

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending s.  
3           790.115, F.S.; removing a provision requiring  
4           specified treatment of minors charged with possessing  
5           or discharging a firearm on school property; amending  
6           s. 790.22, F.S.; revising penalties for minors  
7           committing specified firearms violations; removing  
8           provisions concerning minors charged with or convicted  
9           of certain firearms offenses; amending s. 985.101,  
10          F.S.; conforming provisions to changes made by the  
11          act; amending s. 985.12, F.S.; redesignating civil  
12          citation programs as prearrest delinquency citation  
13          programs; revising program requirements; providing  
14          that certain existing programs meeting certain  
15          requirements shall be deemed authorized; amending s.  
16          985.125, F.S.; conforming provisions to changes made  
17          by the act; amending s. 985.126, F.S.; requiring the  
18          Department of Juvenile Justice to publish a quarterly  
19          report concerning entities using delinquency citations  
20          for less than a specified amount of eligible offenses;  
21          amending s. 985.245, F.S.; conforming provisions to  
22          changes made by the act; amending s. 985.25, F.S.;  
23          requiring that youths who are arrested for certain  
24          electronic monitoring violations be placed in secure  
25          detention until a detention hearing; requiring that a

26 | child on probation for an underlying felony firearm  
27 | offense who is taken into custody be placed in secure  
28 | detention; providing for renewal of secure detention  
29 | periods in certain circumstances; amending s. 985.255,  
30 | F.S.; providing that when there is probable cause that  
31 | a child committed one of a specified list of offenses  
32 | that he or she is presumed to be a risk to public  
33 | safety and danger to the community and must be held in  
34 | secure a detention before an adjudicatory hearing;  
35 | providing requirements for release of such a child  
36 | despite the presumption; revising language concerning  
37 | the use of risk assessments; amending s. 985.26, F.S.;  
38 | revising requirements for holding a child in secure  
39 | detention for more than 21 days; amending s. 985.433,  
40 | F.S.; requiring conditional release conditions for  
41 | children released after confinement for specified  
42 | firearms offenses; requiring specified sanctions for  
43 | certain children adjudicated for certain firearms  
44 | offenses who are not committed to a residential  
45 | program; providing that children who previously have  
46 | had adjudication withheld for certain offenses my not  
47 | have adjudication withheld for specified offenses;  
48 | amending s. 985.435, F.S.; conforming provisions to  
49 | changes made by the act; creating s. 985.438, F.S.;  
50 | requiring the Department of Juvenile Justice to create

51 and administer a graduated response matrix to hold  
52 youths accountable to the terms of their court ordered  
53 probation and the terms of their conditional release;  
54 providing requirements for the matrix; amending s.  
55 985.439, F.S.; requiring a state attorney to file a  
56 probation violation within a specified period or  
57 inform the court and the Department of Juvenile Justice  
58 why such violation is not filed; removing provisions  
59 concerning an alternative consequence program;  
60 allowing placement of electronic monitoring for  
61 probation violations in certain circumstances;  
62 amending s. 985.455, F.S.; authorizing a court to make  
63 an exception to an order of revocation or suspension  
64 of driving privileges in certain circumstances;  
65 amending s. 985.46, F.S.; revising legislative intent  
66 concerning conditional release; revising the  
67 conditions of conditional release; providing for  
68 assessment of conditional release violations and  
69 possible recommitment of violators; amending ss.  
70 985.48 and 985.4815, F.S.; conforming provisions to  
71 changes made by the act; amending s. 985.601, F.S.;  
72 requiring the Department of Juvenile justice to  
73 establish a specified class for firearms offenders;  
74 amending s. 985.711, F.S.; revising provisions  
75 concerning introduction of contraband into department

76 facilities; revising criminal penalties for  
 77 violations; amending s. 1002.221, F.S.; revising  
 78 provisions concerning educational records for certain  
 79 purposes; amending ss. 943.051, 985.11, and 1006.07,  
 80 F.S.; conforming provisions to changes made by the  
 81 act; providing an effective date.

82

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

84

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

87 790.115 Possessing or discharging weapons or firearms at a  
 88 school-sponsored event or on school property prohibited;  
 89 penalties; exceptions.—

90 ~~(4) Notwithstanding s. 985.24, s. 985.245, or s.~~  
 91 ~~985.25(1), any minor under 18 years of age who is charged under~~  
 92 ~~this section with possessing or discharging a firearm on school~~  
 93 ~~property shall be detained in secure detention, unless the state~~  
 94 ~~attorney authorizes the release of the minor, and shall be given~~  
 95 ~~a probable cause hearing within 24 hours after being taken into~~  
 96 ~~eustody. At the hearing, the court may order that the minor~~  
 97 ~~continue to be held in secure detention for a period of 21 days,~~  
 98 ~~during which time the minor shall receive medical, psychiatric,~~  
 99 ~~psychological, or substance abuse examinations pursuant to s.~~  
 100 ~~985.18, and a written report shall be completed.~~

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

104 790.22 Use of BB guns, air or gas-operated guns, or  
 105 electric weapons or devices by minor under 16; limitation;  
 106 possession of firearms by minor under 18 prohibited; penalties.—

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

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

115 (a) The minor is engaged in a lawful hunting activity and  
 116 is:

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

119 (b) The minor is engaged in a lawful marksmanship  
 120 competition or practice or other lawful recreational shooting  
 121 activity and is:

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

125 (c) The firearm is unloaded and is being transported by

126 the minor directly to or from an event authorized in paragraph  
 127 (a) or paragraph (b).

128 (5)~~(a)~~ A minor who violates subsection (3) commits a  
 129 felony misdemeanor of the third first degree; for a first  
 130 offense, shall may serve a period of ~~detention of up to~~ 5 days  
 131 in a secure detention facility, with credit for time served in  
 132 secure detention prior to disposition; ~~and, in addition to any~~  
 133 ~~other penalty provided by law~~, shall be required to perform 100  
 134 hours of community service or paid work as determined by the  
 135 department. For a second violation of subsection (3), a minor  
 136 shall serve 21 days in a secure detention facility, with credit  
 137 for time served in secure detention before disposition; and  
 138 shall be required to perform not less than 100 nor more than 250  
 139 hours of community service or paid work as determined by the  
 140 department. For a third or subsequent violation of subsection  
 141 (3), a minor shall be adjudicated delinquent and committed to a  
 142 residential program. In addition to the penalties for a first  
 143 offense and a second or subsequent offense under subsection (3);  
 144 ~~and:~~

145 (a)1. If the minor is eligible by reason of age for a  
 146 driver license or driving privilege, the court may direct the  
 147 Department of Highway Safety and Motor Vehicles to revoke or to  
 148 withhold issuance of the minor's driver license or driving  
 149 privilege for up to 1 year for a first offense and up to 2 years  
 150 for a second or subsequent offense.

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

157        (c)3. If the minor is ineligible by reason of age for a  
 158 driver license or driving privilege, the court may direct the  
 159 Department of Highway Safety and Motor Vehicles to withhold  
 160 issuance of the minor's driver license or driving privilege for  
 161 up to 1 year after the date on which the minor would otherwise  
 162 have become eligible for a first offense and up to 2 years for a  
 163 second or subsequent offense.

