include electronic monitoring of  
652 the child by the department at times and under terms and  
653 conditions set by the department.

654 2. In addition to the penalties in subparagraph 1., the  
655 court may impose the following restrictions upon the child's  
656 driving privileges:

657 a. If the child is eligible by reason of age for a driver  
658 license or driving privilege, the court may direct the  
659 Department of Highway Safety and Motor Vehicles to revoke or to  
660 withhold issuance of the child's driver license or driving  
661 privilege for up to 1 year.

662 b. If the child's driver license or driving privilege is  
663 under suspension or revocation for any reason, the court may  
664 direct the Department of Highway Safety and Motor Vehicles to  
665 extend the period of suspension or revocation by an additional  
666 period for up to 1 year.

667 c. If the child is ineligible by reason of age for a driver  
668 license or driving privilege, the court may direct the  
669 Department of Highway Safety and Motor Vehicles to withhold  
670 issuance of the minor's driver license or driving privilege for  
671 up to 1 year after the date on which the child would otherwise  
672 have become eligible.

673  
674 For the purposes of this paragraph, community service shall be  
675 performed, if possible, in a manner involving a hospital  
676 emergency room or other medical environment that deals on a  
677 regular basis with trauma patients and gunshot wounds.

678 (b) A child who has previously had adjudication withheld





679 for any of the following offenses shall not be eligible for a  
680 second or subsequent withhold of adjudication if he or she is  
681 subsequently found to have committed any of the following  
682 offenses, and must be adjudicated delinquent and committed to a  
683 residential program:

684 1. Armed robbery involving a firearm under s. 812.13(2)(a).

685 2. Armed carjacking under s. 812.133(2)(a) involving the  
686 use or possession of a firearm as defined in s. 790.001.

687 3. Having a firearm while committing a felony under s.  
688 790.07(2).

689 4. Armed burglary under s. 810.02(2)(b) involving the use  
690 or possession of a firearm as defined in s. 790.001.

691 5. Delinquent in possession of a firearm under s.  
692 790.23(1)(b).

693 6. An attempt to commit any offense listed in this  
694 paragraph under s. 777.04.

695 (9) After appropriate sanctions for the offense are  
696 determined, including any minimum sanctions required by this  
697 section, the court shall develop, approve, and order a plan of  
698 probation that will contain rules, requirements, conditions, and  
699 rehabilitative programs, including the option of a day-treatment  
700 probation program, that are designed to encourage responsible  
701 and acceptable behavior and to promote both the rehabilitation  
702 of the child and the protection of the community.

703 Section 13. Subsections (1), (3), and (4) of section  
704 985.435, Florida Statutes, are amended to read:

705 985.435 Probation ~~and postcommitment probation~~; community  
706 service.—

707 (1) The court that has jurisdiction over an adjudicated



708 delinquent child may, by an order stating the facts upon which a  
709 determination of a sanction and rehabilitative program was made  
710 at the disposition hearing, place the child in a probation  
711 program ~~or a postcommitment probation program~~. Such placement  
712 must be under the supervision of an authorized agent of the  
713 department or of any other person or agency specifically  
714 authorized and appointed by the court, whether in the child's  
715 own home, in the home of a relative of the child, or in some  
716 other suitable place under such reasonable conditions as the  
717 court may direct.

718 (3) A probation program must also include a rehabilitative  
719 program component such as a requirement of participation in  
720 substance abuse treatment or in a school or career and technical  
721 education program. The nonconsent of the child to treatment in a  
722 substance abuse treatment program in no way precludes the court  
723 from ordering such treatment. Upon the recommendation of the  
724 department at the time of disposition, or subsequent to  
725 disposition pursuant to the filing of a petition alleging a  
726 violation of the child's conditions of ~~postcommitment~~ probation,  
727 the court may order the child to submit to random testing for  
728 the purpose of detecting and monitoring the use of alcohol or  
729 controlled substances.

