



563204

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2024	.	
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The Committee on Criminal Justice (Martin) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

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



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

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

24 790.22 Use of BB guns, air or gas-operated guns, or  
25 electric weapons or devices by minor under 16; limitation;  
26 possession of firearms by minor under 18 prohibited; penalties.-

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

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

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

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

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



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

42 1. At least 16 years of age; or

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

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

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

65 (a)~~1.~~ If the minor is eligible by reason of age for a  
66 driver license or driving privilege, the court may direct the  
67 Department of Highway Safety and Motor Vehicles to revoke or to  
68 withhold issuance of the minor's driver license or driving



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69 privilege for up to 1 year for a first offense and up to 2 years  
70 for a second or subsequent offense.

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

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

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

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

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



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98 ~~period of up to 2 years.~~

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

105

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

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



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

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

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

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

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



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

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

160  
161 ~~The minor shall not receive credit for time served before~~  
162 ~~adjudication. For the purposes of this subsection, community~~  
163 ~~service shall be performed, if possible, in a manner involving a~~  
164 ~~hospital emergency room or other medical environment that deals~~  
165 ~~on a regular basis with trauma patients and gunshot wounds.~~

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

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

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

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

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



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

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

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

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

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

204 Section 3. Paragraph (d) of subsection (1) of section  
205 985.101, Florida Statutes, is amended to read:

206 985.101 Taking a child into custody.—

207 (1) A child may be taken into custody under the following  
208 circumstances:

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





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214 commitment.

215

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

219 Section 4. Section 985.12, Florida Statutes, is amended to  
220 read:

221 985.12 Prearrest delinquency ~~Civil citation or similar~~  
222 ~~prearrest diversion~~ programs.—

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

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



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

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

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

264 2. The eligibility criteria for the program.†

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

266 4. The program's requirements, including, but not limited  
267 to, the completion of community service hours, payment of  
268 restitution, if applicable, classes established by the  
269 department or the prearrest delinquency citation program, and  
270 intervention services indicated by a needs assessment of the  
271 juvenile, approved by the department, such as family counseling,



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272 urinalysis monitoring, and substance abuse and mental health  
273 treatment services. ~~;~~ and

274 5. A program fee, if any, to be paid by a juvenile  
275 participating in the program. If the program imposes a fee, the  
276 clerk of the court of the applicable county must receive a  
277 reasonable portion of the fee.

278 (c) The state attorney of each circuit shall operate a  
279 prearrest delinquency civil citation or similar prearrest  
280 diversion program in each circuit. A sheriff, police department,  
281 county, municipality, locally authorized entity, or public or  
282 private educational institution may ~~continue to~~ operate an  
283 independent prearrest delinquency civil citation or similar  
284 prearrest diversion program that is in operation as of October  
285 1, 2018, if the independent program is reviewed by the state  
286 attorney of the applicable circuit and he or she determines that  
287 the independent program is substantially similar to the  
288 prearrest delinquency civil citation or similar prearrest  
289 diversion program developed by the circuit. If the state  
290 attorney determines that the independent program is not  
291 substantially similar to the prearrest delinquency civil  
292 citation or similar prearrest diversion program developed by the  
293 circuit, the operator of the independent ~~diversion~~ program may  
294 revise the program and the state attorney may conduct an  
295 additional review of the independent program. A civil citation  
296 or similar prearrest diversion program existing before July 1,  
297 2024, shall be deemed a delinquency citation program authorized  
298 by this section if the civil citation or similar prearrest  
299 diversion program has been approved by the state attorney of the  
300 circuit in which it operates and it complies with the



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301 requirements in paragraph (2)(b).

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

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

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

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

326 ~~(g)~~(h) Upon issuing a prearrest delinquency ~~civil citation~~  
327 ~~or similar prearrest diversion~~ program notice, the law  
328 enforcement officer shall send a copy of the prearrest  
329 delinquency ~~civil citation or similar prearrest diversion~~



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330 program notice to the parent or guardian of the child and to the  
331 victim.

332 Section 5. Section 985.125, Florida Statutes, is amended to  
333 read:

334 985.125 ~~Prearrest or~~ Postarrest diversion programs.—

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

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

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

351 985.126 Prearrest and postarrest diversion programs; data  
352 collection; denial of participation or expunged record.—

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

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

357 2. The offense committed, including the specific law  
358 establishing the offense.



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359           3. The judicial circuit and county in which the offense was  
360 committed and the law enforcement agency that had contact with  
361 the minor for the offense.

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

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

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

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

374           a. Not offered such opportunity, the reason such offer was  
375 not made.

376           b. Offered such opportunity, whether the minor or his or  
377 her parent or legal guardian declined to participate in the  
378 diversion program.

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

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

384           (4) ~~Beginning January 1, 2019,~~ The department shall compile  
385 and semiannually publish the data required by subsection (3) on  
386 the department's website in a format that is, at a minimum,  
387 sortable by judicial circuit, county, law enforcement agency,



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388 race, ethnicity, gender, age, and offense committed.

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

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

397 985.245 Risk assessment instrument.—

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

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

407 985.25 Detention intake.—

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

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



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

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

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

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

440 (f) Notwithstanding any other provision of law, a child on  
441 probation for an underlying felony firearm offense in chapter  
442 790 and who is taken into custody under s. 985.101 for violating  
443 conditions of probation not involving a new law violation shall  
444 be held in secure detention to allow the state attorney to  
445 review the violation. If, within 21 days, the state attorney





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446 notifies the court that commitment will be sought, then the  
447 child shall remain in secure detention pending proceedings under  
448 s. 985.439 until the initial 21-day period of secure detention  
449 has expired. Upon motion of the state attorney, the child may be  
450 held for an additional 21-day period if the court finds that the  
451 totality of the circumstances, including the preservation of  
452 public safety, warrants such extension. Any release from secure  
453 detention shall result in the child being held on supervised  
454 release with electronic monitoring pending proceedings under s.  
455 985.439.