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

169        ~~1. If the minor is eligible by reason of age for a driver~~  
 170 ~~license or driving privilege, the court may direct the~~  
 171 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
 172 ~~withhold issuance of the minor's driver license or driving~~  
 173 ~~privilege for up to 2 years.~~

174        ~~2. If the minor's driver license or driving privilege is~~  
 175 ~~under suspension or revocation for any reason, the court may~~

176 ~~direct the Department of Highway Safety and Motor Vehicles to~~  
177 ~~extend the period of suspension or revocation by an additional~~  
178 ~~period of up to 2 years.~~

179 ~~3. If the minor is ineligible by reason of age for a~~  
180 ~~driver license or driving privilege, the court may direct the~~  
181 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
182 ~~issuance of the minor's driver license or driving privilege for~~  
183 ~~up to 2 years after the date on which the minor would otherwise~~  
184 ~~have become eligible.~~

185  
186 For the purposes of this subsection, community service shall be  
187 performed, if possible, in a manner involving a hospital  
188 emergency room or other medical environment that deals on a  
189 regular basis with trauma patients and gunshot wounds.

190 ~~(8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor~~  
191 ~~is charged with an offense that involves the use or possession~~  
192 ~~of a firearm, including a violation of subsection (3), or is~~  
193 ~~charged for any offense during the commission of which the minor~~  
194 ~~possessed a firearm, the minor shall be detained in secure~~  
195 ~~detention, unless the state attorney authorizes the release of~~  
196 ~~the minor, and shall be given a hearing within 24 hours after~~  
197 ~~being taken into custody. At the hearing, the court may order~~  
198 ~~that the minor continue to be held in secure detention in~~  
199 ~~accordance with the applicable time periods specified in s.~~  
200 ~~985.26(1)-(5), if the court finds that the minor meets the~~



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201 ~~criteria specified in s. 985.255, or if the court finds by clear~~  
202 ~~and convincing evidence that the minor is a clear and present~~  
203 ~~danger to himself or herself or the community. The Department of~~  
204 ~~Juvenile Justice shall prepare a form for all minors charged~~  
205 ~~under this subsection which states the period of detention and~~  
206 ~~the relevant demographic information, including, but not limited~~  
207 ~~to, the gender, age, and race of the minor; whether or not the~~  
208 ~~minor was represented by private counsel or a public defender;~~  
209 ~~the current offense; and the minor's complete prior record,~~  
210 ~~including any pending cases. The form shall be provided to the~~  
211 ~~judge for determining whether the minor should be continued in~~  
212 ~~secure detention under this subsection. An order placing a minor~~  
213 ~~in secure detention because the minor is a clear and present~~  
214 ~~danger to himself or herself or the community must be in~~  
215 ~~writing, must specify the need for detention and the benefits~~  
216 ~~derived by the minor or the community by placing the minor in~~  
217 ~~secure detention, and must include a copy of the form provided~~  
218 ~~by the department.~~

219 ~~(9) Notwithstanding s. 985.245, if the minor is found to~~  
220 ~~have committed an offense that involves the use or possession of~~  
221 ~~a firearm, as defined in s. 790.001, other than a violation of~~  
222 ~~subsection (3), or an offense during the commission of which the~~  
223 ~~minor possessed a firearm, and the minor is not committed to a~~  
224 ~~residential commitment program of the Department of Juvenile~~  
225 ~~Justice, in addition to any other punishment provided by law,~~

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226 ~~the court shall order:~~

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

230 ~~1. Perform 100 hours of community service; and may~~

231 ~~2. Be placed on community control or in a nonresidential~~  
232 ~~commitment program.~~

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

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

238 ~~2. Be placed on community control or in a nonresidential~~  
239 ~~commitment program.~~

240

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

246 ~~(10) If a minor is found to have committed an offense~~  
247 ~~under subsection (9), the court shall impose the following~~  
248 ~~penalties in addition to any penalty imposed under paragraph~~

249 ~~(9)(a) or paragraph (9)(b):~~

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

251 ~~1. If the minor is eligible by reason of age for a driver~~  
252 ~~license or driving privilege, the court may direct the~~  
253 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
254 ~~withhold issuance of the minor's driver license or driving~~  
255 ~~privilege for up to 1 year.~~

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

261 ~~3. If the minor is ineligible by reason of age for a~~  
262 ~~driver license or driving privilege, the court may direct the~~  
263 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
264 ~~issuance of the minor's driver license or driving privilege for~~  
265 ~~up to 1 year after the date on which the minor would otherwise~~  
266 ~~have become eligible.~~

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

268 ~~1. If the minor is eligible by reason of age for a driver~~  
269 ~~license or driving privilege, the court may direct the~~  
270 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~  
271 ~~withhold issuance of the minor's driver license or driving~~  
272 ~~privilege for up to 2 years.~~

273 ~~2. If the minor's driver license or driving privilege is~~  
274 ~~under suspension or revocation for any reason, the court may~~  
275 ~~direct the Department of Highway Safety and Motor Vehicles to~~

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276 ~~extend the period of suspension or revocation by an additional~~  
277 ~~period for up to 2 years.~~

278 ~~3. If the minor is ineligible by reason of age for a~~  
279 ~~driver license or driving privilege, the court may direct the~~  
280 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
281 ~~issuance of the minor's driver license or driving privilege for~~  
282 ~~up to 2 years after the date on which the minor would otherwise~~  
283 ~~have become eligible.~~

284 Section 3. Paragraph (d) of subsection (1) of section  
285 985.101, Florida Statutes, is amended to read:

286 985.101 Taking a child into custody.—

287 (1) A child may be taken into custody under the following  
288 circumstances:

289 (d) By a law enforcement officer who has probable cause to  
290 believe that the child is in violation of the conditions of the  
291 child's probation, supervised release detention, ~~postcommitment~~  
292 ~~probation~~, or conditional release supervision; has absconded  
293 from nonresidential commitment; or has escaped from residential  
294 commitment.

295  
296 Nothing in this subsection shall be construed to allow the  
297 detention of a child who does not meet the detention criteria in  
298 part V.

299 Section 4. Section 985.12, Florida Statutes, is amended to  
300 read:

301           985.12 Prearrest delinquency ~~Civil citation or similar~~  
 302 ~~prearrest diversion~~ programs.—

303           (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
 304 that the creation and implementation of delinquency ~~civil~~  
 305 ~~citation or similar prearrest diversion~~ programs at the judicial  
 306 circuit level promotes public safety, aids interagency  
 307 cooperation, and provides the greatest chance of success for  
 308 delinquency ~~civil~~ citation and ~~similar prearrest diversion~~  
 309 programs. The Legislature further finds that the widespread use  
 310 of delinquency ~~civil~~ citation and ~~similar prearrest diversion~~  
 311 programs has a positive effect on the criminal justice system by  
 312 immediately holding youth accountable for their actions and  
 313 contributes to an overall reduction in the crime rate and  
 314 recidivism in the state. The Legislature encourages but does not  
 315 mandate that counties, municipalities, and public or private  
 316 educational institutions participate in a delinquency ~~civil~~  
 317 ~~citation or similar prearrest diversion~~ program created by their  
 318 judicial circuit under this section.

319           (2) JUDICIAL CIRCUIT DELINQUENCY ~~CIVIL~~ CITATION ~~OR SIMILAR~~  
 320 ~~PREARREST DIVERSION~~ PROGRAM DEVELOPMENT, IMPLEMENTATION, AND  
 321 OPERATION.—

322           (a) A delinquency ~~civil~~ citation ~~or similar prearrest~~  
 323 ~~diversion~~ program for misdemeanor offenses shall be established  
 324 in each judicial circuit in the state. The state attorney and  
 325 public defender of each circuit, the clerk of the court for each

326 county in the circuit, and representatives of participating law  
 327 enforcement agencies in the circuit shall create a delinquency  
 328 ~~civil citation or similar prearrest diversion~~ program and  
 329 develop its policies and procedures. In developing the program's  
 330 policies and procedures, input from other interested  
 331 stakeholders may be solicited. The department shall annually  
 332 develop and provide guidelines on best practice models for  
 333 delinquency ~~civil citation or similar prearrest diversion~~  
 334 programs to the judicial circuits as a resource.

