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LEGISLATIVE ACTION

Senate

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House

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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



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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~~



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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., and:

83 (b) In addition to the penalties for a violation of  
84 subsection (3):

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

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

97 3. If the minor is ineligible by reason of age for a driver  
98 license or driving privilege, the court may direct the



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99 Department of Highway Safety and Motor Vehicles to withhold  
100 issuance of the minor's driver license or driving privilege for  
101 up to 1 year ~~2 years~~ after the date on which the minor would  
102 otherwise have become eligible and up to 2 years for a second or  
103 subsequent offense.

104  
105 For the purposes of this subsection, community service shall be  
106 performed, if possible, in a manner involving a hospital  
107 emergency room or other medical environment that deals on a  
108 regular basis with trauma patients and gunshot wounds.

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



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128 ~~the current offense; and the minor's complete prior record,~~  
129 ~~including any pending cases. The form shall be provided to the~~  
130 ~~judge for determining whether the minor should be continued in~~  
131 ~~secure detention under this subsection. An order placing a minor~~  
132 ~~in secure detention because the minor is a clear and present~~  
133 ~~danger to himself or herself or the community must be in~~  
134 ~~writing, must specify the need for detention and the benefits~~  
135 ~~derived by the minor or the community by placing the minor in~~  
136 ~~secure detention, and must include a copy of the form provided~~  
137 ~~by the department.~~

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

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

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

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

- 155 ~~1. Perform not less than 100 nor more than 250 hours of~~  
156 ~~community service; and may~~



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157           ~~2. Be placed on community control or in a nonresidential~~  
158 ~~commitment program.~~  
159  
160 ~~The minor shall not receive credit for time served before~~  
161 ~~adjudication. For the purposes of this subsection, community~~  
162 ~~service shall be performed, if possible, in a manner involving a~~  
163 ~~hospital emergency room or other medical environment that deals~~  
164 ~~on a regular basis with trauma patients and gunshot wounds.~~  
165           ~~(10) If a minor is found to have committed an offense under~~  
166 ~~subsection (9), the court shall impose the following penalties~~  
167 ~~in addition to any penalty imposed under paragraph (9) (a) or~~  
168 ~~paragraph (9) (b):~~  
169           ~~(a) For a first offense:~~  
170           ~~1. If the minor is eligible by reason of age for a driver~~  
171 ~~license or driving privilege, the court may direct the~~  
172 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
173 ~~withhold issuance of the minor's driver license or driving~~  
174 ~~privilege for up to 1 year.~~  
175           ~~2. If the minor's driver license or driving privilege is~~  
176 ~~under suspension or revocation for any reason, the court may~~  
177 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
178 ~~extend the period of suspension or revocation by an additional~~  
179 ~~period for up to 1 year.~~  
180           ~~3. If the minor is ineligible by reason of age for a driver~~  
181 ~~license or driving privilege, the court may direct the~~  
182 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
183 ~~issuance of the minor's driver license or driving privilege for~~  
184 ~~up to 1 year after the date on which the minor would otherwise~~  
185 ~~have become eligible.~~



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186           ~~(b) For a second or subsequent offense:~~  
187           ~~1. If the minor is eligible by reason of age for a driver~~  
188 ~~license or driving privilege, the court may direct the~~  
189 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
190 ~~withhold issuance of the minor's driver license or driving~~  
191 ~~privilege for up to 2 years.~~  
192           ~~2. If the minor's driver license or driving privilege is~~  
193 ~~under suspension or revocation for any reason, the court may~~  
194 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
195 ~~extend the period of suspension or revocation by an additional~~  
196 ~~period for up to 2 years.~~  
197           ~~3. If the minor is ineligible by reason of age for a driver~~  
198 ~~license or driving privilege, the court may direct the~~  
199 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
200 ~~issuance of the minor's driver license or driving privilege for~~  
201 ~~up to 2 years after the date on which the minor would otherwise~~  
202 ~~have become eligible.~~  
203           Section 3. Subsection (9) of section 901.15, Florida  
204 Statutes, is amended to read:  
205           901.15 When arrest by officer without warrant is lawful.—A  
206 law enforcement officer may arrest a person without a warrant  
207 when:  
208           (9) There is probable cause to believe that the person has  
209 committed:  
210           (a) Any battery upon another person, as defined in s.  
211 784.03.  
212           (b) An act of criminal mischief or a graffiti-related  
213 offense as described in s. 806.13.  
214           (c) A violation of a safety zone, security zone, regulated