730 (4) A probation program must ~~may also~~ include an  
731 alternative consequence component to address instances in which  
732 a child is noncompliant with technical conditions of his or her  
733 probation but has not committed any new violations of law. The  
734 alternative consequence component must be aligned with the  
735 department's graduated response matrix as described in s.  
736 985.438 ~~Each judicial circuit shall develop, in consultation~~



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737 ~~with judges, the state attorney, the public defender, the~~  
738 ~~regional counsel, relevant law enforcement agencies, and the~~  
739 ~~department, a written plan specifying the alternative~~  
740 ~~consequence component which must be based upon the principle~~  
741 ~~that sanctions must reflect the seriousness of the violation,~~  
742 ~~the assessed criminogenic needs and risks of the child, the~~  
743 ~~child's age and maturity level, and how effective the sanction~~  
744 ~~or incentive will be in moving the child to compliant behavior.~~  
745 ~~The alternative consequence component is designed to provide~~  
746 ~~swift and appropriate consequences or incentives to a child who~~  
747 ~~is alleged to be noncompliant with or in violation of probation.~~  
748 ~~If the probation program includes this component, specific~~  
749 ~~consequences that apply to noncompliance with specific technical~~  
750 ~~conditions of probation, as well as incentives used to move the~~  
751 ~~child toward compliant behavior, must be detailed in the~~  
752 ~~disposition order.~~

753 Section 14. Section 985.438, Florida Statutes, is created  
754 to read:

755 985.438 Graduated response matrix.-

756 (1) The department shall create and administer a statewide  
757 plan to hold youths accountable to the terms of their court  
758 ordered probation and the terms of their conditional release.  
759 The plan must be based upon the principle that sanctions must  
760 reflect the seriousness of the violation, provide immediate  
761 accountability for violations, the assessed criminogenic needs  
762 and risks of the child, and the child's age and maturity level.  
763 The plan is designed to provide swift and appropriate  
764 consequences or incentives to a child who is alleged to be  
765 noncompliant with or in violation of his or her probation.



766 (2) The graduated response matrix shall outline sanctions  
767 for youth based on their risk to reoffend and shall include, but  
768 not be limited to:

769 (a) Increased contacts.

770 (b) Increased drug tests.

771 (c) Curfew reductions.

772 (d) Increased community service.

773 (e) Additional evaluations.

774 (f) Addition of electronic monitoring.

775 (3) The graduated response matrix shall be adopted in rule  
776 by the department.

777 Section 15. Section 985.439, Florida Statutes, is amended  
778 to read:

779 985.439 Violation of probation ~~or postcommitment~~  
780 ~~probation.~~—

781 (1) (a) This section is applicable when the court has  
782 jurisdiction over a child on probation ~~or postcommitment~~  
783 ~~probation~~, regardless of adjudication.

784 (b) If the conditions of the probation program ~~or the~~  
785 ~~postcommitment probation program~~ are violated, the department or  
786 the state attorney may bring the child before the court on a  
787 petition alleging a violation of the program. A child who  
788 violates the conditions of probation ~~or postcommitment probation~~  
789 must be brought before the court if sanctions are sought.

790 (c) Upon receiving notice of a violation of probation from  
791 the department, the state attorney must file the violation  
792 within 5 days or provide in writing to the department and the  
793 court the reason as to why he or she is not filing.

794 (2) A child taken into custody under s. 985.101 for



795 violating the conditions of probation shall be screened and  
796 detained or released based on his or her risk assessment  
797 instrument score.

798 (3) If the child denies violating the conditions of  
799 probation ~~or postcommitment probation~~, the court shall, upon the  
800 child's request, appoint counsel to represent the child.

801 (4) Upon the child's admission, or if the court finds after  
802 a hearing that the child has violated the conditions of  
803 probation ~~or postcommitment probation~~, the court shall enter an  
804 order revoking, modifying, or continuing probation ~~or~~  
805 ~~postcommitment probation~~. In each such case, the court shall  
806 enter a new disposition order and, in addition to the sanctions  
807 set forth in this section, may impose any sanction the court  
808 could have imposed at the original disposition hearing. If the  
809 child is found to have violated the conditions of probation ~~or~~  
810 ~~postcommitment probation~~, the court may:

811 (a) Place the child in supervised release detention with  
812 electronic monitoring.

813 (b) If the violation of probation is technical in nature  
814 and not a new violation of law, place the child in an  
815 alternative consequence program designed to provide swift and  
816 appropriate consequences to any further violations of probation.