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

338 1. The misdemeanor offenses that qualify a juvenile for  
 339 participation in the program. Offenses involving the use or  
 340 possession of a firearm are not eligible for delinquency  
 341 citation.†

342 2. The eligibility criteria for the program.†

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

344 4. The program's requirements, including, but not limited  
 345 to, the completion of community service hours, payment of  
 346 restitution, if applicable, classes established by the  
 347 department or the delinquency citation entity, and intervention  
 348 services indicated by a needs assessment of the juvenile,  
 349 approved by the department, such as family counseling,  
 350 urinalysis monitoring, and substance abuse and mental health

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351 treatment services ~~;~~ and

352 5. A program fee, if any, to be paid by a juvenile  
353 participating in the program. If the program imposes a fee, the  
354 clerk of the court of the applicable county must receive a  
355 reasonable portion of the fee.

356 (c) The state attorney of each circuit shall operate a  
357 delinquency ~~civil citation or similar prearrest diversion~~  
358 program in each circuit. A sheriff, police department, county,  
359 municipality, locally authorized entity, or public or private  
360 educational institution may ~~continue~~ to operate an independent  
361 delinquency ~~civil citation or similar prearrest diversion~~  
362 program ~~that is in operation as of October 1, 2018,~~ if the  
363 independent program is reviewed by the state attorney of the  
364 applicable circuit and he or she determines that the independent  
365 program is substantially similar to the delinquency ~~civil~~  
366 ~~citation or similar prearrest diversion~~ program developed by the  
367 circuit. If the state attorney determines that the independent  
368 program is not substantially similar to the delinquency ~~civil~~  
369 ~~citation or similar prearrest diversion~~ program developed by the  
370 circuit, the operator of the independent ~~diversion~~ program may  
371 revise the program and the state attorney may conduct an  
372 additional review of the independent program. A civil citation  
373 or similar prearrest diversion program existing before July 1,  
374 2024, shall be deemed a delinquency citation program authorized  
375 by this section if the civil citation or similar prearrest

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376 diversion program has been approved by the state attorney of the  
377 circuit in which it operates and it complies with the  
378 requirements in paragraph (2) (b).

379 ~~(d) A judicial circuit may model an existing sheriff's,~~  
380 ~~police department's, county's, municipality's, locally~~  
381 ~~authorized entity's, or public or private educational~~  
382 ~~institution's independent civil citation or similar prearrest~~  
383 ~~diversion program in developing the civil citation or similar~~  
384 ~~prearrest diversion program for the circuit.~~

385 (d)(e) If a juvenile does not successfully complete the  
386 delinquency ~~civil citation or similar prearrest diversion~~  
387 program, the arresting law enforcement officer shall determine  
388 if there is good cause to arrest the juvenile for the original  
389 misdemeanor offense and refer the case to the state attorney to  
390 determine if prosecution is appropriate or allow the juvenile to  
391 continue in the program.

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

396 (f)(g) At the conclusion of a juvenile's delinquency ~~civil~~  
397 ~~citation or similar prearrest diversion~~ program, the state  
398 attorney or operator of the independent program shall report the  
399 outcome to the department. The issuance of a delinquency ~~civil~~  
400 ~~citation or similar prearrest diversion~~ program notice is not



401 considered a referral to the department.

402 (g)~~(h)~~ Upon issuing a delinquency ~~civil~~ citation ~~or~~  
 403 ~~similar prearrest diversion~~ program notice, the law enforcement  
 404 officer shall send a copy of the delinquency ~~civil~~ citation ~~or~~  
 405 ~~similar prearrest diversion~~ program notice to the parent or  
 406 guardian of the child and to the victim.

407 Section 5. Section 985.125, Florida Statutes, is amended  
 408 to read:

409 985.125 ~~Prearrest or~~ Postarrest diversion programs.—

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

413 (2) As part of the ~~prearrest or~~ postarrest diversion  
 414 program, a child who is alleged to have committed a delinquent  
 415 act may be required to surrender his or her driver license, or  
 416 refrain from applying for a driver license, for not more than 90  
 417 days. If the child fails to comply with the requirements of the  
 418 program, the state attorney may notify the Department of Highway  
 419 Safety and Motor Vehicles in writing to suspend the child's  
 420 driver license for a period that may not exceed 90 days.

421 Section 6. Subsections (5) and (6) of section 985.126,  
 422 Florida Statutes, are renumbered as subsections (6) and (7),  
 423 respectively, subsections (3) and (4) of that section are  
 424 amended, and a new subsection (5) is added to that section, to  
 425 read:

426 985.126 Diversion programs; data collection; denial of  
 427 participation or expunged record.—

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

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

432 2. The offense committed, including the specific law  
 433 establishing the offense.

434 3. The judicial circuit and county in which the offense  
 435 was committed and the law enforcement agency that had contact  
 436 with the minor for the offense.

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

440 (b) ~~Beginning October 1, 2018,~~ Each law enforcement agency  
 441 shall submit to the department data for every youth charged for  
 442 the first-time, who is charged with a misdemeanor, and who was  
 443 ~~that identifies for each minor who was eligible for a diversion~~  
 444 ~~program, but was instead~~ referred to the department, provided a  
 445 notice to appear, or arrested:

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

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

449 a. Not offered such opportunity, the reason such offer was  
 450 not made.

451           b. Offered such opportunity, whether the minor or his or  
 452 her parent or legal guardian declined to participate in the  
 453 diversion program.

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

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

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

464           (5) The department shall provide a quarterly report to be  
 465 published on its website and distributed to the Governor,  
 466 President of the Senate, and Speaker of the House of  
 467 Representatives listing the entities that use delinquency  
 468 citations for less than 70 percent of first-time misdemeanor  
 469 offenses.

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

472           985.245 Risk assessment instrument.—

473           (4) For a child who is under the supervision of the  
 474 department through probation, supervised release detention,  
 475 conditional release, ~~postcommitment probation,~~ or commitment and

476 | who is charged with committing a new offense, the risk  
477 | assessment instrument may be completed and scored based on the  
478 | underlying charge for which the child was placed under the  
479 | supervision of the department.

480 |       Section 8. Subsection (1) of section 985.25, Florida  
481 | Statutes, is amended to read:

482 |       985.25 Detention intake.—

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

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

492 |       (b) The department shall base the decision whether to  
493 | place the child into detention care on an assessment of risk in  
494 | accordance with the risk assessment instrument and procedures  
495 | developed by the department under s. 985.245, except that a  
496 | child shall be placed in secure detention care until the child's  
497 | detention hearing if the child meets the criteria specified in  
498 | s. 985.255(1)(f), ~~is charged with possessing or discharging a~~  
499 | ~~firearm on school property in violation of s. 790.115,~~ or is  
500 | charged with any other offense involving the possession or use

501 of a firearm.

502 (c) If the final score on the child's risk assessment  
503 instrument indicates detention care is appropriate, but the  
504 department otherwise determines the child should be released,  
505 the department shall contact the state attorney, who may  
506 authorize release.

507 (d) If the final score on the risk assessment instrument  
508 indicates detention is not appropriate, the child may be  
509 released by the department in accordance with ss. 985.115 and  
510 985.13.