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215 navigation area, or naval vessel protection zone as described in  
216 s. 327.461.

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

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

220 (f) Possession of a firearm by a minor in violation of s.  
221 790.22(3).

222 Section 4. Paragraph (d) of subsection (1) of section  
223 985.101, Florida Statutes, is amended to read:

224 985.101 Taking a child into custody.—

225 (1) A child may be taken into custody under the following  
226 circumstances:

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

233  
234 Nothing in this subsection shall be construed to allow the  
235 detention of a child who does not meet the detention criteria in  
236 part V.

237 Section 5. Section 985.12, Florida Statutes, is amended to  
238 read:

239 985.12 Prearrest delinquency ~~Civil citation or similar~~  
240 ~~prearrest diversion~~ programs.—

241 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
242 that the creation and implementation of any prearrest  
243 delinquency ~~civil citation or similar prearrest diversion~~



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

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

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



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273 ~~similar prearrest diversion~~ programs to the judicial circuits as  
274 a resource.

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

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

282 2. The eligibility criteria for the program.†

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

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

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

296 (c) The state attorney of each circuit shall operate a  
297 prearrest delinquency civil citation ~~or similar prearrest~~  
298 ~~diversion~~ program in each circuit. A sheriff, police department,  
299 county, municipality, locally authorized entity, or public or  
300 private educational institution may ~~continue to~~ operate an  
301 independent prearrest delinquency civil citation ~~or similar~~



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

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

326 ~~(d)(e)~~ If a juvenile does not successfully complete the  
327 prearrest delinquency civil citation or similar prearrest  
328 ~~diversion~~ program, the arresting law enforcement officer shall  
329 determine if there is good cause to arrest the juvenile for the  
330 original misdemeanor offense and refer the case to the state



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331 attorney to determine if prosecution is appropriate or allow the  
332 juvenile to continue in the program.

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

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

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

350 Section 6. Section 985.125, Florida Statutes, is amended to  
351 read:

352 985.125 ~~Prearrest or~~ Postarrest diversion programs.—

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

356 (2) As part of the ~~prearrest or~~ postarrest diversion  
357 program, a child who is alleged to have committed a delinquent  
358 act may be required to surrender his or her driver license, or  
359 refrain from applying for a driver license, for not more than 90



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360 days. If the child fails to comply with the requirements of the  
361 program, the state attorney may notify the Department of Highway  
362 Safety and Motor Vehicles in writing to suspend the child's  
363 driver license for a period that may not exceed 90 days.

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

369 985.126 Prearrest and postarrest diversion programs; data  
370 collection; denial of participation or expunged record.—

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

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

375 2. The offense committed, including the specific law  
376 establishing the offense.