817 ~~1. Alternative consequence programs shall be established,~~  
818 ~~within existing resources, at the local level in coordination~~  
819 ~~with law enforcement agencies, the chief judge of the circuit,~~  
820 ~~the state attorney, and the public defender.~~

821 ~~2. Alternative consequence programs may be operated by an~~  
822 ~~entity such as a law enforcement agency, the department, a~~  
823 ~~juvenile assessment center, a county or municipality, or another~~



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824 ~~entity selected by the department.~~

825 ~~3. Upon placing a child in an alternative consequence~~  
826 ~~program, the court must approve specific consequences for~~  
827 ~~specific violations of the conditions of probation.~~

828 (c) Modify or continue the child's probation program ~~or~~  
829 ~~postcommitment probation program.~~

830 (d) Revoke probation ~~or postcommitment probation~~ and commit  
831 the child to the department.

832 (e) Allow the department to place a child on electronic  
833 monitoring for a violation of probation if it determines doing  
834 so will preserve and protect public safety.

835 (5) Upon the recommendation of the department at the time  
836 of disposition, or subsequent to disposition pursuant to the  
837 filing of a petition alleging a violation of the child's  
838 conditions of ~~postcommitment~~ probation, the court may order the  
839 child to submit to random testing for the purpose of detecting  
840 and monitoring the use of alcohol or controlled substances.

841 Section 16. Subsection (2) of section 985.441, Florida  
842 Statutes, is amended to read:

843 985.441 Commitment.—

844 (2) Notwithstanding subsection (1), the court having  
845 jurisdiction over an adjudicated delinquent child whose offense  
846 is a misdemeanor, other than a violation of s. 790.22(3), or a  
847 child who is currently on probation for a misdemeanor, other  
848 than a violation of s. 790.22(3), may not commit the child for  
849 any misdemeanor offense or any probation violation that is  
850 technical in nature and not a new violation of law at a  
851 restrictiveness level other than minimum-risk nonresidential.  
852 However, the court may commit such child to a nonsecure



853 residential placement if:

854 (a) The child has previously been adjudicated or had  
855 adjudication withheld for a felony offense;

856 (b) The child has previously been adjudicated or had  
857 adjudication withheld for three or more misdemeanor offenses  
858 within the previous 18 months;

859 (c) The child is before the court for disposition for a  
860 violation of s. 800.03, s. 806.031, or s. 828.12; or

861 (d) The court finds by a preponderance of the evidence that  
862 the protection of the public requires such placement or that the  
863 particular needs of the child would be best served by such  
864 placement. Such finding must be in writing.

865 Section 17. Subsection (5) is added to section 985.455,  
866 Florida Statutes, to read:

867 985.455 Other dispositional issues.—

868 (5) If the court orders revocation or suspension of a  
869 child's driver license as part of a disposition, the court may,  
870 upon finding a compelling circumstance to warrant an exception,  
871 direct the Department of Highway Safety and Motor Vehicles to  
872 issue a license for driving privileges restricted to business or  
873 employment purposes only, as defined in s. 322.271.

874 Section 18. Subsections (2), (3), and (5) of section  
875 985.46, Florida Statutes, are amended, and subsection (6) is  
876 added to that section, to read:

877 985.46 Conditional release.—

878 (2) It is the intent of the Legislature that:

879 (a) Commitment programs include rehabilitative efforts on  
880 preparing committed juveniles for a successful release to the  
881 community.



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882 (b) Conditional release transition planning begins as early  
883 in the commitment process as possible.

884 (c) Each juvenile committed to a residential commitment  
885 program receive conditional release services ~~be assessed to~~  
886 ~~determine the need for conditional release services~~ upon release  
887 from the commitment program unless the juvenile is directly  
888 released by the court.

889 (3) For juveniles referred or committed to the department,  
890 the function of the department may include, but shall not be  
891 limited to, supervising each juvenile on conditional release  
892 ~~when assessing each juvenile placed in a residential commitment~~  
893 ~~program to determine the need for conditional release services~~  
894 ~~upon release from the program, supervising the juvenile when~~  
895 released into the community from a residential commitment  
896 facility of the department, providing such counseling and other  
897 services as may be necessary for the families and assisting  
898 their preparations for the return of the child. Subject to  
899 specific appropriation, the department shall provide for  
900 outpatient sexual offender counseling for any juvenile sexual  
901 offender released from a residential commitment program as a  
902 component of conditional release.