511 (e) Notwithstanding any other provision of law, a youth  
512 who is arrested for violating the terms of his or her electronic  
513 monitoring supervision or his or her supervised release shall be  
514 placed in secure detention until a detention hearing.

515 (f) Notwithstanding any other provision of law, a child on  
516 probation for an underlying felony firearm offense as defined in  
517 chapter 790 and who is taken into custody under s. 985.101 for  
518 violating conditions of probation not involving a new law  
519 violation shall be held in secure detention to allow the state  
520 attorney to review the violation. If, within 21 days, the state  
521 attorney notifies the court that commitment will be sought, then  
522 the child shall remain in secure detention pending proceedings  
523 under s. 985.439 until the initial 21-day period of secure  
524 detention has expired. Upon motion of the state attorney, the  
525 child may be held for an additional 21-day period if the court

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526 finds that the totality of the circumstances, including the  
527 preservation of public safety, warrants such extension. Any  
528 release from secure detention shall result in the child being  
529 held on supervised release with electronic monitoring pending  
530 proceedings under s. 985.439.

531  
532 Under no circumstances shall the department or the state  
533 attorney or law enforcement officer authorize the detention of  
534 any child in a jail or other facility intended or used for the  
535 detention of adults, without an order of the court.

536 Section 9. Paragraph (a) of subsection (1) and subsection  
537 (3) of section 985.255, Florida Statutes, are amended, and  
538 paragraphs (g) and (h) are added to subsection (1) of that  
539 section, to read:

540 985.255 Detention criteria; detention hearing.—

541 (1) Subject to s. 985.25(1), a child taken into custody  
542 and placed into detention care shall be given a hearing within  
543 24 hours after being taken into custody. At the hearing, the  
544 court may order a continued detention status if:

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

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

- 551        1. Murder in the first degree under s. 782.04(1)(a).
- 552        2. Murder in the second degree under s. 782.04(2).
- 553        3. Armed robbery under s. 812.13(2)(a) that involves the  
 554 use or possession of a firearm as defined in s. 790.001.
- 555        4. Armed carjacking under s. 812.133(2)(a) that involves  
 556 the use or possession of a firearm as defined in s. 790.001.
- 557        5. Having a firearm while committing a felony under s.  
 558 790.07(2).
- 559        6. Armed burglary under s. 810.02(2)(b) that involves the  
 560 use or possession of a firearm as defined in s. 790.001.
- 561        7. Delinquent in possession of a firearm under s.  
 562 790.23(1)(b).
- 563        8. An attempt to commit any offense listed in this  
 564 paragraph under s. 777.04.
- 565        (h) For a child who meets the criteria in paragraph (g):
- 566        1. There is a presumption that the child is a risk to  
 567 public safety and danger to the community and such child must be  
 568 held in secure detention prior to an adjudicatory hearing,  
 569 unless the court enters a written order that the child would not  
 570 pose a risk to public safety or a danger to the community if he  
 571 or she were placed on supervised release detention care.
- 572        2. The written order releasing a child from secure  
 573 detention must be based on clear and convincing evidence why the  
 574 child does not present a risk to public safety or a danger to  
 575 the community and must list the child's prior adjudications,

576 dispositions, and prior violations of pretrial release orders.  
577 The court releasing a child from secure detention under this  
578 subparagraph shall place the child on supervised release  
579 detention care with electronic monitoring until the child's  
580 adjudicatory hearing.

581 3. If an adjudicatory hearing has not taken place after 60  
582 days of secure detention for a child held in secure detention  
583 under this paragraph, the court must prioritize the efficient  
584 disposition of cases and hold a review hearing within each  
585 successive 7-day review period until the adjudicatory hearing or  
586 the child is placed on supervised release with electronic  
587 monitoring under subparagraph 2.

588 4. If the court, under this section, releases a child to  
589 supervised release detention care, the court must provide a copy  
590 of the written notice to the victim, to the law enforcement  
591 agency that arrested the child, and to the law enforcement  
592 agency with primary jurisdiction over the child's primary  
593 residence.

594 (3) (a) The purpose of the detention hearing required under  
595 subsection (1) is to determine the existence of probable cause  
596 that the child has committed the delinquent act or violation of  
597 law that he or she is charged with and the need for continued  
598 detention. The court shall consider ~~use~~ the results of the risk  
599 assessment performed by the department and, based on the  
600 criteria in subsection (1), shall determine the need for



601 continued detention. If the child is a prolific juvenile  
602 offender who is detained under s. 985.26(2)(c), the court shall  
603 consider ~~use~~ the results of the risk assessment performed by the  
604 department and the criteria in subsection (1) or subsection (2)  
605 only to determine whether the prolific juvenile offender should  
606 be held in secure detention.

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

611 (c) Except as provided in ~~s. 790.22(8)~~ ~~or~~ s. 985.27, when  
612 a child is placed into detention care, or into a respite home or  
613 other placement pursuant to a court order following a hearing,  
614 the court order must include specific instructions that direct  
615 the release of the child from such placement no later than 5  
616 p.m. on the last day of the detention period specified in s.  
617 985.26 or s. 985.27, whichever is applicable, unless the  
618 requirements of such applicable provision have been met or an  
619 order of continuance has been granted under s. 985.26(4). If the  
620 court order does not include a release date, the release date  
621 shall be requested from the court on the same date that the  
622 child is placed in detention care. If a subsequent hearing is  
623 needed to provide additional information to the court for safety  
624 planning, the initial order placing the child in detention care  
625 shall reflect the next detention review hearing, which shall be

626 held within 3 calendar days after the child's initial detention  
 627 placement.

628 Section 10. Paragraph (b) of subsection (2) of section  
 629 985.26, Florida Statutes, is amended to read:

630 985.26 Length of detention.—

631 (2)

632 (b) The court may order the child held in secure detention  
 633 beyond 21 days based on the nature of the charge under the  
 634 following circumstances:

635 1. Upon good cause being shown that the nature of the  
 636 charge requires additional time for the prosecution or defense  
 637 of the case or that the totality of the circumstances, including  
 638 the preservation of public safety, warrants an extension, the  
 639 court may extend the length of secure detention care for up to  
 640 an additional 21 days if the child is charged with an offense  
 641 which, if committed by an adult, would be a capital felony, a  
 642 life felony, a felony of the first degree or the second degree,  
 643 a felony of the third degree involving violence against any  
 644 individual, or any other offense involving the possession or use  
 645 of a firearm. Except as otherwise provided for certain offenses  
 646 and as set forth in subparagraph 2., the court may continue to  
 647 extend the period of secure detention care in increments of up  
 648 to 21 days each by conducting a hearing before the expiration of  
 649 the current period to determine the need for continued secure  
 650 detention of the child. At the hearing, the court must make the

651 required findings in writing to extend the period of secure  
652 detention. If the court extends the time period for secure  
653 detention care, it shall ensure an adjudicatory hearing for the  
654 case commences as soon as is reasonably possible considering the  
655 totality of the circumstances. The court shall prioritize the  
656 efficient disposition of cases in which the child has served 60  
657 or more days in secure detention care.

658 2. Any child held in secure detention under s.  
659 985.255(1)(g).

660 a. There is a presumption that the child is a risk to  
661 public safety and danger to the community and such child must be  
662 held in secure detention prior to an adjudicatory hearing,  
663 unless the court enters a written order that the child would not  
664 pose a risk to public safety or a danger to the community if he  
665 or she were placed on supervised release detention care.