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

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

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



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389 1. The data required pursuant to paragraph (a).  
390 2. Whether the minor was offered the opportunity to  
391 participate in a diversion program. If the minor was:  
392 a. Not offered such opportunity, the reason such offer was  
393 not made.  
394 b. Offered such opportunity, whether the minor or his or  
395 her parent or legal guardian declined to participate in the  
396 diversion program.  
397 (c) The data required pursuant to paragraph (a) shall be  
398 entered into the Juvenile Justice Information System Prevention  
399 Web within 7 days after the youth's admission into the program.  
400 (d) The data required pursuant to paragraph (b) shall be  
401 submitted on or with the arrest affidavit or notice to appear.  
402 (4) ~~Beginning January 1, 2019,~~ The department shall compile  
403 and semiannually publish the data required by subsection (3) on  
404 the department's website in a format that is, at a minimum,  
405 sortable by judicial circuit, county, law enforcement agency,  
406 race, ethnicity, gender, age, and offense committed.  
407 (5) The department shall provide a quarterly report to be  
408 published on its website and distributed to the Governor,  
409 President of the Senate, and Speaker of the House of  
410 Representatives listing the entities that use prearrest  
411 delinquency citations for less than 70 percent of first-time  
412 misdemeanor offenses.  
413 Section 8. Subsection (4) of section 985.245, Florida  
414 Statutes, is amended to read:  
415 985.245 Risk assessment instrument.—  
416 (4) For a child who is under the supervision of the  
417 department through probation, supervised release detention,



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

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

425 985.25 Detention intake.—

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

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

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

445 (c) If the final score on the child's risk assessment  
446 instrument indicates detention care is appropriate, but the





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447 department otherwise determines the child should be released,  
448 the department shall contact the state attorney, who may  
449 authorize release.

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

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

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

474  
475 Under no circumstances shall the department or the state



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476 attorney or law enforcement officer authorize the detention of  
477 any child in a jail or other facility intended or used for the  
478 detention of adults, without an order of the court.

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

483 985.255 Detention criteria; detention hearing.—

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

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

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

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

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

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

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

499 5. Having a firearm while committing a felony under s.  
500 790.07(2).

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

503 7. Delinquent in possession of a firearm under s.  
504 790.23(1)(b).



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505 8. An attempt to commit any offense listed in this  
506 paragraph under s. 777.04.

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

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

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

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

530 4. If the court, under this section, releases a child to  
531 supervised release detention care, the court must provide a copy  
532 of the written order to the victim, to the law enforcement  
533 agency that arrested the child, and to the law enforcement



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534 agency with primary jurisdiction over the child's primary  
535 residence.

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

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

553 (c) Except as provided in ~~s. 790.22(8) or~~ s. 985.27, when a  
554 child is placed into detention care, or into a respite home or  
555 other placement pursuant to a court order following a hearing,  
556 the court order must include specific instructions that direct  
557 the release of the child from such placement no later than 5  
558 p.m. on the last day of the detention period specified in s.  
559 985.26 or s. 985.27, whichever is applicable, unless the  
560 requirements of such applicable provision have been met or an  
561 order of continuance has been granted under s. 985.26(4). If the  
562 court order does not include a release date, the release date



563 shall be requested from the court on the same date that the  
564 child is placed in detention care. If a subsequent hearing is  
565 needed to provide additional information to the court for safety  
566 planning, the initial order placing the child in detention care  
567 shall reflect the next detention review hearing, which shall be  
568 held within 3 calendar days after the child's initial detention  
569 placement.

570 Section 11. Paragraph (b) of subsection (2) of section  
571 985.26, Florida Statutes, is amended to read:

572 985.26 Length of detention.—

573 (2)

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

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



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

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

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

604 985.433 Disposition hearings in delinquency cases.—When a  
605 child has been found to have committed a delinquent act, the  
606 following procedures shall be applicable to the disposition of  
607 the case:

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

616 (d) Any child adjudicated by the court and committed to the  
617 department under a restrictiveness level described in s.  
618 985.03(44)(a)-(d), for any offense or attempted offense  
619 involving a firearm must be placed on conditional release, as  
620 defined in s. 985.03, for a period of 1 year following his or



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621 her release from a commitment program. Such term of conditional  
622 release shall include electronic monitoring of the child by the  
623 department for the initial 6 months following his or her release  
624 and at times and under terms and conditions set by the  
625 department.

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

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

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

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

648 c. Be placed on probation for a period of at least 1 year.

649 Such term of probation shall include electronic monitoring of



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650 the child by the department at times and under terms and  
651 conditions set by the department.

