

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Jacques offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

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

12 ~~(4) Notwithstanding s. 985.24, s. 985.245, or s.~~  
 13 ~~985.25(1), any minor under 18 years of age who is charged under~~  
 14 ~~this section with possessing or discharging a firearm on school~~  
 15 ~~property shall be detained in secure detention, unless the state~~  
 16 ~~attorney authorizes the release of the minor, and shall be given~~

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17 ~~a probable cause hearing within 24 hours after being taken into~~  
18 ~~eustody. At the hearing, the court may order that the minor~~  
19 ~~continue to be held in secure detention for a period of 21 days,~~  
20 ~~during which time the minor shall receive medical, psychiatric,~~  
21 ~~psychological, or substance abuse examinations pursuant to s.~~  
22 ~~985.18, and a written report shall be completed.~~

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

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

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

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

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

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

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

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

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

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

50 (5)~~(a)~~ A minor who violates subsection (3) commits a  
51 felony misdemeanor of the third first degree; for a first  
52 offense, shall may serve a period of detention of up to 5 days  
53 in a secure detention facility, with credit for time served in  
54 secure detention prior to disposition; and, in addition to any  
55 other penalty provided by law, shall be required to perform 100  
56 hours of community service or paid work as determined by the  
57 department. For a second violation of subsection (3), a minor  
58 shall serve 21 days in a secure detention facility, with credit  
59 for time served in secure detention prior to disposition; and  
60 shall be required to perform not less than 100 nor more than 250  
61 hours of community service or paid work as determined by the  
62 department. For a third or subsequent violation of subsection  
63 (3), a minor shall be adjudicated delinquent and committed to a  
64 residential program. In addition to the penalties for a first  
65 offense and a second or subsequent offense under subsection (3);  
66 and:

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67        (a)1. If the minor is eligible by reason of age for a  
68 driver license or driving privilege, the court may direct the  
69 Department of Highway Safety and Motor Vehicles to revoke or to  
70 withhold issuance of the minor's driver license or driving  
71 privilege for up to 1 year for a first offense and up to 2 years  
72 for a second or subsequent offense.

73        (b)2. If the minor's driver license or driving privilege  
74 is under suspension or revocation for any reason, the court may  
75 direct the Department of Highway Safety and Motor Vehicles to  
76 extend the period of suspension or revocation by an additional  
77 period of up to 1 year for a first offense and up to 2 years for  
78 a second or subsequent offense.

79        (c)3. If the minor is ineligible by reason of age for a  
80 driver license or driving privilege, the court may direct the  
81 Department of Highway Safety and Motor Vehicles to withhold  
82 issuance of the minor's driver license or driving privilege for  
83 up to 1 year after the date on which the minor would otherwise  
84 have become eligible for a first offense and up to 2 years for a  
85 second or subsequent offense.

86        ~~(b) For a second or subsequent offense, a minor who~~  
87 ~~violates subsection (3) commits a felony of the third degree and~~  
88 ~~shall serve a period of detention of up to 21 days in a secure~~  
89 ~~detention facility and shall be required to perform not less~~  
90 ~~than 100 nor more than 250 hours of community service, and:~~

91        ~~1. If the minor is eligible by reason of age for a driver~~

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92 ~~license or driving privilege, the court may direct the~~  
93 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
94 ~~withhold issuance of the minor's driver license or driving~~  
95 ~~privilege for up to 2 years.~~

96 ~~2. If the minor's driver license or driving privilege is~~  
97 ~~under suspension or revocation for any reason, the court may~~  
98 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
99 ~~extend the period of suspension or revocation by an additional~~  
100 ~~period of up to 2 years.~~

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

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

112 ~~(8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor~~  
113 ~~is charged with an offense that involves the use or possession~~  
114 ~~of a firearm, including a violation of subsection (3), or is~~  
115 ~~charged for any offense during the commission of which the minor~~  
116 ~~possessed a firearm, the minor shall be detained in secure~~

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117 ~~detention, unless the state attorney authorizes the release of~~  
118 ~~the minor, and shall be given a hearing within 24 hours after~~  
119 ~~being taken into custody. At the hearing, the court may order~~  
120 ~~that the minor continue to be held in secure detention in~~  
121 ~~accordance with the applicable time periods specified in s.~~  
122 ~~985.26(1)-(5), if the court finds that the minor meets the~~  
123 ~~criteria specified in s. 985.255, or if the court finds by clear~~  
124 ~~and convincing evidence that the minor is a clear and present~~  
125 ~~danger to himself or herself or the community. The Department of~~  
126 ~~Juvenile Justice shall prepare a form for all minors charged~~  
127 ~~under this subsection which states the period of detention and~~  
128 ~~the relevant demographic information, including, but not limited~~  
129 ~~to, the gender, age, and race of the minor; whether or not the~~  
130 ~~minor was represented by private counsel or a public defender;~~  
131 ~~the current offense; and the minor's complete prior record,~~  
132 ~~including any pending cases. The form shall be provided to the~~  
133 ~~judge for determining whether the minor should be continued in~~  
134 ~~secure detention under this subsection. An order placing a minor~~  
135 ~~in secure detention because the minor is a clear and present~~  
136 ~~danger to himself or herself or the community must be in~~  
137 ~~writing, must specify the need for detention and the benefits~~  
138 ~~derived by the minor or the community by placing the minor in~~  
139 ~~secure detention, and must include a copy of the form provided~~  
140 ~~by the department.~~

141 ~~(9) Notwithstanding s. 985.245, if the minor is found to~~

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

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

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

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

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

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

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

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167 ~~on a regular basis with trauma patients and gunshot wounds.~~

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

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

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

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

183 ~~3. If the minor is ineligible by reason of age for a~~  
184 ~~driver license or driving privilege, the court may direct the~~  
185 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
186 ~~issuance of the minor's driver license or driving privilege for~~  
187 ~~up to 1 year after the date on which the minor would otherwise~~  
188 ~~have become eligible.~~

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

190 ~~1. If the minor is eligible by reason of age for a driver~~  
191 ~~license or driving privilege, the court may direct the~~



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192 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
193 ~~withhold issuance of the minor's driver license or driving~~  
194 ~~privilege for up to 2 years.~~

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

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

206 Section 3. Paragraph (d) of subsection (1) of section  
207 985.101, Florida Statutes, is amended to read:

208 985.101 Taking a child into custody.—

209 (1) A child may be taken into custody under the following  
210 circumstances:

211 (d) By a law enforcement officer who has probable cause to  
212 believe that the child is in violation of the conditions of the  
213 child's probation, supervised release detention, ~~postcommitment~~  
214 ~~probation~~, or conditional release supervision; has absconded  
215 from nonresidential commitment; or has escaped from residential  
216 commitment.