666 b. The written order releasing a child from secure  
667 detention must be based on clear and convincing evidence why the  
668 child does not present a risk to public safety or a danger to  
669 the community and must list the child's prior adjudications,  
670 dispositions and prior violations of pretrial release orders.  
671 The court releasing a child from secure detention under this  
672 subparagraph shall place the child on supervised release  
673 detention care with electronic monitoring until the child's  
674 adjudicatory hearing.

675 c. If an adjudicatory hearing has not taken place after 60

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676 days of secure detention for a child held in secure detention  
677 under this paragraph, the court must hold a review hearing  
678 within each successive 7-day review period until the  
679 adjudicatory hearing or the child is placed on supervised  
680 release with electronic monitoring under sub-subparagraph b.

681 d. If the court, under this subparagraph, releases a child  
682 to supervised release detention care, the court must provide a  
683 copy of the written notice to the victim, the law enforcement  
684 agency that arrested the child, and the law enforcement agency  
685 with primary jurisdiction over the child's primary residence.

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

689 985.433 Disposition hearings in delinquency cases.—When a  
690 child has been found to have committed a delinquent act, the  
691 following procedures shall be applicable to the disposition of  
692 the case:

693 (7) If the court determines that the child should be  
694 adjudicated as having committed a delinquent act and should be  
695 committed to the department, such determination shall be in  
696 writing or on the record of the hearing. The determination shall  
697 include a specific finding of the reasons for the decision to  
698 adjudicate and to commit the child to the department, including  
699 any determination that the child was a member of a criminal  
700 gang.

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701        (d) Any child adjudicated by the court and committed to  
702 the department under a restrictiveness level defined in s.  
703 985.03(44) for any offense or attempted offense involving a  
704 firearm must be placed on conditional release, as defined in s.  
705 985.03, for a period of 1 year after release from the commitment  
706 program. Such term of conditional release shall include  
707 electronic monitoring of the child by the department for the  
708 initial 6 months at times and under terms and conditions set by  
709 the department.

710        (8) If the court determines not to adjudicate and commit  
711 to the department, then the court shall determine what  
712 community-based sanctions it will impose in a probation program  
713 for the child. Community-based sanctions may include, but are  
714 not limited to, participation in substance abuse treatment, a  
715 day-treatment probation program, restitution in money or in  
716 kind, a curfew, revocation or suspension of the driver license  
717 of the child, community service, and appropriate educational  
718 programs as determined by the district school board.

719        (a) Where a child is found to have committed an offense  
720 that involves the use or possession of a firearm, as defined in  
721 s. 790.001, other than a violation of s. 790.22(3), or is found  
722 to have committed an offense during the commission of which the  
723 child possessed a firearm, and the court has decided not to  
724 commit the child to a residential program, the court shall  
725 order, in addition to any other punishment provided by law:

726        1. For a first offense, a child shall:  
 727            a. Serve a period of detention of 30 days in a secure  
 728 detention facility, with credit for time served in secure  
 729 detention prior to disposition.  
 730            b. Perform 100 hours of community service or paid work as  
 731 determined by the department.  
 732            c. Be placed on probation for a period of at least 1 year.  
 733 Such term of probation shall include electronic monitoring of  
 734 the child by the department at times and under terms and  
 735 conditions set by the department.  
 736        2. In addition to these penalties, the court may impose  
 737 the following restrictions upon the child's driving privileges:  
 738            a. If the child is eligible by reason of age for a driver  
 739 license or driving privilege, the court may direct the  
 740 Department of Highway Safety and Motor Vehicles to revoke or to  
 741 withhold issuance of the child's driver license or driving  
 742 privilege for up to 1 year.  
 743            b. If the child's driver license or driving privilege is  
 744 under suspension or revocation for any reason, the court may  
 745 direct the Department of Highway Safety and Motor Vehicles to  
 746 extend the period of suspension or revocation by an additional  
 747 period for up to 1 year.  
 748            c. If the child is ineligible by reason of age for a  
 749 driver license or driving privilege, the court may direct the  
 750 Department of Highway Safety and Motor Vehicles to withhold

751 issuance of the minor's driver license or driving privilege for  
752 up to 1 year after the date on which the child would otherwise  
753 have become eligible.

754  
755 For the purposes of this paragraph, community service shall be  
756 performed, if possible, in a manner involving a hospital  
757 emergency room or other medical environment that deals on a  
758 regular basis with trauma patients and gunshot wounds.

759 (b) A child who has previously had adjudication withheld  
760 for any of the following offenses shall not be eligible for a  
761 second or subsequent withhold of adjudication on a listed  
762 offense, and must be adjudicated delinquent and committed to a  
763 residential program:

764 1. Armed robbery involving a firearm under s.  
765 812.13(2) (a) .

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

768 3. Having a firearm while committing a felony under s.  
769 790.07(2) .

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

772 5. Delinquent in possession of a firearm under s.  
773 790.23(1) (b) .

774 6. An attempt to commit any offense listed in this  
775 paragraph under s. 777.04.

776 (9) After appropriate sanctions for the offense are  
 777 determined, including any minimum sanctions required by this  
 778 section, the court shall develop, approve, and order a plan of  
 779 probation that will contain rules, requirements, conditions, and  
 780 rehabilitative programs, including the option of a day-treatment  
 781 probation program, that are designed to encourage responsible  
 782 and acceptable behavior and to promote both the rehabilitation  
 783 of the child and the protection of the community.

784 Section 12. Subsections (1), (3), and (4) of section  
 785 985.435, Florida Statutes, are amended to read:

786 985.435 Probation ~~and postcommitment probation;~~ community  
 787 service.—

788 (1) The court that has jurisdiction over an adjudicated  
 789 delinquent child may, by an order stating the facts upon which a  
 790 determination of a sanction and rehabilitative program was made  
 791 at the disposition hearing, place the child in a probation  
 792 program ~~or a postcommitment probation program.~~ Such placement  
 793 must be under the supervision of an authorized agent of the  
 794 department or of any other person or agency specifically  
 795 authorized and appointed by the court, whether in the child's  
 796 own home, in the home of a relative of the child, or in some  
 797 other suitable place under such reasonable conditions as the  
 798 court may direct.

799 (3) A probation program must also include a rehabilitative  
 800 program component such as a requirement of participation in



801 substance abuse treatment or in a school or career and technical  
802 education program. The nonconsent of the child to treatment in a  
803 substance abuse treatment program in no way precludes the court  
804 from ordering such treatment. Upon the recommendation of the  
805 department at the time of disposition, or subsequent to  
806 disposition pursuant to the filing of a petition alleging a  
807 violation of the child's conditions of ~~postcommitment~~ probation,  
808 the court may order the child to submit to random testing for  
809 the purpose of detecting and monitoring the use of alcohol or  
810 controlled substances.