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

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

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

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

671  
672 For the purposes of this paragraph, community service shall be  
673 performed, if possible, in a manner involving a hospital  
674 emergency room or other medical environment that deals on a  
675 regular basis with trauma patients and gunshot wounds.

676 (b) A child who has previously had adjudication withheld  
677 for any of the following offenses shall not be eligible for a  
678 second or subsequent withhold of adjudication if he or she is





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679 subsequently found to have committed any of the following  
680 offenses, and must be adjudicated delinquent and committed to a  
681 residential program:

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

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

685 3. Having a firearm while committing a felony under s.  
686 790.07(2).

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

689 5. Delinquent in possession of a firearm under s.  
690 790.23(1) (b).

691 6. An attempt to commit any offense listed in this  
692 paragraph under s. 777.04.

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

701 Section 13. Subsections (1), (3), and (4) of section  
702 985.435, Florida Statutes, are amended to read:

703 985.435 Probation ~~and postcommitment probation~~; community  
704 service.—

705 (1) The court that has jurisdiction over an adjudicated  
706 delinquent child may, by an order stating the facts upon which a  
707 determination of a sanction and rehabilitative program was made



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

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

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



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

751 Section 14. Section 985.438, Florida Statutes, is created  
752 to read:

753 985.438 Graduated response matrix.—

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

764 (2) The graduated response matrix shall outline sanctions  
765 for youth based on their risk to reoffend and shall include, but



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766 not be limited to:

767 (a) Increased contacts.

768 (b) Increased drug tests.

769 (c) Curfew reductions.

770 (d) Increased community service.

771 (e) Additional evaluations.

772 (f) Addition of electronic monitoring.

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

775 Section 15. Section 985.439, Florida Statutes, is amended  
776 to read:

777 985.439 Violation of probation ~~or postcommitment~~  
778 ~~probation.~~—

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

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

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

792 (2) A child taken into custody under s. 985.101 for  
793 violating the conditions of probation shall be screened and  
794 detained or released based on his or her risk assessment



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795 instrument score.

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

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

809 (a) Place the child in supervised release detention with  
810 electronic monitoring.

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

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

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

823 ~~3. Upon placing a child in an alternative consequence~~



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824 ~~program, the court must approve specific consequences for~~  
825 ~~specific violations of the conditions of probation.~~

826 (c) Modify or continue the child's probation program ~~or~~  
827 ~~postcommitment probation program.~~

828 (d) Revoke probation ~~or postcommitment probation~~ and commit  
829 the child to the department.

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

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

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

841 985.441 Commitment.—

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

852 (a) The child has previously been adjudicated or had



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853 adjudication withheld for a felony offense;

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

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

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

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

865 985.455 Other dispositional issues.—

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

872 Section 18. Subsections (2), (3), and (5) of section  
873 985.46, Florida Statutes, are amended, and subsection (6) is  
874 added to that section, to read:

875 985.46 Conditional release.—

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

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

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



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

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

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

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





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911 school diploma or its equivalent and is not employed must  
912 participate in workforce development or other career or  
913 technical education or attend a community college or a  
914 university while in the program, ~~subject to available funding.~~

915 (b) A curfew.

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

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

919 (e) A prohibition on possession of firearms.

920 (6) A youth who violates the terms of his or her

921 conditional release shall be assessed using the graduated  
922 response matrix as described in s. 985.438. A youth who fails to  
923 move into compliance shall be recommitted to a residential  
924 facility.

925 Section 19. Paragraph (c) of subsection (1) of section  
926 985.48, Florida Statutes, is amended to read:

927 985.48 Juvenile sexual offender commitment programs; sexual  
928 abuse intervention networks.—

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

936 (c) Providing intensive ~~postcommitment~~ supervision of  
937 juvenile sexual offenders who are released into the community  
938 with terms and conditions which may include electronic  
939 monitoring of a juvenile sexual offender for the purpose of



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940 enhancing public safety.