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217  
218 Nothing in this subsection shall be construed to allow the  
219 detention of a child who does not meet the detention criteria in  
220 part V.

221 Section 4. Section 985.12, Florida Statutes, is amended to  
222 read:

223 985.12 Prearrest delinquency ~~Civil citation or similar~~  
224 ~~prearrest diversion~~ programs.—

225 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
226 that the creation and implementation of any prearrest  
227 delinquency ~~civil citation or similar prearrest diversion~~  
228 programs at the judicial circuit level promotes public safety,  
229 aids interagency cooperation, and provides the greatest chance  
230 of success for prearrest delinquency ~~civil citation and similar~~  
231 ~~prearrest diversion~~ programs. The Legislature further finds that  
232 the widespread use of prearrest delinquency ~~civil citation and~~  
233 ~~similar prearrest diversion~~ programs has a positive effect on  
234 the criminal justice system by immediately holding youth  
235 accountable for their actions and contributes to an overall  
236 reduction in the crime rate and recidivism in the state. The  
237 Legislature encourages but does not mandate that counties,  
238 municipalities, and public or private educational institutions  
239 participate in a prearrest delinquency ~~civil citation or similar~~  
240 ~~prearrest diversion~~ program created by their judicial circuit  
241 under this section.

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242 (2) JUDICIAL CIRCUIT DELINQUENCY CIVIL CITATION OR SIMILAR  
243 ~~PREARREST DIVERSION~~ PROGRAM DEVELOPMENT, IMPLEMENTATION, AND  
244 OPERATION.—

245 (a) A prearrest delinquency civil citation or similar  
246 ~~prearrest diversion~~ program for misdemeanor offenses shall be  
247 established in each judicial circuit in the state. The state  
248 attorney and public defender of each circuit, the clerk of the  
249 court for each county in the circuit, and representatives of  
250 participating law enforcement agencies in the circuit shall  
251 create a prearrest delinquency civil citation or similar  
252 ~~prearrest diversion~~ program and develop its policies and  
253 procedures. In developing the program's policies and procedures,  
254 input from other interested stakeholders may be solicited. The  
255 department shall annually develop and provide guidelines on best  
256 practice models for prearrest delinquency civil citation or  
257 ~~similar prearrest diversion~~ programs to the judicial circuits as  
258 a resource.

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

262 1. The misdemeanor offenses that qualify a juvenile for  
263 participation in the program. Offenses involving the use or  
264 possession of a firearm do not qualify for a prearrest  
265 delinquency citation program.†

266 2. The eligibility criteria for the program.†

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- 267 3. The program's implementation and operation.~~;~~
- 268 4. The program's requirements, including, but not limited
- 269 to, the completion of community service hours, payment of
- 270 restitution, if applicable, classes established by the
- 271 department or the prearrest delinquency citation program, and
- 272 intervention services indicated by a needs assessment of the
- 273 juvenile, approved by the department, such as family counseling,
- 274 urinalysis monitoring, and substance abuse and mental health
- 275 treatment services.~~;~~~~and~~
- 276 5. A program fee, if any, to be paid by a juvenile
- 277 participating in the program. If the program imposes a fee, the
- 278 clerk of the court of the applicable county must receive a
- 279 reasonable portion of the fee.
- 280 (c) The state attorney of each circuit shall operate a
- 281 prearrest delinquency civil citation ~~or similar prearrest~~
- 282 ~~diversion~~ program in each circuit. A sheriff, police department,
- 283 county, municipality, locally authorized entity, or public or
- 284 private educational institution may ~~continue to~~ operate an
- 285 independent prearrest delinquency civil citation ~~or similar~~
- 286 ~~prearrest diversion~~ program ~~that is in operation as of October~~
- 287 ~~1, 2018,~~ if the independent program is reviewed by the state
- 288 attorney of the applicable circuit and he or she determines that
- 289 the independent program is substantially similar to the
- 290 prearrest delinquency civil citation ~~or similar prearrest~~
- 291 ~~diversion~~ program developed by the circuit. If the state

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292 attorney determines that the independent program is not  
293 substantially similar to the prearrest delinquency civil  
294 ~~citation or similar prearrest diversion~~ program developed by the  
295 circuit, the operator of the independent ~~diversion~~ program may  
296 revise the program and the state attorney may conduct an  
297 additional review of the independent program. A civil citation  
298 or similar prearrest diversion program existing before July 1,  
299 2024, shall be deemed a delinquency citation program authorized  
300 by this section if the civil citation or similar prearrest  
301 diversion program has been approved by the state attorney of the  
302 circuit in which it operates and it complies with the  
303 requirements in paragraph (2)(b).

304 ~~(d) A judicial circuit may model an existing sheriff's,~~  
305 ~~police department's, county's, municipality's, locally~~  
306 ~~authorized entity's, or public or private educational~~  
307 ~~institution's independent civil citation or similar prearrest~~  
308 ~~diversion program in developing the civil citation or similar~~  
309 ~~prearrest diversion program for the circuit.~~

310 (d)(e) If a juvenile does not successfully complete the  
311 prearrest delinquency civil citation ~~or similar prearrest~~  
312 ~~diversion~~ program, the arresting law enforcement officer shall  
313 determine if there is good cause to arrest the juvenile for the  
314 original misdemeanor offense and refer the case to the state  
315 attorney to determine if prosecution is appropriate or allow the  
316 juvenile to continue in the program.

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317        ~~(e)-(f)~~ Each prearrest delinquency ~~civil~~ citation ~~or~~  
318 ~~similar prearrest diversion~~ program shall enter the appropriate  
319 youth data into the Juvenile Justice Information System  
320 Prevention Web within 7 days after the admission of the youth  
321 into the program.

322        ~~(f)-(g)~~ At the conclusion of a juvenile's prearrest  
323 delinquency ~~civil~~ citation ~~or similar prearrest diversion~~  
324 program, the state attorney or operator of the independent  
325 program shall report the outcome to the department. The issuance  
326 of a prearrest delinquency ~~civil~~ citation ~~or similar prearrest~~  
327 ~~diversion~~ program notice is not considered a referral to the  
328 department.