811 (4) A probation program must ~~may also~~ include an  
812 alternative consequence component to address instances in which  
813 a child is noncompliant with technical conditions of his or her  
814 probation but has not committed any new violations of law. The  
815 alternative consequence component must be aligned with the  
816 department's graduated response matrix as described in s.  
817 985.438 ~~Each judicial circuit shall develop, in consultation~~  
818 ~~with judges, the state attorney, the public defender, the~~  
819 ~~regional counsel, relevant law enforcement agencies, and the~~  
820 ~~department, a written plan specifying the alternative~~  
821 ~~consequence component which must be based upon the principle~~  
822 ~~that sanctions must reflect the seriousness of the violation,~~  
823 ~~the assessed criminogenic needs and risks of the child, the~~  
824 ~~child's age and maturity level, and how effective the sanction~~  
825 ~~or incentive will be in moving the child to compliant behavior.~~

826 ~~The alternative consequence component is designed to provide~~  
827 ~~swift and appropriate consequences or incentives to a child who~~  
828 ~~is alleged to be noncompliant with or in violation of probation.~~  
829 ~~If the probation program includes this component, specific~~  
830 ~~consequences that apply to noncompliance with specific technical~~  
831 ~~conditions of probation, as well as incentives used to move the~~  
832 ~~child toward compliant behavior, must be detailed in the~~  
833 ~~disposition order.~~

834 Section 13. Section 985.438, Florida Statutes, is created  
835 to read:

836 985.438 Graduated response matrix.—

837 (1) The department shall create and administer a statewide  
838 plan to hold youths accountable to the terms of their court  
839 ordered probation and the terms of their conditional release.  
840 The plan must be based upon the principle that sanctions must  
841 reflect the seriousness of the violation, provide immediate  
842 accountability for violations, the assessed criminogenic needs  
843 and risks of the child, the child's age and maturity level. The  
844 plan is designed to provide swift and appropriate consequences  
845 or incentives to a child who is alleged to be noncompliant with  
846 or in violation of probation.

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

850 (a) Increased contacts.

- 851           (b) Increased drug tests.
- 852           (c) Curfew reductions.
- 853           (d) Increased community service.
- 854           (e) Additional evaluations.
- 855           (f) Addition of electronic monitoring.
- 856           (3) The graduated response matrix shall be adopted in rule
- 857 by the department.

858           Section 14. Section 985.439, Florida Statutes, is amended  
 859 to read:

860           985.439 Violation of probation ~~or postcommitment~~  
 861 ~~probation.~~-

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

865           (b) If the conditions of the probation program ~~or the~~  
 866 ~~postcommitment probation program~~ are violated, the department or  
 867 the state attorney may bring the child before the court on a  
 868 petition alleging a violation of the program. A child who  
 869 violates the conditions of probation ~~or postcommitment probation~~  
 870 must be brought before the court if sanctions are sought.

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

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

876 | violating the conditions of probation shall be screened and  
 877 | detained or released based on his or her risk assessment  
 878 | instrument score.

879 |       (3) If the child denies violating the conditions of  
 880 | probation ~~or postcommitment probation~~, the court shall, upon the  
 881 | child's request, appoint counsel to represent the child.

882 |       (4) Upon the child's admission, or if the court finds  
 883 | after a hearing that the child has violated the conditions of  
 884 | probation ~~or postcommitment probation~~, the court shall enter an  
 885 | order revoking, modifying, or continuing probation ~~or~~  
 886 | ~~postcommitment probation~~. In each such case, the court shall  
 887 | enter a new disposition order and, in addition to the sanctions  
 888 | set forth in this section, may impose any sanction the court  
 889 | could have imposed at the original disposition hearing. If the  
 890 | child is found to have violated the conditions of probation ~~or~~  
 891 | ~~postcommitment probation~~, the court may:

892 |       (a) Place the child in supervised release detention with  
 893 | electronic monitoring.

894 |       (b) If the violation of probation is technical in nature  
 895 | and not a new violation of law, place the child in an  
 896 | alternative consequence program designed to provide swift and  
 897 | appropriate consequences to any further violations of probation.

898 |       ~~1. Alternative consequence programs shall be established,~~  
 899 | ~~within existing resources, at the local level in coordination~~  
 900 | ~~with law enforcement agencies, the chief judge of the circuit,~~

901 ~~the state attorney, and the public defender.~~

902 ~~2. Alternative consequence programs may be operated by an~~  
 903 ~~entity such as a law enforcement agency, the department, a~~  
 904 ~~juvenile assessment center, a county or municipality, or another~~  
 905 ~~entity selected by the department.~~

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

909 (c) ~~Modify or continue the child's probation program or~~  
 910 ~~postcommitment probation program.~~

911 (d) ~~Revoke probation or postcommitment probation and~~  
 912 ~~commit the child to the department.~~

913 (e) Allow the department to place a youth on electronic  
 914 monitoring for a violation of probation if it determines doing  
 915 so will preserve and protect public safety.

916 (5) Upon the recommendation of the department at the time  
 917 of disposition, or subsequent to disposition pursuant to the  
 918 filing of a petition alleging a violation of the child's  
 919 conditions of ~~postcommitment~~ probation, the court may order the  
 920 child to submit to random testing for the purpose of detecting  
 921 and monitoring the use of alcohol or controlled substances.

922 Section 15. Subsection (5) is added to section 985.455,  
 923 Florida Statutes, to read:

924 985.455 Other dispositional issues.—

925 (5) If the court orders revocation or suspension of a

926 child's driver license as part of a disposition, the court may,  
 927 upon finding a compelling circumstance to warrant an exception,  
 928 direct the Department of Highway Safety and Motor Vehicles to  
 929 issue a license for driving privileges restricted to business or  
 930 employment purposes only, as defined in s. 322.271.

931 Section 16. Subsections (2), (3), and (5) of section  
 932 985.46, Florida Statutes, are amended, and subsection (6) is  
 933 added to that section, to read:

934 985.46 Conditional release.—

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

936 (a) Commitment programs include rehabilitative efforts on  
 937 preparing committed juveniles for a successful release to the  
 938 community.

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

941 (c) Each juvenile committed to a residential commitment  
 942 shall receive conditional release services ~~program be assessed~~  
 943 ~~to determine the need for conditional release services~~ upon  
 944 release from the commitment program unless the youth is directly  
 945 released by the court.

946 (3) For juveniles referred or committed to the department,  
 947 the function of the department may include, but shall not be  
 948 limited to, supervising each juvenile on conditional release  
 949 ~~when assessing each juvenile placed in a residential commitment~~  
 950 ~~program to determine the need for conditional release services~~

951 ~~upon release from the program, supervising the juvenile when~~  
952 released into the community from a residential commitment  
953 facility of the department, providing such counseling and other  
954 services as may be necessary for the families and assisting  
955 their preparations for the return of the child. Subject to  
956 specific appropriation, the department shall provide for  
957 outpatient sexual offender counseling for any juvenile sexual  
958 offender released from a residential commitment program as a  
959 component of conditional release.

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

962 (a)~~(5)~~ Participation in the educational program by  
963 students of compulsory school attendance age pursuant to s.  
964 1003.21(1) and (2) (a) is mandatory for juvenile justice youth on  
965 conditional release ~~or postcommitment probation~~ status. A  
966 student of noncompulsory school-attendance age who has not  
967 received a high school diploma or its equivalent must  
968 participate in an educational program or career and technical  
969 education course of study. A youth who has received a high  
970 school diploma or its equivalent and is not employed must  
971 participate in workforce development or other career or  
972 technical education or attend a community college or a  
973 university while in the program, ~~subject to available funding~~.

974 (b) A curfew.

975 (c) A prohibition on contact with victims, co-defendants,

976 or known gang members.

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

978 (e) A prohibition on possession of firearms.

979 (6) A youth who violates the terms of his or her  
 980 conditional release shall be assessed using the graduated  
 981 response matrix as described in s. 985.438. A youth who fails to  
 982 move into compliance shall be recommitted to a residential  
 983 facility.

