

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
58 Justice why such violation is not filed; removing
59 provisions concerning an alternative consequence
60 program; allowing placement of electronic monitoring
61 for 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 prior to 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~~

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

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

323 (a) A prearrest delinquency ~~civil citation or similar~~
 324 ~~prearrest diversion~~ program for misdemeanor offenses shall be
 325 established in each judicial circuit in the state. The state

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

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

340 1. The misdemeanor offenses that qualify a juvenile for
 341 participation in the program. Offenses involving the use or
 342 possession of a firearm do not qualify for a prearrest
 343 delinquency citation program.†

344 2. The eligibility criteria for the program.†

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

346 4. The program's requirements, including, but not limited
 347 to, the completion of community service hours, payment of
 348 restitution, if applicable, classes established by the
 349 department or the prearrest delinquency citation program, and
 350 intervention services indicated by a needs assessment of the

351 juvenile, approved by the department, such as family counseling,
352 urinalysis monitoring, and substance abuse and mental health
353 treatment services. ~~;~~ and

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

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

376 or similar prearrest diversion program existing before July 1,
 377 2024, shall be deemed a delinquency citation program authorized
 378 by this section if the civil citation or similar prearrest
 379 diversion program has been approved by the state attorney of the
 380 circuit in which it operates and it complies with the
 381 requirements in paragraph (2)(b).

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

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

395 (e)-(f) Each prearrest delinquency civil citation or
 396 similar prearrest diversion program shall enter the appropriate
 397 youth data into the Juvenile Justice Information System
 398 Prevention Web within 7 days after the admission of the youth
 399 into the program.

400 (f)-(g) At the conclusion of a juvenile's prearrest

401 ~~delinquency civil citation or similar prearrest diversion~~
 402 program, the state attorney or operator of the independent
 403 program shall report the outcome to the department. The issuance
 404 of a prearrest delinquency civil citation or similar prearrest
 405 ~~diversion~~ program notice is not considered a referral to the
 406 department.

407 ~~(g)-(h)~~ Upon issuing a prearrest delinquency civil citation
 408 ~~or similar prearrest diversion~~ program notice, the law
 409 enforcement officer shall send a copy of the prearrest
 410 delinquency civil citation or similar prearrest diversion
 411 program notice to the parent or guardian of the child and to the
 412 victim.

413 Section 5. Section 985.125, Florida Statutes, is amended
 414 to read:

415 985.125 ~~Prearrest or~~ Postarrest diversion programs.—

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

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

426 driver license for a period that may not exceed 90 days.

427 Section 6. Subsections (5) and (6) of section 985.126,
 428 Florida Statutes, are renumbered as subsections (6) and (7),
 429 respectively, subsections (3) and (4) of that section are
 430 amended, and a new subsection (5) is added to that section, to
 431 read:

432 985.126 Prearrest and postarrest diversion programs; data
 433 collection; denial of participation or expunged record.—

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

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

438 2. The offense committed, including the specific law
 439 establishing the offense.

440 3. The judicial circuit and county in which the offense
 441 was committed and the law enforcement agency that had contact
 442 with the minor for the offense.

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

446 (b) ~~Beginning October 1, 2018,~~ Each law enforcement agency
 447 shall submit to the department data for every minor charged for
 448 the first-time, who is charged with a misdemeanor, and who was
 449 ~~that identifies for each minor who was eligible for a diversion~~
 450 ~~program, but was instead~~ referred to the department, provided a

451 notice to appear, or arrested:

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

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

455 a. Not offered such opportunity, the reason such offer was
456 not made.

457 b. Offered such opportunity, whether the minor or his or
458 her parent or legal guardian declined to participate in the
459 diversion program.

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

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

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

470 (5) The department shall provide a quarterly report to be
471 published on its website and distributed to the Governor,
472 President of the Senate, and Speaker of the House of
473 Representatives listing the entities that use prearrest
474 delinquency citations for less than 70 percent of first-time
475 misdemeanor offenses.

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

478 985.245 Risk assessment instrument.—

479 (4) For a child who is under the supervision of the
 480 department through probation, supervised release detention,
 481 conditional release, ~~postcommitment probation~~, or commitment and
 482 who is charged with committing a new offense, the risk
 483 assessment instrument may be completed and scored based on the
 484 underlying charge for which the child was placed under the
 485 supervision of the department.

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

488 985.25 Detention intake.—

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

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

498 (b) The department shall base the decision whether to
 499 place the child into detention care on an assessment of risk in
 500 accordance with the risk assessment instrument and procedures

501 developed by the department under s. 985.245, except that a
502 child shall be placed in secure detention care until the child's
503 detention hearing if the child meets the criteria specified in
504 s. 985.255(1)(f), ~~is charged with possessing or discharging a~~
505 ~~firearm on school property in violation of s. 790.115,~~ or is
506 charged with any other offense involving the possession or use
507 of a firearm.