329        ~~(g)-(h)~~ Upon issuing a prearrest delinquency ~~civil~~ citation  
330 ~~or similar prearrest diversion~~ program notice, the law  
331 enforcement officer shall send a copy of the prearrest  
332 delinquency ~~civil~~ citation ~~or similar prearrest diversion~~  
333 program notice to the parent or guardian of the child and to the  
334 victim.

335        Section 5. Section 985.125, Florida Statutes, is amended  
336 to read:

337        985.125 ~~Prearrest or~~ Postarrest diversion programs.—

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

341        (2) As part of the ~~prearrest or~~ postarrest diversion

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342 program, a child who is alleged to have committed a delinquent  
343 act may be required to surrender his or her driver license, or  
344 refrain from applying for a driver license, for not more than 90  
345 days. If the child fails to comply with the requirements of the  
346 program, the state attorney may notify the Department of Highway  
347 Safety and Motor Vehicles in writing to suspend the child's  
348 driver license for a period that may not exceed 90 days.

349 Section 6. Subsections (5) and (6) of section 985.126,  
350 Florida Statutes, are renumbered as subsections (6) and (7),  
351 respectively, subsections (3) and (4) of that section are  
352 amended, and a new subsection (5) is added to that section, to  
353 read:

354 985.126 Prearrest and postarrest diversion programs; data  
355 collection; denial of participation or expunged record.—

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

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

360 2. The offense committed, including the specific law  
361 establishing the offense.

362 3. The judicial circuit and county in which the offense  
363 was committed and the law enforcement agency that had contact  
364 with the minor for the offense.

365 4. Other demographic information necessary to properly  
366 register a case into the Juvenile Justice Information System

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367 Prevention Web, as specified by the department.

368 (b) ~~Beginning October 1, 2018,~~ Each law enforcement agency  
369 shall submit to the department data for every minor charged for  
370 the first-time, who is charged with a misdemeanor, and who was  
371 ~~that identifies for each minor who was eligible for a diversion~~  
372 ~~program, but was instead~~ referred to the department, provided a  
373 notice to appear, or arrested:

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

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

377 a. Not offered such opportunity, the reason such offer was  
378 not made.

379 b. Offered such opportunity, whether the minor or his or  
380 her parent or legal guardian declined to participate in the  
381 diversion program.

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

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

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

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392       (5) The department shall provide a quarterly report to be  
393 published on its website and distributed to the Governor,  
394 President of the Senate, and Speaker of the House of  
395 Representatives listing the entities that use prearrest  
396 delinquency citations for less than 70 percent of first-time  
397 misdemeanor offenses.

398       Section 7. Subsection (4) of section 985.245, Florida  
399 Statutes, is amended to read:

400       985.245 Risk assessment instrument.—

401       (4) For a child who is under the supervision of the  
402 department through probation, supervised release detention,  
403 conditional release, ~~postcommitment probation,~~ or commitment and  
404 who is charged with committing a new offense, the risk  
405 assessment instrument may be completed and scored based on the  
406 underlying charge for which the child was placed under the  
407 supervision of the department.

408       Section 8. Subsection (1) of section 985.25, Florida  
409 Statutes, is amended to read:

410       985.25 Detention intake.—

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

416       (a) During the period of time from the taking of the child

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417 into custody to the date of the detention hearing, the initial  
418 decision as to the child's placement into detention care shall  
419 be made by the department under ss. 985.24 and 985.245(1).

420 (b) The department shall base the decision whether to  
421 place the child into detention care on an assessment of risk in  
422 accordance with the risk assessment instrument and procedures  
423 developed by the department under s. 985.245, except that a  
424 child shall be placed in secure detention care until the child's  
425 detention hearing if the child meets the criteria specified in  
426 s. 985.255(1)(f), ~~is charged with possessing or discharging a~~  
427 ~~firearm on school property in violation of s. 790.115,~~ or is  
428 charged with any other offense involving the possession or use  
429 of a firearm.

430 (c) If the final score on the child's risk assessment  
431 instrument indicates detention care is appropriate, but the  
432 department otherwise determines the child should be released,  
433 the department shall contact the state attorney, who may  
434 authorize release.

435 (d) If the final score on the risk assessment instrument  
436 indicates detention is not appropriate, the child may be  
437 released by the department in accordance with ss. 985.115 and  
438 985.13.

439 (e) Notwithstanding any other provision of law, a child  
440 who is arrested for violating the terms of his or her electronic  
441 monitoring supervision or his or her supervised release shall be

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442 placed in secure detention until his or her detention hearing.

443 (f) Notwithstanding any other provision of law, a child on  
444 probation for an underlying felony firearm offense in chapter  
445 790 and who is taken into custody under s. 985.101 for violating  
446 conditions of probation not involving a new law violation shall  
447 be held in secure detention to allow the state attorney to  
448 review the violation. If, within 21 days, the state attorney  
449 notifies the court that commitment will be sought, then the  
450 child shall remain in secure detention pending proceedings under  
451 s. 985.439 until the initial 21-day period of secure detention  
452 has expired. Upon motion of the state attorney, the child may be  
453 held for an additional 21-day period if the court finds that the  
454 totality of the circumstances, including the preservation of  
455 public safety, warrants such extension. Any release from secure  
456 detention shall result in the child being held on supervised  
457 release with electronic monitoring pending proceedings under s.  
458 985.439.

459  
460 Under no circumstances shall the department or the state  
461 attorney or law enforcement officer authorize the detention of  
462 any child in a jail or other facility intended or used for the  
463 detention of adults, without an order of the court.

464 Section 9. Paragraph (a) of subsection (1) and subsection  
465 (3) of section 985.255, Florida Statutes, are amended, and  
466 paragraphs (g) and (h) are added to subsection (1) of that

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467 section, to read:

468 985.255 Detention criteria; detention hearing.—

469 (1) Subject to s. 985.25(1), a child taken into custody  
470 and placed into detention care shall be given a hearing within  
471 24 hours after being taken into custody. At the hearing, the  
472 court may order a continued detention status if:

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

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

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

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

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

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

485 5. Having a firearm while committing a felony under s.  
486 790.07(2).

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

489 7. Delinquent in possession of a firearm under s.  
490 790.23(1) (b).

491 8. An attempt to commit any offense listed in this

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492 paragraph under s. 777.04.