903 (5) Conditional release supervision shall contain, at a  
904 minimum, the following conditions:

905 (a) ~~(5)~~ Participation in the educational program by students  
906 of compulsory school attendance age pursuant to s. 1003.21(1)  
907 and (2) (a) ~~is mandatory for juvenile justice youth on~~  
908 ~~conditional release or postcommitment probation status.~~ A  
909 student of noncompulsory school-attendance age who has not  
910 received a high school diploma or its equivalent must





911 participate in an educational program or career and technical  
912 education course of study. A youth who has received a high  
913 school diploma or its equivalent and is not employed must  
914 participate in workforce development or other career or  
915 technical education or attend a community college or a  
916 university while in the program, ~~subject to available funding~~.

917 (b) A curfew.

918 (c) A prohibition on contact with victims, co-defendants,  
919 or known gang members.

920 (d) A prohibition on use of controlled substances.

921 (e) A prohibition on possession of firearms.

922 (6) A youth who violates the terms of his or her  
923 conditional release shall be assessed using the graduated  
924 response matrix as described in s. 985.438. A youth who fails to  
925 move into compliance shall be recommitted to a residential  
926 facility.

927 Section 19. Paragraph (c) of subsection (1) of section  
928 985.48, Florida Statutes, is amended to read:

929 985.48 Juvenile sexual offender commitment programs; sexual  
930 abuse intervention networks.—

931 (1) In order to provide intensive treatment and  
932 psychological services to a juvenile sexual offender committed  
933 to the department, it is the intent of the Legislature to  
934 establish programs and strategies to effectively respond to  
935 juvenile sexual offenders. In designing programs for juvenile  
936 sexual offenders, it is the further intent of the Legislature to  
937 implement strategies that include:

938 (c) Providing intensive ~~postcommitment~~ supervision of  
939 juvenile sexual offenders who are released into the community



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940 with terms and conditions which may include electronic  
941 monitoring of a juvenile sexual offender for the purpose of  
942 enhancing public safety.

943 Section 20. Paragraph (a) of subsection (6) of section  
944 985.4815, Florida Statutes, is amended to read:

945 985.4815 Notification to Department of Law Enforcement of  
946 information on juvenile sexual offenders.-

947 (6) (a) The information provided to the Department of Law  
948 Enforcement must include the following:

949 1. The information obtained from the sexual offender under  
950 subsection (4).

951 2. The sexual offender's most current address and place of  
952 permanent, temporary, or transient residence within the state or  
953 out of state, and address, location or description, and dates of  
954 any current or known future temporary residence within the state  
955 or out of state, while the sexual offender is in the care or  
956 custody or under the jurisdiction or supervision of the  
957 department in this state, including the name of the county or  
958 municipality in which the offender permanently or temporarily  
959 resides, or has a transient residence, and address, location or  
960 description, and dates of any current or known future temporary  
961 residence within the state or out of state; and, if known, the  
962 intended place of permanent, temporary, or transient residence,  
963 and address, location or description, and dates of any current  
964 or known future temporary residence within the state or out of  
965 state upon satisfaction of all sanctions.

966 3. The legal status of the sexual offender and the  
967 scheduled termination date of that legal status.

968 4. The location of, and local telephone number for, any



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969 department office that is responsible for supervising the sexual  
970 offender.

971 5. An indication of whether the victim of the offense that  
972 resulted in the offender's status as a sexual offender was a  
973 minor.

974 6. The offense or offenses at adjudication and disposition  
975 that resulted in the determination of the offender's status as a  
976 sex offender.

977 7. A digitized photograph of the sexual offender, which  
978 must have been taken within 60 days before the offender was  
979 released from the custody of the department or a private  
980 correctional facility by expiration of sentence under s.  
981 944.275, or within 60 days after the onset of the department's  
982 supervision of any sexual offender who is on probation,  
983 ~~postcommitment probation~~, residential commitment, nonresidential  
984 commitment, licensed child-caring commitment, community control,  
985 conditional release, parole, provisional release, or control  
986 release or who is supervised by the department under the  
987 Interstate Compact Agreement for Probationers and Parolees. If  
988 the sexual offender is in the custody of a private correctional  
989 facility, the facility shall take a digitized photograph of the  
990 sexual offender within the time period provided in this  
991 subparagraph and shall provide the photograph to the department.