941 Section 20. Paragraph (a) of subsection (6) of section  
942 985.4815, Florida Statutes, is amended to read:

943 985.4815 Notification to Department of Law Enforcement of  
944 information on juvenile sexual offenders.—

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

947 1. The information obtained from the sexual offender under  
948 subsection (4).

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

964 3. The legal status of the sexual offender and the  
965 scheduled termination date of that legal status.

966 4. The location of, and local telephone number for, any  
967 department office that is responsible for supervising the sexual  
968 offender.



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

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

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

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

993           985.601 Administering the juvenile justice continuum.—

994           (11) The department shall establish a class focused on the  
995 risk and consequences of youthful firearm offending which shall  
996 be provided by the department to any youth who has been  
997 adjudicated or had adjudication withheld for any offense



998 involving the use or possession of a firearm.

999 Section 22. Section 985.711, Florida Statutes, is amended  
1000 to read:

1001 985.711 Introduction, removal, or possession of certain  
1002 articles unlawful; penalty.—

1003 (1) (a) Except as authorized through program policy or  
1004 operating procedure or as authorized by the facility  
1005 superintendent, program director, or manager, a person may not  
1006 introduce into or upon the grounds of a juvenile detention  
1007 facility or commitment program, or take or send, or attempt to  
1008 take or send, from a juvenile detention facility or commitment  
1009 program, any of the following articles, which are declared to be  
1010 contraband under this section:

1011 1. Any unauthorized article of food or clothing given or  
1012 transmitted, or intended to be given or transmitted, to any  
1013 youth in a juvenile detention facility or commitment program.

1014 2. Any intoxicating beverage or any beverage that causes or  
1015 may cause an intoxicating effect.

1016 3. Any controlled substance as defined in s. 893.02(4),  
1017 marijuana as defined in s. 381.986, hemp as defined in s.  
1018 581.217, industrial hemp as defined in s. 1004.4473, or any  
1019 prescription or nonprescription drug that has a hypnotic,  
1020 stimulating, or depressing effect.

1021 4. Any firearm or weapon of any kind or any explosive  
1022 substance.

1023 5. Any cellular telephone or other portable communication  
1024 device as described in s. 944.47(1)(a)6., intentionally and  
1025 unlawfully introduced inside the secure perimeter of any  
1026 juvenile detention facility or commitment program. As used in



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1027 this subparagraph, the term "portable communication device" does  
1028 not include any device that has communication capabilities which  
1029 has been approved or issued by the facility superintendent,  
1030 program director, or manager.

1031 6. Any vapor-generating electronic device as defined in s.  
1032 386.203, intentionally and unlawfully introduced inside the  
1033 secure perimeter of any juvenile detention facility or  
1034 commitment program.

1035 7. Any currency or coin given or transmitted, or intended  
1036 to be given or transmitted, to any youth in any juvenile  
1037 detention facility or commitment program.

1038 8. Any cigarettes, as defined in s. 210.01(1) or tobacco  
1039 products, as defined in s. 210.25, given, or intended to be  
1040 given, to any youth in a juvenile detention facility or  
1041 commitment program.

1042 (b) A person may not transmit contraband to, cause  
1043 contraband to be transmitted to or received by, attempt to  
1044 transmit contraband to, or attempt to cause contraband to be  
1045 transmitted to or received by, a juvenile offender into or upon  
1046 the grounds of a juvenile detention facility or commitment  
1047 program, except as authorized through program policy or  
1048 operating procedures or as authorized by the facility  
1049 superintendent, program director, or manager.

1050 (c) A juvenile offender or any person, while upon the  
1051 grounds of a juvenile detention facility or commitment program,  
1052 may not be in actual or constructive possession of any article  
1053 or thing declared to be contraband under this section, except as  
1054 authorized through program policy or operating procedures or as  
1055 authorized by the facility superintendent, program director, or



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1056 manager.