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

494 1. There is a presumption that the child presents a risk  
495 to public safety and danger to the community and such child must  
496 be held in secure detention prior to an adjudicatory hearing,  
497 unless the court enters a written order that the child would not  
498 present a risk to public safety or a danger to the community if  
499 he or she were placed on supervised release detention care.

500 2. The written order releasing a child from secure  
501 detention must be based on clear and convincing evidence why the  
502 child does not present a risk to public safety or a danger to  
503 the community and must list the child's prior adjudications,  
504 dispositions, and prior violations of pretrial release orders. A  
505 court releasing a child from secure detention under this  
506 subparagraph shall place the child on supervised release  
507 detention care with electronic monitoring until the child's  
508 adjudicatory hearing.

509 3. If an adjudicatory hearing has not taken place after 60  
510 days of secure detention for a child held in secure detention  
511 under this paragraph, the court must prioritize the efficient  
512 disposition of cases and hold a review hearing within each  
513 successive 7-day review period until the adjudicatory hearing or  
514 until the child is placed on supervised release with electronic  
515 monitoring under subparagraph 2.

516 4. If the court, under this section, releases a child to

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517 supervised release detention care, the court must provide a copy  
518 of the written order to the victim, to the law enforcement  
519 agency that arrested the child, and to the law enforcement  
520 agency with primary jurisdiction over the child's primary  
521 residence.

522 (3) (a) The purpose of the detention hearing required under  
523 subsection (1) is to determine the existence of probable cause  
524 that the child has committed the delinquent act or violation of  
525 law that he or she is charged with and the need for continued  
526 detention. The court shall consider ~~use~~ the results of the risk  
527 assessment performed by the department and, based on the  
528 criteria in subsection (1), shall determine the need for  
529 continued detention. If the child is a prolific juvenile  
530 offender who is detained under s. 985.26(2) (c), the court shall  
531 consider ~~use~~ the results of the risk assessment performed by the  
532 department and the criteria in subsection (1) or subsection (2)  
533 only to determine whether the prolific juvenile offender should  
534 be held in secure detention.

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

539 (c) Except as provided in ~~s. 790.22(8) or~~ s. 985.27, when  
540 a child is placed into detention care, or into a respite home or  
541 other placement pursuant to a court order following a hearing,

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542 the court order must include specific instructions that direct  
543 the release of the child from such placement no later than 5  
544 p.m. on the last day of the detention period specified in s.  
545 985.26 or s. 985.27, whichever is applicable, unless the  
546 requirements of such applicable provision have been met or an  
547 order of continuance has been granted under s. 985.26(4). If the  
548 court order does not include a release date, the release date  
549 shall be requested from the court on the same date that the  
550 child is placed in detention care. If a subsequent hearing is  
551 needed to provide additional information to the court for safety  
552 planning, the initial order placing the child in detention care  
553 shall reflect the next detention review hearing, which shall be  
554 held within 3 calendar days after the child's initial detention  
555 placement.

556 Section 10. Paragraph (b) of subsection (2) of section  
557 985.26, Florida Statutes, is amended to read:

558 985.26 Length of detention.—

559 (2)

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

562 1. Upon good cause being shown that the nature of the  
563 charge requires additional time for the prosecution or defense  
564 of the case or that the totality of the circumstances, including  
565 the preservation of public safety, warrants an extension, the  
566 court may extend the length of secure detention care for up to

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567 an additional 21 days if the child is charged with an offense  
568 which, if committed by an adult, would be a capital felony, a  
569 life felony, a felony of the first degree or the second degree,  
570 a felony of the third degree involving violence against any  
571 individual, or any other offense involving the possession or use  
572 of a firearm. Except as otherwise provided in subparagraph 2.,  
573 the court may continue to extend the period of secure detention  
574 care in increments of up to 21 days each by conducting a hearing  
575 before the expiration of the current period to determine the  
576 need for continued secure detention of the child. At the  
577 hearing, the court must make the required findings in writing to  
578 extend the period of secure detention. If the court extends the  
579 time period for secure detention care, it shall ensure an  
580 adjudicatory hearing for the case commences as soon as is  
581 reasonably possible considering the totality of the  
582 circumstances. The court shall prioritize the efficient  
583 disposition of cases in which the child has served 60 or more  
584 days in secure detention care.

585 2. When the child is being held in secure detention under  
586 s. 985.255(1)(g), and subject to the provisions of s.  
587 985.255(1)(h).

588 Section 11. Paragraph (d) is added to subsection (7) of  
589 section 985.433, Florida Statutes, and subsections (8) and (9)  
590 of that section are amended, to read:

591 985.433 Disposition hearings in delinquency cases.—When a



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592 child has been found to have committed a delinquent act, the  
593 following procedures shall be applicable to the disposition of  
594 the case:

595 (7) If the court determines that the child should be  
596 adjudicated as having committed a delinquent act and should be  
597 committed to the department, such determination shall be in  
598 writing or on the record of the hearing. The determination shall  
599 include a specific finding of the reasons for the decision to  
600 adjudicate and to commit the child to the department, including  
601 any determination that the child was a member of a criminal  
602 gang.

603 (d) Any child adjudicated by the court and committed to  
604 the department under a restrictiveness level described in s.  
605 985.03(44) (a)-(d), for any offense or attempted offense  
606 involving a firearm must be placed on conditional release, as  
607 defined in s. 985.03, for a period of 1 year following his or  
608 her release from a commitment program. Such term of conditional  
609 release shall include electronic monitoring of the child by the  
610 department for the initial 6 months following his or her release  
611 and at times and under terms and conditions set by the  
612 department.

613 (8) If the court determines not to adjudicate and commit  
614 to the department, then the court shall determine what  
615 community-based sanctions it will impose in a probation program  
616 for the child. Community-based sanctions may include, but are

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617 not limited to, participation in substance abuse treatment, a  
618 day-treatment probation program, restitution in money or in  
619 kind, a curfew, revocation or suspension of the driver license  
620 of the child, community service, and appropriate educational  
621 programs as determined by the district school board.

622 (a)1. Where a child is found to have committed an offense  
623 that involves the use or possession of a firearm, as defined in  
624 s. 790.001, other than a violation of s. 790.22(3), or is found  
625 to have committed an offense during the commission of which the  
626 child possessed a firearm, and the court has decided not to  
627 commit the child to a residential program, the court shall order  
628 the child, in addition to any other punishment provided by law,  
629 to:

630 a. Serve a period of detention of 30 days in a secure  
631 detention facility, with credit for time served in secure  
632 detention prior to disposition.