508 (c) If the final score on the child's risk assessment
509 instrument indicates detention care is appropriate, but the
510 department otherwise determines the child should be released,
511 the department shall contact the state attorney, who may
512 authorize release.

513 (d) If the final score on the risk assessment instrument
514 indicates detention is not appropriate, the child may be
515 released by the department in accordance with ss. 985.115 and
516 985.13.

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

521 (f) Notwithstanding any other provision of law, a child on
522 probation for an underlying felony firearm offense in chapter
523 790 and who is taken into custody under s. 985.101 for violating
524 conditions of probation not involving a new law violation shall
525 be held in secure detention to allow the state attorney to

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526 review the violation. If, within 21 days, the state attorney
527 notifies the court that commitment will be sought, then the
528 child shall remain in secure detention pending proceedings under
529 s. 985.439 until the initial 21-day period of secure detention
530 has expired. Upon motion of the state attorney, the child may be
531 held for an additional 21-day period if the court finds that the
532 totality of the circumstances, including the preservation of
533 public safety, warrants such extension. Any release from secure
534 detention shall result in the child being held on supervised
535 release with electronic monitoring pending proceedings under s.
536 985.439.

537

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

542 Section 9. Paragraph (a) of subsection (1) and subsection
543 (3) of section 985.255, Florida Statutes, are amended, and
544 paragraphs (g) and (h) are added to subsection (1) of that
545 section, to read:

546 985.255 Detention criteria; detention hearing.—

547 (1) Subject to s. 985.25(1), a child taken into custody
548 and placed into detention care shall be given a hearing within
549 24 hours after being taken into custody. At the hearing, the
550 court may order a continued detention status if:

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

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

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

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

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

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

563 5. Having a firearm while committing a felony under s.
 564 790.07(2).

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

567 7. Delinquent in possession of a firearm under s.
 568 790.23(1)(b).

569 8. An attempt to commit any offense listed in this
 570 paragraph under s. 777.04.

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

572 1. There is a presumption that the child presents a risk
 573 to public safety and danger to the community and such child must
 574 be held in secure detention prior to an adjudicatory hearing,
 575 unless the court enters a written order that the child would not

576 present a risk to public safety or a danger to the community if
577 he or she were placed on supervised release detention care.

578 2. The written order releasing a child from secure
579 detention must be based on clear and convincing evidence why the
580 child does not present a risk to public safety or a danger to
581 the community and must list the child's prior adjudications,
582 dispositions, and prior violations of pretrial release orders. A
583 court releasing a child from secure detention under this
584 subparagraph shall place the child on supervised release
585 detention care with electronic monitoring until the child's
586 adjudicatory hearing.

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

594 4. If the court, under this section, releases a child to
595 supervised release detention care, the court must provide a copy
596 of the written order to the victim, to the law enforcement
597 agency that arrested the child, and to the law enforcement
598 agency with primary jurisdiction over the child's primary
599 residence.

600 (3) (a) The purpose of the detention hearing required under

601 subsection (1) is to determine the existence of probable cause
602 that the child has committed the delinquent act or violation of
603 law that he or she is charged with and the need for continued
604 detention. The court shall consider ~~use~~ the results of the risk
605 assessment performed by the department and, based on the
606 criteria in subsection (1), shall determine the need for
607 continued detention. If the child is a prolific juvenile
608 offender who is detained under s. 985.26(2)(c), the court shall
609 consider ~~use~~ the results of the risk assessment performed by the
610 department and the criteria in subsection (1) or subsection (2)
611 only to determine whether the prolific juvenile offender should
612 be held in secure detention.

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

617 (c) Except as provided in ~~s. 790.22(8) or~~ s. 985.27, when
618 a child is placed into detention care, or into a respite home or
619 other placement pursuant to a court order following a hearing,
620 the court order must include specific instructions that direct
621 the release of the child from such placement no later than 5
622 p.m. on the last day of the detention period specified in s.
623 985.26 or s. 985.27, whichever is applicable, unless the
624 requirements of such applicable provision have been met or an
625 order of continuance has been granted under s. 985.26(4). If the

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626 court order does not include a release date, the release date
627 shall be requested from the court on the same date that the
628 child is placed in detention care. If a subsequent hearing is
629 needed to provide additional information to the court for safety
630 planning, the initial order placing the child in detention care
631 shall reflect the next detention review hearing, which shall be
632 held within 3 calendar days after the child's initial detention
633 placement.