992 Section 21. Subsection (11) of section 985.601, Florida  
993 Statutes, is renumbered as subsection (12), and a new subsection  
994 (11) is added to that section, to read:

995 985.601 Administering the juvenile justice continuum.—

996 (11) The department shall establish a class focused on the  
997 risk and consequences of youthful firearm offending which shall



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998 be provided by the department to any youth who has been  
999 adjudicated or had adjudication withheld for any offense  
1000 involving the use or possession of a firearm.

1001 Section 22. Section 985.711, Florida Statutes, is amended  
1002 to read:

1003 985.711 Introduction, removal, or possession of certain  
1004 articles unlawful; penalty.-

1005 (1) (a) Except as authorized through program policy or  
1006 operating procedure or as authorized by the facility  
1007 superintendent, program director, or manager, a person may not  
1008 introduce into or upon the grounds of a juvenile detention  
1009 facility or commitment program, or take or send, or attempt to  
1010 take or send, from a juvenile detention facility or commitment  
1011 program, any of the following articles, which are declared to be  
1012 contraband under this section:

1013 1. Any unauthorized article of food or clothing given or  
1014 transmitted, or intended to be given or transmitted, to any  
1015 youth in a juvenile detention facility or commitment program.

1016 2. Any intoxicating beverage or any beverage that causes or  
1017 may cause an intoxicating effect.

1018 3. Any controlled substance as defined in s. 893.02(4),  
1019 marijuana as defined in s. 381.986, hemp as defined in s.  
1020 581.217, industrial hemp as defined in s. 1004.4473, or any  
1021 prescription or nonprescription drug that has a hypnotic,  
1022 stimulating, or depressing effect.

1023 4. Any firearm or weapon of any kind or any explosive  
1024 substance.

1025 5. Any cellular telephone or other portable communication  
1026 device as described in s. 944.47(1)(a)6., intentionally and



1027 unlawfully introduced inside the secure perimeter of any  
1028 juvenile detention facility or commitment program. As used in  
1029 this subparagraph, the term "portable communication device" does  
1030 not include any device that has communication capabilities which  
1031 has been approved or issued by the facility superintendent,  
1032 program director, or manager.

1033         6. Any vapor-generating electronic device as defined in s.  
1034 386.203, intentionally and unlawfully introduced inside the  
1035 secure perimeter of any juvenile detention facility or  
1036 commitment program.

1037         7. Any currency or coin given or transmitted, or intended  
1038 to be given or transmitted, to any youth in any juvenile  
1039 detention facility or commitment program.

1040         8. Any cigarettes, as defined in s. 210.01(1) or tobacco  
1041 products, as defined in s. 210.25, given, or intended to be  
1042 given, to any youth in a juvenile detention facility or  
1043 commitment program.

1044         (b) A person may not transmit contraband to, cause  
1045 contraband to be transmitted to or received by, attempt to  
1046 transmit contraband to, or attempt to cause contraband to be  
1047 transmitted to or received by, a juvenile offender into or upon  
1048 the grounds of a juvenile detention facility or commitment  
1049 program, except as authorized through program policy or  
1050 operating procedures or as authorized by the facility  
1051 superintendent, program director, or manager.

1052         (c) A juvenile offender or any person, while upon the  
1053 grounds of a juvenile detention facility or commitment program,  
1054 may not be in actual or constructive possession of any article  
1055 or thing declared to be contraband under this section, except as



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1056 authorized through program policy or operating procedures or as  
1057 authorized by the facility superintendent, program director, or  
1058 manager.

1059 (d) Department staff may use canine units on the grounds of  
1060 a juvenile detention facility or commitment program to locate  
1061 and seize contraband and ensure security within such facility or  
1062 program.