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

635 c. Be placed on probation for a period of at least 1 year.  
636 Such term of probation shall include electronic monitoring of  
637 the child by the department at times and under terms and  
638 conditions set by the department.

639 2. In addition to the penalties in subparagraph 1., the  
640 court may impose the following restrictions upon the child's  
641 driving privileges:

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642 a. If the child is eligible by reason of age for a driver  
643 license or driving privilege, the court may direct the  
644 Department of Highway Safety and Motor Vehicles to revoke or to  
645 withhold issuance of the child's driver license or driving  
646 privilege for up to 1 year.

647 b. If the child's driver license or driving privilege is  
648 under suspension or revocation for any reason, the court may  
649 direct the Department of Highway Safety and Motor Vehicles to  
650 extend the period of suspension or revocation by an additional  
651 period for up to 1 year.

652 c. If the child is ineligible by reason of age for a  
653 driver license or driving privilege, the court may direct the  
654 Department of Highway Safety and Motor Vehicles to withhold  
655 issuance of the minor's driver license or driving privilege for  
656 up to 1 year after the date on which the child would otherwise  
657 have become eligible.

658  
659 For the purposes of this paragraph, community service shall be  
660 performed, if possible, in a manner involving a hospital  
661 emergency room or other medical environment that deals on a  
662 regular basis with trauma patients and gunshot wounds.

663 (b) A child who has previously had adjudication withheld  
664 for any of the following offenses shall not be eligible for a  
665 second or subsequent withhold of adjudication if he or she is  
666 subsequently found to have committed any of the following

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667 offenses, and must be adjudicated delinquent and committed to a  
668 residential program:

669 1. Armed robbery involving a firearm under s.  
670 812.13(2) (a) .

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

673 3. Having a firearm while committing a felony under s.  
674 790.07(2) .

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

677 5. Delinquent in possession of a firearm under s.  
678 790.23(1) (b) .

679 6. An attempt to commit any offense listed in this  
680 paragraph under s. 777.04.

681 (9) After appropriate sanctions for the offense are  
682 determined, including any minimum sanctions required by this  
683 section, the court shall develop, approve, and order a plan of  
684 probation that will contain rules, requirements, conditions, and  
685 rehabilitative programs, including the option of a day-treatment  
686 probation program, that are designed to encourage responsible  
687 and acceptable behavior and to promote both the rehabilitation  
688 of the child and the protection of the community.

689 Section 12. Subsections (1), (3), and (4) of section  
690 985.435, Florida Statutes, are amended to read:

691 985.435 Probation ~~and postcommitment probation;~~ community

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692 service.-

693 (1) The court that has jurisdiction over an adjudicated  
694 delinquent child may, by an order stating the facts upon which a  
695 determination of a sanction and rehabilitative program was made  
696 at the disposition hearing, place the child in a probation  
697 program ~~or a postcommitment probation program~~. Such placement  
698 must be under the supervision of an authorized agent of the  
699 department or of any other person or agency specifically  
700 authorized and appointed by the court, whether in the child's  
701 own home, in the home of a relative of the child, or in some  
702 other suitable place under such reasonable conditions as the  
703 court may direct.

704 (3) A probation program must also include a rehabilitative  
705 program component such as a requirement of participation in  
706 substance abuse treatment or in a school or career and technical  
707 education program. The nonconsent of the child to treatment in a  
708 substance abuse treatment program in no way precludes the court  
709 from ordering such treatment. Upon the recommendation of the  
710 department at the time of disposition, or subsequent to  
711 disposition pursuant to the filing of a petition alleging a  
712 violation of the child's conditions of ~~postcommitment~~ probation,  
713 the court may order the child to submit to random testing for  
714 the purpose of detecting and monitoring the use of alcohol or  
715 controlled substances.

716 (4) A probation program must ~~may also~~ include an

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717 alternative consequence component to address instances in which  
718 a child is noncompliant with technical conditions of his or her  
719 probation but has not committed any new violations of law. The  
720 alternative consequence component must be aligned with the  
721 department's graduated response matrix as described in s.  
722 985.438 ~~Each judicial circuit shall develop, in consultation~~  
723 ~~with judges, the state attorney, the public defender, the~~  
724 ~~regional counsel, relevant law enforcement agencies, and the~~  
725 ~~department, a written plan specifying the alternative~~  
726 ~~consequence component which must be based upon the principle~~  
727 ~~that sanctions must reflect the seriousness of the violation,~~  
728 ~~the assessed criminogenic needs and risks of the child, the~~  
729 ~~child's age and maturity level, and how effective the sanction~~  
730 ~~or incentive will be in moving the child to compliant behavior.~~  
731 ~~The alternative consequence component is designed to provide~~  
732 ~~swift and appropriate consequences or incentives to a child who~~  
733 ~~is alleged to be noncompliant with or in violation of probation.~~  
734 ~~If the probation program includes this component, specific~~  
735 ~~consequences that apply to noncompliance with specific technical~~  
736 ~~conditions of probation, as well as incentives used to move the~~  
737 ~~child toward compliant behavior, must be detailed in the~~  
738 ~~disposition order.~~

739 Section 13. Section 985.438, Florida Statutes, is created  
740 to read:

741 985.438 Graduated response matrix.-

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742           (1) The department shall create and administer a statewide  
743 plan to hold youths accountable to the terms of their court  
744 ordered probation and the terms of their conditional release.  
745 The plan must be based upon the principle that sanctions must  
746 reflect the seriousness of the violation, provide immediate  
747 accountability for violations, the assessed criminogenic needs  
748 and risks of the child, and the child's age and maturity level.  
749 The plan is designed to provide swift and appropriate  
750 consequences or incentives to a child who is alleged to be  
751 noncompliant with or in violation of his or her probation.

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

- 755           (a) Increased contacts.
- 756           (b) Increased drug tests.
- 757           (c) Curfew reductions.
- 758           (d) Increased community service.
- 759           (e) Additional evaluations.
- 760           (f) Addition of electronic monitoring.