634 Section 10. Paragraph (b) of subsection (2) of section
635 985.26, Florida Statutes, is amended to read:

636 985.26 Length of detention.—

637 (2)

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

640 1. Upon good cause being shown that the nature of the
641 charge requires additional time for the prosecution or defense
642 of the case or that the totality of the circumstances, including
643 the preservation of public safety, warrants an extension, the
644 court may extend the length of secure detention care for up to
645 an additional 21 days if the child is charged with an offense
646 which, if committed by an adult, would be a capital felony, a
647 life felony, a felony of the first degree or the second degree,
648 a felony of the third degree involving violence against any
649 individual, or any other offense involving the possession or use
650 of a firearm. Except as otherwise provided in subparagraph 2.,

651 the court may continue to extend the period of secure detention
652 care in increments of up to 21 days each by conducting a hearing
653 before the expiration of the current period to determine the
654 need for continued secure detention of the child. At the
655 hearing, the court must make the required findings in writing to
656 extend the period of secure detention. If the court extends the
657 time period for secure detention care, it shall ensure an
658 adjudicatory hearing for the case commences as soon as is
659 reasonably possible considering the totality of the
660 circumstances. The court shall prioritize the efficient
661 disposition of cases in which the child has served 60 or more
662 days in secure detention care.

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

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

668 985.433 Disposition hearings in delinquency cases.—When a
669 child has been found to have committed a delinquent act, the
670 following procedures shall be applicable to the disposition of
671 the case:

672 (7) If the court determines that the child should be
673 adjudicated as having committed a delinquent act and should be
674 committed to the department, such determination shall be in
675 writing or on the record of the hearing. The determination shall

676 include a specific finding of the reasons for the decision to
677 adjudicate and to commit the child to the department, including
678 any determination that the child was a member of a criminal
679 gang.

680 (d) Any child adjudicated by the court and committed to
681 the department under a restrictiveness level described in s.
682 985.03(44) (a)-(d), for any offense or attempted offense
683 involving a firearm must be placed on conditional release, as
684 defined in s. 985.03, for a period of 1 year following his or
685 her release from a commitment program. Such term of conditional
686 release shall include electronic monitoring of the child by the
687 department for the initial 6 months following his or her release
688 and at times and under terms and conditions set by the
689 department.

690 (8) If the court determines not to adjudicate and commit
691 to the department, then the court shall determine what
692 community-based sanctions it will impose in a probation program
693 for the child. Community-based sanctions may include, but are
694 not limited to, participation in substance abuse treatment, a
695 day-treatment probation program, restitution in money or in
696 kind, a curfew, revocation or suspension of the driver license
697 of the child, community service, and appropriate educational
698 programs as determined by the district school board.

699 (a)1. Where a child is found to have committed an offense
700 that involves the use or possession of a firearm, as defined in

701 s. 790.001, other than a violation of s. 790.22(3), or is found
702 to have committed an offense during the commission of which the
703 child possessed a firearm, and the court has decided not to
704 commit the child to a residential program, the court shall order
705 the child, in addition to any other punishment provided by law,
706 to:

707 a. Serve a period of detention of 30 days in a secure
708 detention facility, with credit for time served in secure
709 detention prior to disposition.

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

712 c. Be placed on probation for a period of at least 1 year.
713 Such term of probation shall include electronic monitoring of
714 the child by the department at times and under terms and
715 conditions set by the department.

716 2. In addition to the penalties in subparagraph 1., the
717 court may impose the following restrictions upon the child's
718 driving privileges:

719 a. If the child is eligible by reason of age for a driver
720 license or driving privilege, the court may direct the
721 Department of Highway Safety and Motor Vehicles to revoke or to
722 withhold issuance of the child's driver license or driving
723 privilege for up to 1 year.

724 b. If the child's driver license or driving privilege is
725 under suspension or revocation for any reason, the court may

726 direct the Department of Highway Safety and Motor Vehicles to
727 extend the period of suspension or revocation by an additional
728 period for up to 1 year.

729 c. If the child is ineligible by reason of age for a
730 driver license or driving privilege, the court may direct the
731 Department of Highway Safety and Motor Vehicles to withhold
732 issuance of the minor's driver license or driving privilege for
733 up to 1 year after the date on which the child would otherwise
734 have become eligible.

735
736 For the purposes of this paragraph, community service shall be
737 performed, if possible, in a manner involving a hospital
738 emergency room or other medical environment that deals on a
739 regular basis with trauma patients and gunshot wounds.

740 (b) A child who has previously had adjudication withheld
741 for any of the following offenses shall not be eligible for a
742 second or subsequent withhold of adjudication if he or she is
743 subsequently found to have committed any of the following
744 offenses, and must be adjudicated delinquent and committed to a
745 residential program:

746 1. Armed robbery involving a firearm under s.
747 812.13(2) (a).