984 Section 17. Paragraph (c) of subsection (1) of section  
 985 985.48, Florida Statutes, is amended to read:

986 985.48 Juvenile sexual offender commitment programs;  
 987 sexual abuse intervention networks.—

988 (1) In order to provide intensive treatment and  
 989 psychological services to a juvenile sexual offender committed  
 990 to the department, it is the intent of the Legislature to  
 991 establish programs and strategies to effectively respond to  
 992 juvenile sexual offenders. In designing programs for juvenile  
 993 sexual offenders, it is the further intent of the Legislature to  
 994 implement strategies that include:

995 (c) Providing intensive ~~postcommitment~~ supervision of  
 996 juvenile sexual offenders who are released into the community  
 997 with terms and conditions which may include electronic  
 998 monitoring of a juvenile sexual offender for the purpose of  
 999 enhancing public safety.

1000 Section 18. Paragraph (a) of subsection (6) of section



1001 985.4815, Florida Statutes, is amended to read:

1002 985.4815 Notification to Department of Law Enforcement of  
 1003 information on juvenile sexual offenders.-

1004 (6)(a) The information provided to the Department of Law  
 1005 Enforcement must include the following:

1006 1. The information obtained from the sexual offender under  
 1007 subsection (4).

1008 2. The sexual offender's most current address and place of  
 1009 permanent, temporary, or transient residence within the state or  
 1010 out of state, and address, location or description, and dates of  
 1011 any current or known future temporary residence within the state  
 1012 or out of state, while the sexual offender is in the care or  
 1013 custody or under the jurisdiction or supervision of the  
 1014 department in this state, including the name of the county or  
 1015 municipality in which the offender permanently or temporarily  
 1016 resides, or has a transient residence, and address, location or  
 1017 description, and dates of any current or known future temporary  
 1018 residence within the state or out of state; and, if known, the  
 1019 intended place of permanent, temporary, or transient residence,  
 1020 and address, location or description, and dates of any current  
 1021 or known future temporary residence within the state or out of  
 1022 state upon satisfaction of all sanctions.

1023 3. The legal status of the sexual offender and the  
 1024 scheduled termination date of that legal status.

1025 4. The location of, and local telephone number for, any

1026 department office that is responsible for supervising the sexual  
 1027 offender.

1028 5. An indication of whether the victim of the offense that  
 1029 resulted in the offender's status as a sexual offender was a  
 1030 minor.

1031 6. The offense or offenses at adjudication and disposition  
 1032 that resulted in the determination of the offender's status as a  
 1033 sex offender.

1034 7. A digitized photograph of the sexual offender, which  
 1035 must have been taken within 60 days before the offender was  
 1036 released from the custody of the department or a private  
 1037 correctional facility by expiration of sentence under s.  
 1038 944.275, or within 60 days after the onset of the department's  
 1039 supervision of any sexual offender who is on probation,  
 1040 ~~postcommitment probation,~~ residential commitment, nonresidential  
 1041 commitment, licensed child-caring commitment, community control,  
 1042 conditional release, parole, provisional release, or control  
 1043 release or who is supervised by the department under the  
 1044 Interstate Compact Agreement for Probationers and Parolees. If  
 1045 the sexual offender is in the custody of a private correctional  
 1046 facility, the facility shall take a digitized photograph of the  
 1047 sexual offender within the time period provided in this  
 1048 subparagraph and shall provide the photograph to the department.

1049 Section 19. Subsection (11) of section 985.601, Florida  
 1050 Statutes, is renumbered as subsection (12), and a new subsection

1051 (11) is added to that section, to read:

1052 985.601 Administering the juvenile justice continuum.—

1053 (11) The department shall establish a class focused on the  
 1054 risk and consequences of youthful firearm offending which shall  
 1055 be provided by the department to any youth adjudicated or had  
 1056 adjudication withheld for any offense involving the use or  
 1057 possession of a firearm.

1058 Section 20. Section 985.711, Florida Statutes, is amended  
 1059 to read:

1060 985.711 Introduction, removal, or possession of certain  
 1061 articles unlawful; penalty.—

1062 (1)(a) Except as authorized through program policy or  
 1063 operating procedure or as authorized by the facility  
 1064 superintendent, program director, or manager, a person may not  
 1065 introduce into or upon the grounds of a juvenile detention  
 1066 facility or commitment program, or take or send, or attempt to  
 1067 take or send, from a juvenile detention facility or commitment  
 1068 program, any of the following articles, which are declared to be  
 1069 contraband under this section:

1070 1. Any unauthorized article of food or clothing given or  
 1071 transmitted, or intended to be given or transmitted, to any  
 1072 youth in a juvenile detention facility or commitment program.

1073 2. Any intoxicating beverage or any beverage that causes  
 1074 or may cause an intoxicating effect.

1075 3. Any controlled substance as defined in s. 893.02(4),

1076 marijuana as defined in s. 381.986, hemp as defined in s.  
 1077 581.217, industrial hemp as defined in s. 1004.4473, or any  
 1078 prescription or nonprescription drug that has a hypnotic,  
 1079 stimulating, or depressing effect.

1080 4. Any firearm or weapon of any kind or any explosive  
 1081 substance.

1082 5. Any cellular telephone or other portable communication  
 1083 device as described in s. 944.47(1)(a)6., intentionally and  
 1084 unlawfully introduced inside the secure perimeter of any  
 1085 juvenile detention facility or commitment program. As used in  
 1086 this subparagraph, the term "portable communication device" does  
 1087 not include any device that has communication capabilities which  
 1088 has been approved or issued by the facility superintendent,  
 1089 program director, or manager.

1090 6. Any vapor-generating electronic device as defined in s.  
 1091 386.203, intentionally and unlawfully introduced inside the  
 1092 secure perimeter of any juvenile detention facility or  
 1093 commitment program.

1094 7. Any currency or coin given or transmitted, or intended  
 1095 to be given or transmitted, to any youth of any juvenile  
 1096 detention facility or commitment program.

1097 8. Any cigarettes, as defined in s. 210.01(1) or tobacco  
 1098 products, as defined in s. 210.25, given, or intended to be  
 1099 given, to any youth in a juvenile detention facility or  
 1100 commitment program.

1101 (b) A person may not transmit contraband to, cause  
 1102 contraband to be transmitted to or received by, attempt to  
 1103 transmit contraband to, or attempt to cause contraband to be  
 1104 transmitted to or received by, a juvenile offender into or upon  
 1105 the grounds of a juvenile detention facility or commitment  
 1106 program, except as authorized through program policy or  
 1107 operating procedures or as authorized by the facility  
 1108 superintendent, program director, or manager.

1109 (c) A juvenile offender or any person, while upon the  
 1110 grounds of a juvenile detention facility or commitment program,  
 1111 may not be in actual or constructive possession of any article  
 1112 or thing declared to be contraband under this section, except as  
 1113 authorized through program policy or operating procedures or as  
 1114 authorized by the facility superintendent, program director, or  
 1115 manager.

1116 ~~(2)(a) Any person who violates this section as it pertains~~  
 1117 ~~to an article of contraband described in subparagraph (1)(a)1.~~  
 1118 ~~commits a felony of the third degree, punishable as provided in~~  
 1119 ~~s. 775.082, s. 775.083, or s. 775.084.~~

1120 ~~(b) Any person who violates this section as it pertains to~~  
 1121 ~~an article of contraband described in subparagraph (1)(a)5. or~~  
 1122 ~~subparagraph (1)(a)6. commits a misdemeanor of the first degree,~~  
 1123 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1124 ~~(c) In all other cases,~~ A person who violates this section  
 1125 commits a felony of the second degree, punishable as provided in

1126 | s. 775.082, s. 775.083, or s. 775.084.