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

763           Section 14. Section 985.439, Florida Statutes, is amended  
764 to read:

765           985.439 Violation of probation ~~or postcommitment~~  
766 ~~probation.~~-

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

770 (b) If the conditions of the probation program ~~or the~~  
771 ~~postcommitment probation program~~ are violated, the department or  
772 the state attorney may bring the child before the court on a  
773 petition alleging a violation of the program. A child who  
774 violates the conditions of probation ~~or postcommitment probation~~  
775 must be brought before the court if sanctions are sought.

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

780 (2) A child taken into custody under s. 985.101 for  
781 violating the conditions of probation shall be screened and  
782 detained or released based on his or her risk assessment  
783 instrument score.

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

787 (4) Upon the child's admission, or if the court finds  
788 after a hearing that the child has violated the conditions of  
789 probation ~~or postcommitment probation~~, the court shall enter an  
790 order revoking, modifying, or continuing probation ~~or~~  
791 ~~postcommitment probation~~. In each such case, the court shall



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792 enter a new disposition order and, in addition to the sanctions  
793 set forth in this section, may impose any sanction the court  
794 could have imposed at the original disposition hearing. If the  
795 child is found to have violated the conditions of probation ~~or~~  
796 ~~postcommitment probation~~, the court may:

797 (a) Place the child in supervised release detention with  
798 electronic monitoring.

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

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

807 ~~2. Alternative consequence programs may be operated by an~~  
808 ~~entity such as a law enforcement agency, the department, a~~  
809 ~~juvenile assessment center, a county or municipality, or another~~  
810 ~~entity selected by the department.~~

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

814 (c) Modify or continue the child's probation program ~~or~~  
815 ~~postcommitment probation program.~~

816 (d) Revoke probation ~~or postcommitment probation~~ and

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817 | commit the child to the department.

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

821 |       (5) Upon the recommendation of the department at the time  
822 | of disposition, or subsequent to disposition pursuant to the  
823 | filing of a petition alleging a violation of the child's  
824 | conditions of ~~post-commitment~~ probation, the court may order the  
825 | child to submit to random testing for the purpose of detecting  
826 | and monitoring the use of alcohol or controlled substances.

827 |       Section 15. Subsection (5) is added to section 985.455,  
828 | Florida Statutes, to read:

829 |       985.455 Other dispositional issues.—

830 |       (5) If the court orders revocation or suspension of a  
831 | child's driver license as part of a disposition, the court may,  
832 | upon finding a compelling circumstance to warrant an exception,  
833 | direct the Department of Highway Safety and Motor Vehicles to  
834 | issue a license for driving privileges restricted to business or  
835 | employment purposes only, as defined in s. 322.271.

836 |       Section 16. Subsections (2), (3), and (5) of section  
837 | 985.46, Florida Statutes, are amended, and subsection (6) is  
838 | added to that section, to read:

839 |       985.46 Conditional release.—

840 |       (2) It is the intent of the Legislature that:

841 |       (a) Commitment programs include rehabilitative efforts on

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842 preparing committed juveniles for a successful release to the  
843 community.

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

846 (c) Each juvenile committed to a residential commitment  
847 program receive conditional release services ~~be assessed to~~  
848 ~~determine the need for conditional release services~~ upon release  
849 from the commitment program unless the juvenile is directly  
850 released by the court.

851 (3) For juveniles referred or committed to the department,  
852 the function of the department may include, but shall not be  
853 limited to, supervising each juvenile on conditional release  
854 ~~when assessing each juvenile placed in a residential commitment~~  
855 ~~program to determine the need for conditional release services~~  
856 ~~upon release from the program, supervising the juvenile when~~  
857 released into the community from a residential commitment  
858 facility of the department, providing such counseling and other  
859 services as may be necessary for the families and assisting  
860 their preparations for the return of the child. Subject to  
861 specific appropriation, the department shall provide for  
862 outpatient sexual offender counseling for any juvenile sexual  
863 offender released from a residential commitment program as a  
864 component of conditional release.

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

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867        (a)-(5) Participation in the educational program by  
868 students of compulsory school attendance age pursuant to s.  
869 1003.21(1) and (2) (a) ~~is mandatory for juvenile justice youth on~~  
870 ~~conditional release or postcommitment probation status.~~ A  
871 student of noncompulsory school-attendance age who has not  
872 received a high school diploma or its equivalent must  
873 participate in an educational program or career and technical  
874 education course of study. A youth who has received a high  
875 school diploma or its equivalent and is not employed must  
876 participate in workforce development or other career or  
877 technical education or attend a community college or a  
878 university while in the program, ~~subject to available funding.~~

879        (b) A curfew.

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

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

883        (e) A prohibition on possession of firearms.

884        (6) A youth who violates the terms of his or her  
885 conditional release shall be assessed using the graduated  
886 response matrix as described in s. 985.438. A youth who fails to  
887 move into compliance shall be recommitted to a residential  
888 facility.

889        Section 17. Paragraph (c) of subsection (1) of section  
890 985.48, Florida Statutes, is amended to read:

891        985.48 Juvenile sexual offender commitment programs;

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892 sexual abuse intervention networks.—

893 (1) In order to provide intensive treatment and  
894 psychological services to a juvenile sexual offender committed  
895 to the department, it is the intent of the Legislature to  
896 establish programs and strategies to effectively respond to  
897 juvenile sexual offenders. In designing programs for juvenile  
898 sexual offenders, it is the further intent of the Legislature to  
899 implement strategies that include:

900 (c) Providing intensive ~~postcommitment~~ supervision of  
901 juvenile sexual offenders who are released into the community  
902 with terms and conditions which may include electronic  
903 monitoring of a juvenile sexual offender for the purpose of  
904 enhancing public safety.

905 Section 18. Paragraph (a) of subsection (6) of section  
906 985.4815, Florida Statutes, is amended to read:

907 985.4815 Notification to Department of Law Enforcement of  
908 information on juvenile sexual offenders.—

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

911 1. The information obtained from the sexual offender under  
912 subsection (4).

913 2. The sexual offender's most current address and place of  
914 permanent, temporary, or transient residence within the state or  
915 out of state, and address, location or description, and dates of  
916 any current or known future temporary residence within the state

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917 or out of state, while the sexual offender is in the care or  
918 custody or under the jurisdiction or supervision of the  
919 department in this state, including the name of the county or  
920 municipality in which the offender permanently or temporarily  
921 resides, or has a transient residence, and address, location or  
922 description, and dates of any current or known future temporary  
923 residence within the state or out of state; and, if known, the  
924 intended place of permanent, temporary, or transient residence,  
925 and address, location or description, and dates of any current  
926 or known future temporary residence within the state or out of  
927 state upon satisfaction of all sanctions.