1057 (d) Department staff may use canine units on the grounds of  
1058 a juvenile detention facility or commitment program to locate  
1059 and seize contraband and ensure security within such facility or  
1060 program.

1061 ~~(2)(a) Any person who violates this section as it pertains~~  
1062 ~~to an article of contraband described in subparagraph (1)(a)1.~~  
1063 ~~commits a felony of the third degree, punishable as provided in~~  
1064 ~~s. 775.082, s. 775.083, or s. 775.084.~~

1065 ~~(b) Any person who violates this section as it pertains to~~  
1066 ~~an article of contraband described in subparagraph (1)(a)5. or~~  
1067 ~~subparagraph (1)(a)6. commits a misdemeanor of the first degree,~~  
1068 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1069 ~~(c) In all other cases,~~ A person who violates this section  
1070 commits a felony of the second degree, punishable as provided in  
1071 s. 775.082, s. 775.083, or s. 775.084.

1072 Section 23. Paragraph (c) of subsection (2) of section  
1073 1002.221, Florida Statutes, is amended to read:

1074 1002.221 K-12 education records; public records exemption.-

1075 (2)

1076 (c) In accordance with the FERPA and the federal  
1077 regulations issued pursuant to the FERPA, an agency or  
1078 institution, as defined in s. 1002.22, may release a student's  
1079 education records without written consent of the student or  
1080 parent to parties to an interagency agreement among the  
1081 Department of Juvenile Justice, the school, law enforcement  
1082 authorities, and other signatory agencies. Information provided  
1083 pursuant to an interagency agreement may be used for proceedings  
1084 initiated under chapter 984 or chapter 985 in furtherance of an



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1085 ~~interagency agreement is intended solely for use in determining~~  
1086 ~~the appropriate programs and services for each juvenile or the~~  
1087 ~~juvenile's family, or for coordinating the delivery of the~~  
1088 ~~programs and services, and as such is inadmissible in any court~~  
1089 ~~proceeding before a dispositional hearing unless written consent~~  
1090 ~~is provided by a parent or other responsible adult on behalf of~~  
1091 ~~the juvenile.~~

1092 Section 24. Paragraph (b) of subsection (3) of section  
1093 943.051, Florida Statutes, is amended to read:

1094 943.051 Criminal justice information; collection and  
1095 storage; fingerprinting.—

1096 (3)

1097 (b) A minor who is charged with or found to have committed  
1098 the following offenses shall be fingerprinted and the  
1099 fingerprints shall be submitted electronically to the  
1100 department, unless the minor is issued a prearrest delinquency  
1101 ~~civil~~ citation pursuant to s. 985.12:

1102 1. Assault, as defined in s. 784.011.

1103 2. Battery, as defined in s. 784.03.

1104 3. Carrying a concealed weapon, as defined in s. 790.01(2).

1105 4. Unlawful use of destructive devices or bombs, as defined  
1106 in s. 790.1615(1).

1107 5. Neglect of a child, as defined in s. 827.03(1)(e).

1108 6. Assault or battery on a law enforcement officer, a  
1109 firefighter, or other specified officers, as defined in s.  
1110 784.07(2)(a) and (b).

1111 7. Open carrying of a weapon, as defined in s. 790.053.

1112 8. Exposure of sexual organs, as defined in s. 800.03.

1113 9. Unlawful possession of a firearm, as defined in s.



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





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



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1172 officer to any victim or witness of a crime for the purpose of  
1173 identifying the person who committed such crime.