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

750 3. Having a firearm while committing a felony under s.

751 | 790.07(2).

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

754 | 5. Delinquent in possession of a firearm under s.
 755 | 790.23(1)(b).

756 | 6. An attempt to commit any offense listed in this
 757 | paragraph under s. 777.04.

758 | (9) After appropriate sanctions for the offense are
 759 | determined, including any minimum sanctions required by this
 760 | section, the court shall develop, approve, and order a plan of
 761 | probation that will contain rules, requirements, conditions, and
 762 | rehabilitative programs, including the option of a day-treatment
 763 | probation program, that are designed to encourage responsible
 764 | and acceptable behavior and to promote both the rehabilitation
 765 | of the child and the protection of the community.

766 | Section 12. Subsections (1), (3), and (4) of section
 767 | 985.435, Florida Statutes, are amended to read:

768 | 985.435 ~~Probation and postcommitment probation;~~ community
 769 | service.—

770 | (1) The court that has jurisdiction over an adjudicated
 771 | delinquent child may, by an order stating the facts upon which a
 772 | determination of a sanction and rehabilitative program was made
 773 | at the disposition hearing, place the child in a probation
 774 | program ~~or a postcommitment probation program~~. Such placement
 775 | must be under the supervision of an authorized agent of the

776 department or of any other person or agency specifically
777 authorized and appointed by the court, whether in the child's
778 own home, in the home of a relative of the child, or in some
779 other suitable place under such reasonable conditions as the
780 court may direct.

781 (3) A probation program must also include a rehabilitative
782 program component such as a requirement of participation in
783 substance abuse treatment or in a school or career and technical
784 education program. The nonconsent of the child to treatment in a
785 substance abuse treatment program in no way precludes the court
786 from ordering such treatment. Upon the recommendation of the
787 department at the time of disposition, or subsequent to
788 disposition pursuant to the filing of a petition alleging a
789 violation of the child's conditions of ~~postcommitment~~ probation,
790 the court may order the child to submit to random testing for
791 the purpose of detecting and monitoring the use of alcohol or
792 controlled substances.

793 (4) A probation program must ~~may also~~ include an
794 alternative consequence component to address instances in which
795 a child is noncompliant with technical conditions of his or her
796 probation but has not committed any new violations of law. The
797 alternative consequence component must be aligned with the
798 department's graduated response matrix as described in s.
799 985.438 ~~Each judicial circuit shall develop, in consultation~~
800 ~~with judges, the state attorney, the public defender, the~~

801 ~~regional counsel, relevant law enforcement agencies, and the~~
802 ~~department, a written plan specifying the alternative~~
803 ~~consequence component which must be based upon the principle~~
804 ~~that sanctions must reflect the seriousness of the violation,~~
805 ~~the assessed criminogenic needs and risks of the child, the~~
806 ~~child's age and maturity level, and how effective the sanction~~
807 ~~or incentive will be in moving the child to compliant behavior.~~
808 ~~The alternative consequence component is designed to provide~~
809 ~~swift and appropriate consequences or incentives to a child who~~
810 ~~is alleged to be noncompliant with or in violation of probation.~~
811 ~~If the probation program includes this component, specific~~
812 ~~consequences that apply to noncompliance with specific technical~~
813 ~~conditions of probation, as well as incentives used to move the~~
814 ~~child toward compliant behavior, must be detailed in the~~
815 ~~disposition order.~~

816 Section 13. Section 985.438, Florida Statutes, is created
817 to read:

818 985.438 Graduated response matrix.—

819 (1) The department shall create and administer a statewide
820 plan to hold youths accountable to the terms of their court
821 ordered probation and the terms of their conditional release.
822 The plan must be based upon the principle that sanctions must
823 reflect the seriousness of the violation, provide immediate
824 accountability for violations, the assessed criminogenic needs
825 and risks of the child, and the child's age and maturity level.

826 The plan is designed to provide swift and appropriate
 827 consequences or incentives to a child who is alleged to be
 828 noncompliant with or in violation of his or her probation.

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

832 (a) Increased contacts.

833 (b) Increased drug tests.

834 (c) Curfew reductions.

835 (d) Increased community service.

836 (e) Additional evaluations.

837 (f) Addition of electronic monitoring.

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

840 Section 14. Section 985.439, Florida Statutes, is amended
 841 to read:

842 985.439 Violation of probation ~~or postcommitment~~
 843 ~~probation.~~-

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

847 (b) If the conditions of the probation program ~~or the~~
 848 ~~postcommitment probation program~~ are violated, the department or
 849 the state attorney may bring the child before the court on a
 850 petition alleging a violation of the program. A child who

851 violates the conditions of probation ~~or postcommitment probation~~
 852 must be brought before the court if sanctions are sought.