928 3. The legal status of the sexual offender and the  
929 scheduled termination date of that legal status.

930 4. The location of, and local telephone number for, any  
931 department office that is responsible for supervising the sexual  
932 offender.

933 5. An indication of whether the victim of the offense that  
934 resulted in the offender's status as a sexual offender was a  
935 minor.

936 6. The offense or offenses at adjudication and disposition  
937 that resulted in the determination of the offender's status as a  
938 sex offender.

939 7. A digitized photograph of the sexual offender, which  
940 must have been taken within 60 days before the offender was  
941 released from the custody of the department or a private

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942 correctional facility by expiration of sentence under s.  
943 944.275, or within 60 days after the onset of the department's  
944 supervision of any sexual offender who is on probation,  
945 ~~postcommitment probation~~, residential commitment, nonresidential  
946 commitment, licensed child-caring commitment, community control,  
947 conditional release, parole, provisional release, or control  
948 release or who is supervised by the department under the  
949 Interstate Compact Agreement for Probationers and Parolees. If  
950 the sexual offender is in the custody of a private correctional  
951 facility, the facility shall take a digitized photograph of the  
952 sexual offender within the time period provided in this  
953 subparagraph and shall provide the photograph to the department.

954 Section 19. Subsection (11) of section 985.601, Florida  
955 Statutes, is renumbered as subsection (12), and a new subsection  
956 (11) is added to that section, to read:

957 985.601 Administering the juvenile justice continuum.—

958 (11) The department shall establish a class focused on the  
959 risk and consequences of youthful firearm offending which shall  
960 be provided by the department to any youth who has been  
961 adjudicated or had adjudication withheld for any offense  
962 involving the use or possession of a firearm.

963 Section 20. Section 985.711, Florida Statutes, is amended  
964 to read:

965 985.711 Introduction, removal, or possession of certain  
966 articles unlawful; penalty.—

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967 (1) (a) Except as authorized through program policy or  
968 operating procedure or as authorized by the facility  
969 superintendent, program director, or manager, a person may not  
970 introduce into or upon the grounds of a juvenile detention  
971 facility or commitment program, or take or send, or attempt to  
972 take or send, from a juvenile detention facility or commitment  
973 program, any of the following articles, which are declared to be  
974 contraband under this section:

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

978 2. Any intoxicating beverage or any beverage that causes  
979 or may cause an intoxicating effect.

980 3. Any controlled substance as defined in s. 893.02(4),  
981 marijuana as defined in s. 381.986, hemp as defined in s.  
982 581.217, industrial hemp as defined in s. 1004.4473, or any  
983 prescription or nonprescription drug that has a hypnotic,  
984 stimulating, or depressing effect.

985 4. Any firearm or weapon of any kind or any explosive  
986 substance.

987 5. Any cellular telephone or other portable communication  
988 device as described in s. 944.47(1)(a)6., intentionally and  
989 unlawfully introduced inside the secure perimeter of any  
990 juvenile detention facility or commitment program. As used in  
991 this subparagraph, the term "portable communication device" does



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992 not include any device that has communication capabilities which  
993 has been approved or issued by the facility superintendent,  
994 program director, or manager.

995 6. Any vapor-generating electronic device as defined in s.  
996 386.203, intentionally and unlawfully introduced inside the  
997 secure perimeter of any juvenile detention facility or  
998 commitment program.

999 7. Any currency or coin given or transmitted, or intended  
1000 to be given or transmitted, to any youth in any juvenile  
1001 detention facility or commitment program.

1002 8. Any cigarettes, as defined in s. 210.01(1) or tobacco  
1003 products, as defined in s. 210.25, given, or intended to be  
1004 given, to any youth in a juvenile detention facility or  
1005 commitment program.

1006 (b) A person may not transmit contraband to, cause  
1007 contraband to be transmitted to or received by, attempt to  
1008 transmit contraband to, or attempt to cause contraband to be  
1009 transmitted to or received by, a juvenile offender into or upon  
1010 the grounds of a juvenile detention facility or commitment  
1011 program, except as authorized through program policy or  
1012 operating procedures or as authorized by the facility  
1013 superintendent, program director, or manager.

1014 (c) A juvenile offender or any person, while upon the  
1015 grounds of a juvenile detention facility or commitment program,  
1016 may not be in actual or constructive possession of any article

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1017 or thing declared to be contraband under this section, except as  
1018 authorized through program policy or operating procedures or as  
1019 authorized by the facility superintendent, program director, or  
1020 manager.

1021 ~~(2)(a) Any person who violates this section as it pertains~~  
1022 ~~to an article of contraband described in subparagraph (1)(a)1.~~  
1023 ~~commits a felony of the third degree, punishable as provided in~~  
1024 ~~s. 775.082, s. 775.083, or s. 775.084.~~

1025 ~~(b) Any person who violates this section as it pertains to~~  
1026 ~~an article of contraband described in subparagraph (1)(a)5. or~~  
1027 ~~subparagraph (1)(a)6. commits a misdemeanor of the first degree,~~  
1028 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1029 ~~(c) In all other cases,~~ A person who violates this section  
1030 commits a felony of the second degree, punishable as provided in  
1031 s. 775.082, s. 775.083, or s. 775.084.

1032 Section 21. Paragraph (c) of subsection (2) of section  
1033 1002.221, Florida Statutes, is amended to read:

1034 1002.221 K-12 education records; public records  
1035 exemption.—

1036 (2)

1037 (c) In accordance with the FERPA and the federal  
1038 regulations issued pursuant to the FERPA, an agency or  
1039 institution, as defined in s. 1002.22, may release a student's  
1040 education records without written consent of the student or  
1041 parent to parties to an interagency agreement among the

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1042 Department of Juvenile Justice, the school, law enforcement  
1043 authorities, and other signatory agencies. Information provided  
1044 pursuant to an interagency agreement may be used for proceedings  
1045 initiated under chapter 984 or chapter 985 in furtherance of an  
1046 interagency agreement is intended solely for use in determining  
1047 the appropriate programs and services for each juvenile or the  
1048 juvenile's family, or for coordinating the delivery of the  
1049 programs and services, and as such is inadmissible in any court  
1050 proceeding before a dispositional hearing unless written consent  
1051 is provided by a parent or other responsible adult on behalf of  
1052 the juvenile.