1174 Section 26. Paragraph (n) of subsection (2) of section  
1175 1006.07, Florida Statutes, is amended to read:

1176 1006.07 District school board duties relating to student  
1177 discipline and school safety.—The district school board shall  
1178 provide for the proper accounting for all students, for the  
1179 attendance and control of students at school, and for proper  
1180 attention to health, safety, and other matters relating to the  
1181 welfare of students, including:

1182 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
1183 conduct for elementary schools and a code of student conduct for  
1184 middle and high schools and distribute the appropriate code to  
1185 all teachers, school personnel, students, and parents, at the  
1186 beginning of every school year. Each code shall be organized and  
1187 written in language that is understandable to students and  
1188 parents and shall be discussed at the beginning of every school  
1189 year in student classes, school advisory council meetings, and  
1190 parent and teacher association or organization meetings. Each  
1191 code shall be based on the rules governing student conduct and  
1192 discipline adopted by the district school board and shall be  
1193 made available in the student handbook or similar publication.  
1194 Each code shall include, but is not limited to:

1195 (n) Criteria for recommending to law enforcement that a  
1196 student who commits a criminal offense be allowed to participate  
1197 in a prearrest delinquency citation ~~civil citation or similar~~  
1198 ~~prearrest diversion~~ program as an alternative to expulsion or  
1199 arrest. All prearrest delinquency citation ~~civil citation or~~  
1200 ~~similar prearrest diversion~~ programs must comply with s. 985.12.



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1201 Section 27. This act shall take effect July 1, 2024.

1202

1203 ===== T I T L E A M E N D M E N T =====

1204 And the title is amended as follows:

1205 Delete everything before the enacting clause  
1206 and insert:

1207 A bill to be entitled  
1208 An act relating to juvenile justice; amending s.  
1209 790.115, F.S.; removing a provision requiring  
1210 specified treatment of minors charged with possessing  
1211 or discharging a firearm on school property; amending  
1212 s. 790.22, F.S.; revising penalties for minors  
1213 committing specified firearms violations; removing  
1214 provisions concerning minors charged with or convicted  
1215 of certain firearms offenses; amending 901.15; adding  
1216 possession of a firearm by a minor to the list of  
1217 crimes for which a warrant is not needed for arrest;  
1218 amending s. 985.101, F.S.; conforming provisions to  
1219 changes made by the act; amending s. 985.12, F.S.;  
1220 redesignating civil citation programs as prearrest  
1221 delinquency citation programs; revising program  
1222 requirements; providing that certain existing programs  
1223 meeting certain requirements shall be deemed  
1224 authorized; amending s. 985.125, F.S.; conforming  
1225 provisions to changes made by the act; amending s.  
1226 985.126, F.S.; requiring the Department of Juvenile  
1227 Justice to publish a quarterly report concerning  
1228 entities using delinquency citations for less than a  
1229 specified amount of eligible offenses; amending s.



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1230 985.245, F.S.; conforming provisions to changes made  
1231 by the act; amending s. 985.25, F.S.; requiring that  
1232 youths who are arrested for certain electronic  
1233 monitoring violations be placed in secure detention  
1234 until a detention hearing; requiring that a child on  
1235 probation for an underlying felony firearm offense who  
1236 is taken into custody be placed in secure detention;  
1237 providing for renewal of secure detention periods in  
1238 certain circumstances; amending s. 985.255, F.S.;  
1239 providing that when there is probable cause that a  
1240 child committed one of a specified list of offenses  
1241 that he or she is presumed to be a risk to public  
1242 safety and danger to the community and must be held in  
1243 secure a detention before an adjudicatory hearing;  
1244 providing requirements for release of such a child  
1245 despite the presumption; revising language concerning  
1246 the use of risk assessments; amending s. 985.26, F.S.;  
1247 revising requirements for holding a child in secure  
1248 detention for more than 21 days; amending s. 985.433,  
1249 F.S.; requiring conditional release conditions for  
1250 children released after confinement for specified  
1251 firearms offenses; requiring specified sanctions for  
1252 certain children adjudicated for certain firearms  
1253 offenses who are not committed to a residential  
1254 program; providing that children who previously have  
1255 had adjudication withheld for certain offenses my not  
1256 have adjudication withheld for specified offenses;  
1257 amending s. 985.435, F.S.; conforming provisions to  
1258 changes made by the act; creating s. 985.438, F.S.;



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



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