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

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

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

864 (4) Upon the child's admission, or if the court finds
 865 after a hearing that the child has violated the conditions of
 866 probation ~~or postcommitment probation~~, the court shall enter an
 867 order revoking, modifying, or continuing probation ~~or~~
 868 ~~postcommitment probation~~. In each such case, the court shall
 869 enter a new disposition order and, in addition to the sanctions
 870 set forth in this section, may impose any sanction the court
 871 could have imposed at the original disposition hearing. If the
 872 child is found to have violated the conditions of probation ~~or~~
 873 ~~postcommitment probation~~, the court may:

874 (a) Place the child in supervised release detention with
 875 electronic monitoring.

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

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

884 ~~2. Alternative consequence programs may be operated by an~~
 885 ~~entity such as a law enforcement agency, the department, a~~
 886 ~~juvenile assessment center, a county or municipality, or another~~
 887 ~~entity selected by the department.~~

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

891 (c) Modify or continue the child's probation program ~~or~~
 892 ~~postcommitment probation program.~~

893 (d) Revoke probation ~~or postcommitment probation~~ and
 894 commit the child to the department.

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

898 (5) Upon the recommendation of the department at the time
 899 of disposition, or subsequent to disposition pursuant to the
 900 filing of a petition alleging a violation of the child's

901 conditions of ~~postcommitment~~ probation, the court may order the
 902 child to submit to random testing for the purpose of detecting
 903 and monitoring the use of alcohol or controlled substances.

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

906 985.455 Other dispositional issues.—

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

913 Section 16. Subsections (2), (3), and (5) of section
 914 985.46, Florida Statutes, are amended, and subsection (6) is
 915 added to that section, to read:

916 985.46 Conditional release.—

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

918 (a) Commitment programs include rehabilitative efforts on
 919 preparing committed juveniles for a successful release to the
 920 community.

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

923 (c) Each juvenile committed to a residential commitment
 924 program receive conditional release services ~~be assessed to~~
 925 ~~determine the need for conditional release services~~ upon release

926 from the commitment program unless the juvenile is directly
 927 released by the court.

928 (3) For juveniles referred or committed to the department,
 929 the function of the department may include, but shall not be
 930 limited to, supervising each juvenile on conditional release
 931 when assessing each juvenile placed in a residential commitment
 932 program to determine the need for conditional release services
 933 upon release from the program, supervising the juvenile when
 934 released into the community from a residential commitment
 935 facility of the department, providing such counseling and other
 936 services as may be necessary for the families and assisting
 937 their preparations for the return of the child. Subject to
 938 specific appropriation, the department shall provide for
 939 outpatient sexual offender counseling for any juvenile sexual
 940 offender released from a residential commitment program as a
 941 component of conditional release.

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

944 (a) ~~(5)~~ Participation in the educational program by
 945 students of compulsory school attendance age pursuant to s.
 946 1003.21(1) and (2) (a) ~~is mandatory for juvenile justice youth on~~
 947 ~~conditional release or postcommitment probation status.~~ A
 948 student of noncompulsory school-attendance age who has not
 949 received a high school diploma or its equivalent must
 950 participate in an educational program or career and technical

951 education course of study. A youth who has received a high
 952 school diploma or its equivalent and is not employed must
 953 participate in workforce development or other career or
 954 technical education or attend a community college or a
 955 university while in the program, ~~subject to available funding.~~

956 (b) A curfew.

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

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

960 (e) A prohibition on possession of firearms.

961 (6) A youth who violates the terms of his or her
 962 conditional release shall be assessed using the graduated
 963 response matrix as described in s. 985.438. A youth who fails to
 964 move into compliance shall be recommitted to a residential
 965 facility.

966 Section 17. Paragraph (c) of subsection (1) of section
 967 985.48, Florida Statutes, is amended to read:

968 985.48 Juvenile sexual offender commitment programs;
 969 sexual abuse intervention networks.—

970 (1) In order to provide intensive treatment and
 971 psychological services to a juvenile sexual offender committed
 972 to the department, it is the intent of the Legislature to
 973 establish programs and strategies to effectively respond to
 974 juvenile sexual offenders. In designing programs for juvenile
 975 sexual offenders, it is the further intent of the Legislature to

976 | implement strategies that include:

977 | (c) Providing intensive ~~postcommitment~~ supervision of
 978 | juvenile sexual offenders who are released into the community
 979 | with terms and conditions which may include electronic
 980 | monitoring of a juvenile sexual offender for the purpose of
 981 | enhancing public safety.