1063 ~~(2) (a) Any person who violates this section as it pertains~~  
1064 ~~to an article of contraband described in subparagraph (1) (a) 1.~~  
1065 ~~commits a felony of the third degree, punishable as provided in~~  
1066 ~~s. 775.082, s. 775.083, or s. 775.084.~~

1067 ~~(b) Any person who violates this section as it pertains to~~  
1068 ~~an article of contraband described in subparagraph (1) (a) 5. or~~  
1069 ~~subparagraph (1) (a) 6. commits a misdemeanor of the first degree,~~  
1070 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1071 ~~(c) In all other cases,~~ A person who violates this section  
1072 commits a felony of the second degree, punishable as provided in  
1073 s. 775.082, s. 775.083, or s. 775.084.

1074 Section 23. Paragraph (c) of subsection (2) of section  
1075 1002.221, Florida Statutes, is amended to read:

1076 1002.221 K-12 education records; public records exemption.-

1077 (2)

1078 (c) In accordance with the FERPA and the federal  
1079 regulations issued pursuant to the FERPA, an agency or  
1080 institution, as defined in s. 1002.22, may release a student's  
1081 education records without written consent of the student or  
1082 parent to parties to an interagency agreement among the  
1083 Department of Juvenile Justice, the school, law enforcement  
1084 authorities, and other signatory agencies. Information provided



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1085 pursuant to an interagency agreement may be used for proceedings  
1086 initiated under chapter 984 or chapter 985 in furtherance of an  
1087 interagency agreement is intended solely for use in determining  
1088 the appropriate programs and services for each juvenile or the  
1089 juvenile's family, or for coordinating the delivery of the  
1090 programs and services, and as such is inadmissible in any court  
1091 proceeding before a dispositional hearing unless written consent  
1092 is provided by a parent or other responsible adult on behalf of  
1093 the juvenile.

1094 Section 24. Paragraph (b) of subsection (3) of section  
1095 943.051, Florida Statutes, is amended to read:

1096 943.051 Criminal justice information; collection and  
1097 storage; fingerprinting.—

1098 (3)

1099 (b) A minor who is charged with or found to have committed  
1100 the following offenses shall be fingerprinted and the  
1101 fingerprints shall be submitted electronically to the  
1102 department, unless the minor is issued a prearrest delinquency  
1103 civil citation pursuant to s. 985.12:

1104 1. Assault, as defined in s. 784.011.

1105 2. Battery, as defined in s. 784.03.

1106 3. Carrying a concealed weapon, as defined in s. 790.01(2).

1107 4. Unlawful use of destructive devices or bombs, as defined  
1108 in s. 790.1615(1).

1109 5. Neglect of a child, as defined in s. 827.03(1)(e).

1110 6. Assault or battery on a law enforcement officer, a  
1111 firefighter, or other specified officers, as defined in s.  
1112 784.07(2)(a) and (b).

1113 7. Open carrying of a weapon, as defined in s. 790.053.



- 1114 8. Exposure of sexual organs, as defined in s. 800.03.  
1115 9. Unlawful possession of a firearm, as defined in s.  
1116 790.22(5).  
1117 10. Petit theft, as defined in s. 812.014(3).  
1118 11. Cruelty to animals, as defined in s. 828.12(1).  
1119 12. Arson, as defined in s. 806.031(1).  
1120 13. Unlawful possession or discharge of a weapon or firearm  
1121 at a school-sponsored event or on school property, as provided  
1122 in s. 790.115.
- 1123 Section 25. Paragraph (b) of subsection (1) of section  
1124 985.11, Florida Statutes, is amended to read:  
1125 985.11 Fingerprinting and photographing.—  
1126 (1)  
1127 (b) Unless the child is issued a prearrest delinquency  
1128 ~~civil citation or is participating in a similar diversion~~  
1129 ~~program~~ pursuant to s. 985.12, a child who is charged with or  
1130 found to have committed one of the following offenses shall be  
1131 fingerprinted, and the fingerprints shall be submitted to the  
1132 Department of Law Enforcement as provided in s. 943.051(3)(b):
- 1133 1. Assault, as defined in s. 784.011.
  - 1134 2. Battery, as defined in s. 784.03.
  - 1135 3. Carrying a concealed weapon, as defined in s. 790.01(2).
  - 1136 4. Unlawful use of destructive devices or bombs, as defined  
1137 in s. 790.1615(1).
  - 1138 5. Neglect of a child, as defined in s. 827.03(1)(e).
  - 1139 6. Assault on a law enforcement officer, a firefighter, or  
1140 other specified officers, as defined in s. 784.07(2)(a).
  - 1141 7. Open carrying of a weapon, as defined in s. 790.053.
  - 1142 8. Exposure of sexual organs, as defined in s. 800.03.