1127 | Section 21. Paragraph (c) of subsection (2) of section  
1128 | 1002.221, Florida Statutes, is amended to read:

1129 | 1002.221 K-12 education records; public records  
1130 | exemption.—

1131 | (2)

1132 | (c) In accordance with the FERPA and the federal  
1133 | regulations issued pursuant to the FERPA, an agency or  
1134 | institution, as defined in s. 1002.22, may release a student's  
1135 | education records without written consent of the student or  
1136 | parent to parties to an interagency agreement among the  
1137 | Department of Juvenile Justice, the school, law enforcement  
1138 | authorities, and other signatory agencies. Information provided  
1139 | pursuant to an interagency agreement may be used for proceedings  
1140 | initiated under chapter 984 or chapter 985 in furtherance of an  
1141 | ~~interagency agreement is intended solely for use in determining~~  
1142 | ~~the appropriate programs and services for each juvenile or the~~  
1143 | ~~juvenile's family, or for coordinating the delivery of the~~  
1144 | ~~programs and services, and as such is inadmissible in any court~~  
1145 | ~~proceeding before a dispositional hearing unless written consent~~  
1146 | ~~is provided by a parent or other responsible adult on behalf of~~  
1147 | ~~the juvenile.~~

1148 | Section 22. Paragraph (b) of subsection (3) of section  
1149 | 943.051, Florida Statutes, is amended to read:

1150 | 943.051 Criminal justice information; collection and

1151 storage; fingerprinting.—  
 1152 (3)  
 1153 (b) A minor who is charged with or found to have committed  
 1154 the following offenses shall be fingerprinted and the  
 1155 fingerprints shall be submitted electronically to the  
 1156 department, unless the minor is issued a delinquency ~~civil~~  
 1157 citation pursuant to s. 985.12:  
 1158 1. Assault, as defined in s. 784.011.  
 1159 2. Battery, as defined in s. 784.03.  
 1160 3. Carrying a concealed weapon, as defined in s.  
 1161 790.01(2).  
 1162 4. Unlawful use of destructive devices or bombs, as  
 1163 defined in s. 790.1615(1).  
 1164 5. Neglect of a child, as defined in s. 827.03(1)(e).  
 1165 6. Assault or battery on a law enforcement officer, a  
 1166 firefighter, or other specified officers, as defined in s.  
 1167 784.07(2)(a) and (b).  
 1168 7. Open carrying of a weapon, as defined in s. 790.053.  
 1169 8. Exposure of sexual organs, as defined in s. 800.03.  
 1170 9. Unlawful possession of a firearm, as defined in s.  
 1171 790.22(5).  
 1172 10. Petit theft, as defined in s. 812.014(3).  
 1173 11. Cruelty to animals, as defined in s. 828.12(1).  
 1174 12. Arson, as defined in s. 806.031(1).  
 1175 13. Unlawful possession or discharge of a weapon or

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1176 | firearm at a school-sponsored event or on school property, as  
 1177 | provided in s. 790.115.

1178 | Section 23. Paragraph (b) of subsection (1) of section  
 1179 | 985.11, Florida Statutes, is amended to read:

1180 | 985.11 Fingerprinting and photographing.—

1181 | (1)

1182 | (b) Unless the child is issued a delinquency ~~civil~~  
 1183 | ~~citation or is participating in a similar diversion program~~  
 1184 | pursuant to s. 985.12, a child who is charged with or found to  
 1185 | have committed one of the following offenses shall be  
 1186 | fingerprinted, and the fingerprints shall be submitted to the  
 1187 | Department of Law Enforcement as provided in s. 943.051(3)(b):

1188 | 1. Assault, as defined in s. 784.011.

1189 | 2. Battery, as defined in s. 784.03.

1190 | 3. Carrying a concealed weapon, as defined in s.  
 1191 | 790.01(2).

1192 | 4. Unlawful use of destructive devices or bombs, as  
 1193 | defined in s. 790.1615(1).

1194 | 5. Neglect of a child, as defined in s. 827.03(1)(e).

1195 | 6. Assault on a law enforcement officer, a firefighter, or  
 1196 | other specified officers, as defined in s. 784.07(2)(a).

1197 | 7. Open carrying of a weapon, as defined in s. 790.053.

1198 | 8. Exposure of sexual organs, as defined in s. 800.03.

1199 | 9. Unlawful possession of a firearm, as defined in s.  
 1200 | 790.22(5).



- 1201           10. Petit theft, as defined in s. 812.014.
- 1202           11. Cruelty to animals, as defined in s. 828.12(1).
- 1203           12. Arson, resulting in bodily harm to a firefighter, as
- 1204 defined in s. 806.031(1).
- 1205           13. Unlawful possession or discharge of a weapon or
- 1206 firearm at a school-sponsored event or on school property as
- 1207 defined in s. 790.115.

1208

1209 A law enforcement agency may fingerprint and photograph a child

1210 taken into custody upon probable cause that such child has

1211 committed any other violation of law, as the agency deems

1212 appropriate. Such fingerprint records and photographs shall be

1213 retained by the law enforcement agency in a separate file, and

1214 these records and all copies thereof must be marked "Juvenile

1215 Confidential." These records are not available for public

1216 disclosure and inspection under s. 119.07(1) except as provided

1217 in ss. 943.053 and 985.04(2), but shall be available to other

1218 law enforcement agencies, criminal justice agencies, state

1219 attorneys, the courts, the child, the parents or legal

1220 custodians of the child, their attorneys, and any other person

1221 authorized by the court to have access to such records. In

1222 addition, such records may be submitted to the Department of Law

1223 Enforcement for inclusion in the state criminal history records

1224 and used by criminal justice agencies for criminal justice

1225 purposes. These records may, in the discretion of the court, be

1226 open to inspection by anyone upon a showing of cause. The  
1227 fingerprint and photograph records shall be produced in the  
1228 court whenever directed by the court. Any photograph taken  
1229 pursuant to this section may be shown by a law enforcement  
1230 officer to any victim or witness of a crime for the purpose of  
1231 identifying the person who committed such crime.

1232 Section 24. Paragraph (n) of subsection (2) of section  
1233 1006.07, Florida Statutes, is amended to read:

1234 1006.07 District school board duties relating to student  
1235 discipline and school safety.—The district school board shall  
1236 provide for the proper accounting for all students, for the  
1237 attendance and control of students at school, and for proper  
1238 attention to health, safety, and other matters relating to the  
1239 welfare of students, including:

1240 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
1241 conduct for elementary schools and a code of student conduct for  
1242 middle and high schools and distribute the appropriate code to  
1243 all teachers, school personnel, students, and parents, at the  
1244 beginning of every school year. Each code shall be organized and  
1245 written in language that is understandable to students and  
1246 parents and shall be discussed at the beginning of every school  
1247 year in student classes, school advisory council meetings, and  
1248 parent and teacher association or organization meetings. Each  
1249 code shall be based on the rules governing student conduct and  
1250 discipline adopted by the district school board and shall be

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1251 made available in the student handbook or similar publication.

1252 Each code shall include, but is not limited to:

1253 (n) Criteria for recommending to law enforcement that a  
1254 student who commits a criminal offense be allowed to participate  
1255 in a prearrest delinquency citation ~~civil citation or similar~~  
1256 ~~prearrest diversion~~ program as an alternative to expulsion or  
1257 arrest. All prearrest delinquency citation ~~civil citation or~~  
1258 ~~similar prearrest diversion~~ programs must comply with s. 985.12.

1259 Section 25. This act shall take effect July 1, 2024.