982 | Section 18. Paragraph (a) of subsection (6) of section
 983 | 985.4815, Florida Statutes, is amended to read:

984 | 985.4815 Notification to Department of Law Enforcement of
 985 | information on juvenile sexual offenders.-

986 | (6)(a) The information provided to the Department of Law
 987 | Enforcement must include the following:

988 | 1. The information obtained from the sexual offender under
 989 | subsection (4).

990 | 2. The sexual offender's most current address and place of
 991 | permanent, temporary, or transient residence within the state or
 992 | out of state, and address, location or description, and dates of
 993 | any current or known future temporary residence within the state
 994 | or out of state, while the sexual offender is in the care or
 995 | custody or under the jurisdiction or supervision of the
 996 | department in this state, including the name of the county or
 997 | municipality in which the offender permanently or temporarily
 998 | resides, or has a transient residence, and address, location or
 999 | description, and dates of any current or known future temporary
 1000 | residence within the state or out of state; and, if known, the

1001 intended place of permanent, temporary, or transient residence,
 1002 and address, location or description, and dates of any current
 1003 or known future temporary residence within the state or out of
 1004 state upon satisfaction of all sanctions.

1005 3. The legal status of the sexual offender and the
 1006 scheduled termination date of that legal status.

1007 4. The location of, and local telephone number for, any
 1008 department office that is responsible for supervising the sexual
 1009 offender.

1010 5. An indication of whether the victim of the offense that
 1011 resulted in the offender's status as a sexual offender was a
 1012 minor.

1013 6. The offense or offenses at adjudication and disposition
 1014 that resulted in the determination of the offender's status as a
 1015 sex offender.

1016 7. A digitized photograph of the sexual offender, which
 1017 must have been taken within 60 days before the offender was
 1018 released from the custody of the department or a private
 1019 correctional facility by expiration of sentence under s.
 1020 944.275, or within 60 days after the onset of the department's
 1021 supervision of any sexual offender who is on probation,
 1022 ~~postcommitment probation,~~ residential commitment, nonresidential
 1023 commitment, licensed child-caring commitment, community control,
 1024 conditional release, parole, provisional release, or control
 1025 release or who is supervised by the department under the

1026 Interstate Compact Agreement for Probationers and Parolees. If
 1027 the sexual offender is in the custody of a private correctional
 1028 facility, the facility shall take a digitized photograph of the
 1029 sexual offender within the time period provided in this
 1030 subparagraph and shall provide the photograph to the department.

1031 Section 19. Subsection (11) of section 985.601, Florida
 1032 Statutes, is renumbered as subsection (12), and a new subsection
 1033 (11) is added to that section, to read:

1034 985.601 Administering the juvenile justice continuum.—

1035 (11) The department shall establish a class focused on the
 1036 risk and consequences of youthful firearm offending which shall
 1037 be provided by the department to any youth who has been
 1038 adjudicated or had adjudication withheld for any offense
 1039 involving the use or possession of a firearm.

1040 Section 20. Section 985.711, Florida Statutes, is amended
 1041 to read:

1042 985.711 Introduction, removal, or possession of certain
 1043 articles unlawful; penalty.—

1044 (1)(a) Except as authorized through program policy or
 1045 operating procedure or as authorized by the facility
 1046 superintendent, program director, or manager, a person may not
 1047 introduce into or upon the grounds of a juvenile detention
 1048 facility or commitment program, or take or send, or attempt to
 1049 take or send, from a juvenile detention facility or commitment
 1050 program, any of the following articles, which are declared to be

1051 | contraband under this section:

1052 | 1. Any unauthorized article of food or clothing given or
 1053 | transmitted, or intended to be given or transmitted, to any
 1054 | youth in a juvenile detention facility or commitment program.

1055 | 2. Any intoxicating beverage or any beverage that causes
 1056 | or may cause an intoxicating effect.

1057 | 3. Any controlled substance as defined in s. 893.02(4),
 1058 | marijuana as defined in s. 381.986, hemp as defined in s.
 1059 | 581.217, industrial hemp as defined in s. 1004.4473, or any
 1060 | prescription or nonprescription drug that has a hypnotic,
 1061 | stimulating, or depressing effect.

1062 | 4. Any firearm or weapon of any kind or any explosive
 1063 | substance.

1064 | 5. Any cellular telephone or other portable communication
 1065 | device as described in s. 944.47(1)(a)6., intentionally and
 1066 | unlawfully introduced inside the secure perimeter of any
 1067 | juvenile detention facility or commitment program. As used in
 1068 | this subparagraph, the term "portable communication device" does
 1069 | not include any device that has communication capabilities which
 1070 | has been approved or issued by the facility superintendent,
 1071 | program director, or manager.