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1143           9. Unlawful possession of a firearm, as defined in s.  
1144 790.22(5).  
1145           10. Petit theft, as defined in s. 812.014.  
1146           11. Cruelty to animals, as defined in s. 828.12(1).  
1147           12. Arson, resulting in bodily harm to a firefighter, as  
1148 defined in s. 806.031(1).  
1149           13. Unlawful possession or discharge of a weapon or firearm  
1150 at a school-sponsored event or on school property as defined in  
1151 s. 790.115.  
1152  
1153 A law enforcement agency may fingerprint and photograph a child  
1154 taken into custody upon probable cause that such child has  
1155 committed any other violation of law, as the agency deems  
1156 appropriate. Such fingerprint records and photographs shall be  
1157 retained by the law enforcement agency in a separate file, and  
1158 these records and all copies thereof must be marked "Juvenile  
1159 Confidential." These records are not available for public  
1160 disclosure and inspection under s. 119.07(1) except as provided  
1161 in ss. 943.053 and 985.04(2), but shall be available to other  
1162 law enforcement agencies, criminal justice agencies, state  
1163 attorneys, the courts, the child, the parents or legal  
1164 custodians of the child, their attorneys, and any other person  
1165 authorized by the court to have access to such records. In  
1166 addition, such records may be submitted to the Department of Law  
1167 Enforcement for inclusion in the state criminal history records  
1168 and used by criminal justice agencies for criminal justice  
1169 purposes. These records may, in the discretion of the court, be  
1170 open to inspection by anyone upon a showing of cause. The  
1171 fingerprint and photograph records shall be produced in the



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1172 court whenever directed by the court. Any photograph taken  
1173 pursuant to this section may be shown by a law enforcement  
1174 officer to any victim or witness of a crime for the purpose of  
1175 identifying the person who committed such crime.

1176 Section 26. Paragraph (n) of subsection (2) of section  
1177 1006.07, Florida Statutes, is amended to read:

1178 1006.07 District school board duties relating to student  
1179 discipline and school safety.—The district school board shall  
1180 provide for the proper accounting for all students, for the  
1181 attendance and control of students at school, and for proper  
1182 attention to health, safety, and other matters relating to the  
1183 welfare of students, including:

1184 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
1185 conduct for elementary schools and a code of student conduct for  
1186 middle and high schools and distribute the appropriate code to  
1187 all teachers, school personnel, students, and parents, at the  
1188 beginning of every school year. Each code shall be organized and  
1189 written in language that is understandable to students and  
1190 parents and shall be discussed at the beginning of every school  
1191 year in student classes, school advisory council meetings, and  
1192 parent and teacher association or organization meetings. Each  
1193 code shall be based on the rules governing student conduct and  
1194 discipline adopted by the district school board and shall be  
1195 made available in the student handbook or similar publication.  
1196 Each code shall include, but is not limited to:

1197 (n) Criteria for recommending to law enforcement that a  
1198 student who commits a criminal offense be allowed to participate  
1199 in a prearrest delinquency citation ~~civil citation or similar~~  
1200 ~~prearrest diversion~~ program as an alternative to expulsion or



1201 arrest. All prearrest delinquency citation ~~civil citation or~~  
1202 ~~similar prearrest diversion~~ programs must comply with s. 985.12.