1053 Section 22. Paragraph (b) of subsection (3) of section  
1054 943.051, Florida Statutes, is amended to read:

1055 943.051 Criminal justice information; collection and  
1056 storage; fingerprinting.—

1057 (3)

1058 (b) A minor who is charged with or found to have committed  
1059 the following offenses shall be fingerprinted and the  
1060 fingerprints shall be submitted electronically to the  
1061 department, unless the minor is issued a prearrest delinquency  
1062 civil citation pursuant to s. 985.12:

1063 1. Assault, as defined in s. 784.011.

1064 2. Battery, as defined in s. 784.03.

1065 3. Carrying a concealed weapon, as defined in s.

1066 790.01(2).

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- 1067 4. Unlawful use of destructive devices or bombs, as  
1068 defined in s. 790.1615(1).
- 1069 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1070 6. Assault or battery on a law enforcement officer, a  
1071 firefighter, or other specified officers, as defined in s.  
1072 784.07(2)(a) and (b).
- 1073 7. Open carrying of a weapon, as defined in s. 790.053.
- 1074 8. Exposure of sexual organs, as defined in s. 800.03.
- 1075 9. Unlawful possession of a firearm, as defined in s.  
1076 790.22(5).
- 1077 10. Petit theft, as defined in s. 812.014(3).
- 1078 11. Cruelty to animals, as defined in s. 828.12(1).
- 1079 12. Arson, as defined in s. 806.031(1).
- 1080 13. Unlawful possession or discharge of a weapon or  
1081 firearm at a school-sponsored event or on school property, as  
1082 provided in s. 790.115.

1083 Section 23. Paragraph (b) of subsection (1) of section  
1084 985.11, Florida Statutes, is amended to read:

1085 985.11 Fingerprinting and photographing.—

1086 (1)

1087 (b) Unless the child is issued a prearrest delinquency  
1088 ~~civil citation or is participating in a similar diversion~~  
1089 ~~program~~ pursuant to s. 985.12, a child who is charged with or  
1090 found to have committed one of the following offenses shall be  
1091 fingerprinted, and the fingerprints shall be submitted to the

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- 1092 Department of Law Enforcement as provided in s. 943.051(3)(b):
- 1093 1. Assault, as defined in s. 784.011.
- 1094 2. Battery, as defined in s. 784.03.
- 1095 3. Carrying a concealed weapon, as defined in s.
- 1096 790.01(2).
- 1097 4. Unlawful use of destructive devices or bombs, as
- 1098 defined in s. 790.1615(1).
- 1099 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1100 6. Assault on a law enforcement officer, a firefighter, or
- 1101 other specified officers, as defined in s. 784.07(2)(a).
- 1102 7. Open carrying of a weapon, as defined in s. 790.053.
- 1103 8. Exposure of sexual organs, as defined in s. 800.03.
- 1104 9. Unlawful possession of a firearm, as defined in s.
- 1105 790.22(5).
- 1106 10. Petit theft, as defined in s. 812.014.
- 1107 11. Cruelty to animals, as defined in s. 828.12(1).
- 1108 12. Arson, resulting in bodily harm to a firefighter, as
- 1109 defined in s. 806.031(1).
- 1110 13. Unlawful possession or discharge of a weapon or
- 1111 firearm at a school-sponsored event or on school property as
- 1112 defined in s. 790.115.
- 1113
- 1114 A law enforcement agency may fingerprint and photograph a child
- 1115 taken into custody upon probable cause that such child has
- 1116 committed any other violation of law, as the agency deems

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1117 appropriate. Such fingerprint records and photographs shall be  
1118 retained by the law enforcement agency in a separate file, and  
1119 these records and all copies thereof must be marked "Juvenile  
1120 Confidential." These records are not available for public  
1121 disclosure and inspection under s. 119.07(1) except as provided  
1122 in ss. 943.053 and 985.04(2), but shall be available to other  
1123 law enforcement agencies, criminal justice agencies, state  
1124 attorneys, the courts, the child, the parents or legal  
1125 custodians of the child, their attorneys, and any other person  
1126 authorized by the court to have access to such records. In  
1127 addition, such records may be submitted to the Department of Law  
1128 Enforcement for inclusion in the state criminal history records  
1129 and used by criminal justice agencies for criminal justice  
1130 purposes. These records may, in the discretion of the court, be  
1131 open to inspection by anyone upon a showing of cause. The  
1132 fingerprint and photograph records shall be produced in the  
1133 court whenever directed by the court. Any photograph taken  
1134 pursuant to this section may be shown by a law enforcement  
1135 officer to any victim or witness of a crime for the purpose of  
1136 identifying the person who committed such crime.

1137 Section 24. Paragraph (n) of subsection (2) of section  
1138 1006.07, Florida Statutes, is amended to read:

1139 1006.07 District school board duties relating to student  
1140 discipline and school safety.—The district school board shall  
1141 provide for the proper accounting for all students, for the

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1142 attendance and control of students at school, and for proper  
1143 attention to health, safety, and other matters relating to the  
1144 welfare of students, including:

1145 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
1146 conduct for elementary schools and a code of student conduct for  
1147 middle and high schools and distribute the appropriate code to  
1148 all teachers, school personnel, students, and parents, at the  
1149 beginning of every school year. Each code shall be organized and  
1150 written in language that is understandable to students and  
1151 parents and shall be discussed at the beginning of every school  
1152 year in student classes, school advisory council meetings, and  
1153 parent and teacher association or organization meetings. Each  
1154 code shall be based on the rules governing student conduct and  
1155 discipline adopted by the district school board and shall be  
1156 made available in the student handbook or similar publication.  
1157 Each code shall include, but is not limited to:

1158 (n) Criteria for recommending to law enforcement that a  
1159 student who commits a criminal offense be allowed to participate  
1160 in a prearrest delinquency citation ~~civil citation or similar~~  
1161 ~~prearrest diversion~~ program as an alternative to expulsion or  
1162 arrest. All prearrest delinquency citation ~~civil citation or~~  
1163 ~~similar prearrest diversion~~ programs must comply with s. 985.12.

1164 Section 25. This act shall take effect July 1, 2024.

1165 -----  
1166 -----

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**T I T L E   A M E N D M E N T**

1167

1168

Remove line 57 and insert:

1169

inform the court and the Department of Juvenile

1170

Justice