1072 | 6. Any vapor-generating electronic device as defined in s.
 1073 | 386.203, intentionally and unlawfully introduced inside the
 1074 | secure perimeter of any juvenile detention facility or
 1075 | commitment program.

1076 7. Any currency or coin given or transmitted, or intended
 1077 to be given or transmitted, to any youth in any juvenile
 1078 detention facility or commitment program.

1079 8. Any cigarettes, as defined in s. 210.01(1) or tobacco
 1080 products, as defined in s. 210.25, given, or intended to be
 1081 given, to any youth in a juvenile detention facility or
 1082 commitment program.

1083 (b) A person may not transmit contraband to, cause
 1084 contraband to be transmitted to or received by, attempt to
 1085 transmit contraband to, or attempt to cause contraband to be
 1086 transmitted to or received by, a juvenile offender into or upon
 1087 the grounds of a juvenile detention facility or commitment
 1088 program, except as authorized through program policy or
 1089 operating procedures or as authorized by the facility
 1090 superintendent, program director, or manager.

1091 (c) A juvenile offender or any person, while upon the
 1092 grounds of a juvenile detention facility or commitment program,
 1093 may not be in actual or constructive possession of any article
 1094 or thing declared to be contraband under this section, except as
 1095 authorized through program policy or operating procedures or as
 1096 authorized by the facility superintendent, program director, or
 1097 manager.

1098 ~~(2)(a) Any person who violates this section as it pertains~~
 1099 ~~to an article of contraband described in subparagraph (1)(a)1.~~
 1100 ~~commits a felony of the third degree, punishable as provided in~~

1101 ~~s. 775.082, s. 775.083, or s. 775.084.~~

1102 ~~(b) Any person who violates this section as it pertains to~~
 1103 ~~an article of contraband described in subparagraph (1)(a)5. or~~
 1104 ~~subparagraph (1)(a)6. commits a misdemeanor of the first degree,~~
 1105 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1106 ~~(c) In all other cases,~~ A person who violates this section
 1107 commits a felony of the second degree, punishable as provided in
 1108 s. 775.082, s. 775.083, or s. 775.084.

1109 Section 21. Paragraph (c) of subsection (2) of section
 1110 1002.221, Florida Statutes, is amended to read:

1111 1002.221 K-12 education records; public records
 1112 exemption.—

1113 (2)

1114 (c) In accordance with the FERPA and the federal
 1115 regulations issued pursuant to the FERPA, an agency or
 1116 institution, as defined in s. 1002.22, may release a student's
 1117 education records without written consent of the student or
 1118 parent to parties to an interagency agreement among the
 1119 Department of Juvenile Justice, the school, law enforcement
 1120 authorities, and other signatory agencies. Information provided
 1121 pursuant to an interagency agreement may be used for proceedings
 1122 initiated under chapter 984 or chapter 985 in furtherance of an
 1123 ~~interagency agreement is intended solely for use in determining~~
 1124 ~~the appropriate programs and services for each juvenile or the~~
 1125 ~~juvenile's family, or for coordinating the delivery of the~~

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1126 ~~programs and services, and as such is inadmissible in any court~~
1127 ~~proceeding before a dispositional hearing unless written consent~~
1128 ~~is provided by a parent or other responsible adult on behalf of~~
1129 ~~the juvenile.~~

1130 Section 22. Paragraph (b) of subsection (3) of section
1131 943.051, Florida Statutes, is amended to read:

1132 943.051 Criminal justice information; collection and
1133 storage; fingerprinting.—

1134 (3)

1135 (b) A minor who is charged with or found to have committed
1136 the following offenses shall be fingerprinted and the
1137 fingerprints shall be submitted electronically to the
1138 department, unless the minor is issued a prearrest delinquency
1139 ~~civil~~ citation pursuant to s. 985.12:

1140 1. Assault, as defined in s. 784.011.

1141 2. Battery, as defined in s. 784.03.

1142 3. Carrying a concealed weapon, as defined in s.
1143 790.01(2).

1144 4. Unlawful use of destructive devices or bombs, as
1145 defined in s. 790.1615(1).

1146 5. Neglect of a child, as defined in s. 827.03(1)(e).

1147 6. Assault or battery on a law enforcement officer, a
1148 firefighter, or other specified officers, as defined in s.
1149 784.07(2)(a) and (b).

1150 7. Open carrying of a weapon, as defined in s. 790.053.

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1151 8. Exposure of sexual organs, as defined in s. 800.03.

1152 9. Unlawful possession of a firearm, as defined in s.
1153 790.22(5).

1154 10. Petit theft, as defined in s. 812.014(3).

1155 11. Cruelty to animals, as defined in s. 828.12(1).