1203 Section 27. This act shall take effect July 1, 2024.

1204  
1205 ===== T I T L E A M E N D M E N T =====

1206 And the title is amended as follows:

1207 Delete everything before the enacting clause  
1208 and insert:

1209 A bill to be entitled  
1210 An act relating to juvenile justice; amending s.  
1211 790.115, F.S.; removing a provision requiring  
1212 specified treatment of minors charged with possessing  
1213 or discharging a firearm on school property; amending  
1214 s. 790.22, F.S.; revising penalties for minors  
1215 committing specified firearms violations; removing  
1216 provisions concerning minors charged with or convicted  
1217 of certain firearms offenses; amending 901.15; adding  
1218 possession of a firearm by a minor to the list of  
1219 crimes for which a warrant is not needed for arrest;  
1220 amending s. 985.101, F.S.; conforming provisions to  
1221 changes made by the act; amending s. 985.12, F.S.;  
1222 redesignating civil citation programs as prearrest  
1223 delinquency citation programs; revising program  
1224 requirements; providing that certain existing programs  
1225 meeting certain requirements shall be deemed  
1226 authorized; amending s. 985.125, F.S.; conforming  
1227 provisions to changes made by the act; amending s.  
1228 985.126, F.S.; requiring the Department of Juvenile  
1229 Justice to publish a quarterly report concerning



1230 entities using delinquency citations for less than a  
1231 specified amount of eligible offenses; amending s.  
1232 985.245, F.S.; conforming provisions to changes made  
1233 by the act; amending s. 985.25, F.S.; requiring that  
1234 youths who are arrested for certain electronic  
1235 monitoring violations be placed in secure detention  
1236 until a detention hearing; requiring that a child on  
1237 probation for an underlying felony firearm offense who  
1238 is taken into custody be placed in secure detention;  
1239 providing for renewal of secure detention periods in  
1240 certain circumstances; amending s. 985.255, F.S.;  
1241 providing that when there is probable cause that a  
1242 child committed one of a specified list of offenses  
1243 that he or she is presumed to be a risk to public  
1244 safety and danger to the community and must be held in  
1245 secure a detention before an adjudicatory hearing;  
1246 providing requirements for release of such a child  
1247 despite the presumption; revising language concerning  
1248 the use of risk assessments; amending s. 985.26, F.S.;  
1249 revising requirements for holding a child in secure  
1250 detention for more than 21 days; amending s. 985.433,  
1251 F.S.; requiring conditional release conditions for  
1252 children released after confinement for specified  
1253 firearms offenses; requiring specified sanctions for  
1254 certain children adjudicated for certain firearms  
1255 offenses who are not committed to a residential  
1256 program; providing that children who previously have  
1257 had adjudication withheld for certain offenses my not  
1258 have adjudication withheld for specified offenses;



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1259 amending s. 985.435, F.S.; conforming provisions to  
1260 changes made by the act; creating s. 985.438, F.S.;  
1261 requiring the Department of Juvenile Justice to create  
1262 and administer a graduated response matrix to hold  
1263 youths accountable to the terms of their court ordered  
1264 probation and the terms of their conditional release;  
1265 providing requirements for the matrix; amending s.  
1266 985.439, F.S.; requiring a state attorney to file a  
1267 probation violation within a specified period or  
1268 inform the court and the Department of Juvenile  
1269 Justice why such violation is not filed; removing  
1270 provisions concerning an alternative consequence  
1271 program; allowing placement of electronic monitoring  
1272 for probation violations in certain circumstances;  
1273 amending s. 985.441, F.S.; adding an exception to the  
1274 prohibition against committing certain children to a  
1275 residential program; amending s. 985.455, F.S.;  
1276 authorizing a court to make an exception to an order  
1277 of revocation or suspension of driving privileges in  
1278 certain circumstances; amending s. 985.46, F.S.;  
1279 revising legislative intent concerning conditional  
1280 release; revising the conditions of conditional  
1281 release; providing for assessment of conditional  
1282 release violations and possible recommitment of  
1283 violators; amending ss. 985.48 and 985.4815, F.S.;  
1284 conforming provisions to changes made by the act;  
1285 amending s. 985.601, F.S.; requiring the Department of  
1286 Juvenile Justice to establish a specified class for  
1287 firearms offenders; amending s. 985.711, F.S.;



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1288           revising provisions concerning introduction of  
1289           contraband into department facilities; authorizing  
1290           department staff to use canine units on the grounds of  
1291           juvenile detention facilities and commitment programs  
1292           for specified purposes; revising criminal penalties  
1293           for violations; amending s. 1002.221, F.S.; revising  
1294           provisions concerning educational records for certain  
1295           purposes; amending ss. 943.051, 985.11, and 1006.07,  
1296           F.S.; conforming provisions to changes made by the  
1297           act; providing an effective date.