1156 12. Arson, as defined in s. 806.031(1).

1157 13. Unlawful possession or discharge of a weapon or
1158 firearm at a school-sponsored event or on school property, as
1159 provided in s. 790.115.

1160 Section 23. Paragraph (b) of subsection (1) of section
1161 985.11, Florida Statutes, is amended to read:

1162 985.11 Fingerprinting and photographing.—

1163 (1)

1164 (b) Unless the child is issued a prearrest delinquency
1165 ~~civil citation or is participating in a similar diversion~~
1166 ~~program~~ pursuant to s. 985.12, a child who is charged with or
1167 found to have committed one of the following offenses shall be
1168 fingerprinted, and the fingerprints shall be submitted to the
1169 Department of Law Enforcement as provided in s. 943.051(3)(b):

1170 1. Assault, as defined in s. 784.011.

1171 2. Battery, as defined in s. 784.03.

1172 3. Carrying a concealed weapon, as defined in s.
1173 790.01(2).

1174 4. Unlawful use of destructive devices or bombs, as
1175 defined in s. 790.1615(1).

- 1176 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1177 6. Assault on a law enforcement officer, a firefighter, or
- 1178 other specified officers, as defined in s. 784.07(2)(a).
- 1179 7. Open carrying of a weapon, as defined in s. 790.053.
- 1180 8. Exposure of sexual organs, as defined in s. 800.03.
- 1181 9. Unlawful possession of a firearm, as defined in s.
- 1182 790.22(5).
- 1183 10. Petit theft, as defined in s. 812.014.
- 1184 11. Cruelty to animals, as defined in s. 828.12(1).
- 1185 12. Arson, resulting in bodily harm to a firefighter, as
- 1186 defined in s. 806.031(1).
- 1187 13. Unlawful possession or discharge of a weapon or
- 1188 firearm at a school-sponsored event or on school property as
- 1189 defined in s. 790.115.
- 1190
- 1191 A law enforcement agency may fingerprint and photograph a child
- 1192 taken into custody upon probable cause that such child has
- 1193 committed any other violation of law, as the agency deems
- 1194 appropriate. Such fingerprint records and photographs shall be
- 1195 retained by the law enforcement agency in a separate file, and
- 1196 these records and all copies thereof must be marked "Juvenile
- 1197 Confidential." These records are not available for public
- 1198 disclosure and inspection under s. 119.07(1) except as provided
- 1199 in ss. 943.053 and 985.04(2), but shall be available to other
- 1200 law enforcement agencies, criminal justice agencies, state

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1201 attorneys, the courts, the child, the parents or legal
1202 custodians of the child, their attorneys, and any other person
1203 authorized by the court to have access to such records. In
1204 addition, such records may be submitted to the Department of Law
1205 Enforcement for inclusion in the state criminal history records
1206 and used by criminal justice agencies for criminal justice
1207 purposes. These records may, in the discretion of the court, be
1208 open to inspection by anyone upon a showing of cause. The
1209 fingerprint and photograph records shall be produced in the
1210 court whenever directed by the court. Any photograph taken
1211 pursuant to this section may be shown by a law enforcement
1212 officer to any victim or witness of a crime for the purpose of
1213 identifying the person who committed such crime.

1214 Section 24. Paragraph (n) of subsection (2) of section
1215 1006.07, Florida Statutes, is amended to read:

1216 1006.07 District school board duties relating to student
1217 discipline and school safety.—The district school board shall
1218 provide for the proper accounting for all students, for the
1219 attendance and control of students at school, and for proper
1220 attention to health, safety, and other matters relating to the
1221 welfare of students, including:

1222 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
1223 conduct for elementary schools and a code of student conduct for
1224 middle and high schools and distribute the appropriate code to
1225 all teachers, school personnel, students, and parents, at the

1226 beginning of every school year. Each code shall be organized and
 1227 written in language that is understandable to students and
 1228 parents and shall be discussed at the beginning of every school
 1229 year in student classes, school advisory council meetings, and
 1230 parent and teacher association or organization meetings. Each
 1231 code shall be based on the rules governing student conduct and
 1232 discipline adopted by the district school board and shall be
 1233 made available in the student handbook or similar publication.
 1234 Each code shall include, but is not limited to:

1235 (n) Criteria for recommending to law enforcement that a
 1236 student who commits a criminal offense be allowed to participate
 1237 in a prearrest delinquency citation ~~civil citation or similar~~
 1238 ~~prearrest diversion~~ program as an alternative to expulsion or
 1239 arrest. All prearrest delinquency citation ~~civil citation or~~
 1240 ~~similar prearrest diversion~~ programs must comply with s. 985.12.

1241 Section 25. This act shall take effect July 1, 2024.