456  
457 Under no circumstances shall the department or the state  
458 attorney or law enforcement officer authorize the detention of  
459 any child in a jail or other facility intended or used for the  
460 detention of adults, without an order of the court.

461 Section 9. Paragraph (a) of subsection (1) and subsection  
462 (3) of section 985.255, Florida Statutes, are amended, and  
463 paragraphs (g) and (h) are added to subsection (1) of that  
464 section, to read:

465 985.255 Detention criteria; detention hearing.—

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

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

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



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- 475           1. Murder in the first degree under s. 782.04(1)(a).  
476           2. Murder in the second degree under s. 782.04(2).  
477           3. Armed robbery under s. 812.13(2)(a) that involves the  
478 use or possession of a firearm as defined in s. 790.001.  
479           4. Armed carjacking under s. 812.133(2)(a) that involves  
480 the use or possession of a firearm as defined in s. 790.001.  
481           5. Having a firearm while committing a felony under s.  
482 790.07(2).  
483           6. Armed burglary under s. 810.02(2)(b) that involves the  
484 use or possession of a firearm as defined in s. 790.001.  
485           7. Delinquent in possession of a firearm under s.  
486 790.23(1)(b).  
487           8. An attempt to commit any offense listed in this  
488 paragraph under s. 777.04.  
489           (h) For a child who meets the criteria in paragraph (g):  
490           1. There is a presumption that the child presents a risk to  
491 public safety and danger to the community and such child must be  
492 held in secure detention prior to an adjudicatory hearing,  
493 unless the court enters a written order that the child would not  
494 present a risk to public safety or a danger to the community if  
495 he or she were placed on supervised release detention care.  
496           2. The written order releasing a child from secure  
497 detention must be based on clear and convincing evidence why the  
498 child does not present a risk to public safety or a danger to  
499 the community and must list the child's prior adjudications,  
500 dispositions, and prior violations of pretrial release orders. A  
501 court releasing a child from secure detention under this  
502 subparagraph shall place the child on supervised release  
503 detention care with electronic monitoring until the child's



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504 adjudicatory hearing.

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

512 4. If the court, under this section, releases a child to  
513 supervised release detention care, the court must provide a copy  
514 of the written order to the victim, to the law enforcement  
515 agency that arrested the child, and to the law enforcement  
516 agency with primary jurisdiction over the child's primary  
517 residence.

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

531 (b) ~~If~~ The court may order ~~orders~~ a placement more or less  
532 restrictive than indicated by the results of the risk assessment



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533 instrument, and, if the court does so, shall state, in writing,  
534 clear and convincing reasons for such placement.

535 (c) Except as provided in ~~s. 790.22(8)~~ or s. 985.27, when a  
536 child is placed into detention care, or into a respite home or  
537 other placement pursuant to a court order following a hearing,  
538 the court order must include specific instructions that direct  
539 the release of the child from such placement no later than 5  
540 p.m. on the last day of the detention period specified in s.  
541 985.26 or s. 985.27, whichever is applicable, unless the  
542 requirements of such applicable provision have been met or an  
543 order of continuance has been granted under s. 985.26(4). If the  
544 court order does not include a release date, the release date  
545 shall be requested from the court on the same date that the  
546 child is placed in detention care. If a subsequent hearing is  
547 needed to provide additional information to the court for safety  
548 planning, the initial order placing the child in detention care  
549 shall reflect the next detention review hearing, which shall be  
550 held within 3 calendar days after the child's initial detention  
551 placement.

552 Section 10. Paragraph (b) of subsection (2) of section  
553 985.26, Florida Statutes, is amended to read:

554 985.26 Length of detention.—

555 (2)

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

558 1. Upon good cause being shown that the nature of the  
559 charge requires additional time for the prosecution or defense  
560 of the case or that the totality of the circumstances, including  
561 the preservation of public safety, warrants an extension, the



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

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

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

586 985.433 Disposition hearings in delinquency cases.—When a  
587 child has been found to have committed a delinquent act, the  
588 following procedures shall be applicable to the disposition of  
589 the case:

590 (7) If the court determines that the child should be



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591 adjudicated as having committed a delinquent act and should be  
592 committed to the department, such determination shall be in  
593 writing or on the record of the hearing. The determination shall  
594 include a specific finding of the reasons for the decision to  
595 adjudicate and to commit the child to the department, including  
596 any determination that the child was a member of a criminal  
597 gang.

598 (d) Any child adjudicated by the court and committed to the  
599 department under a restrictiveness level described in s.  
600 985.03(44) (a)-(d), for any offense or attempted offense  
601 involving a firearm must be placed on conditional release, as  
602 defined in s. 985.03, for a period of 1 year following his or  
603 her release from a commitment program. Such term of conditional  
604 release shall include electronic monitoring of the child by the  
605 department for the initial 6 months following his or her release  
606 and at times and under terms and conditions set by the  
607 department.

608 (8) If the court determines not to adjudicate and commit to  
609 the department, then the court shall determine what community-  
610 based sanctions it will impose in a probation program for the  
611 child. Community-based sanctions may include, but are not  
612 limited to, participation in substance abuse treatment, a day-  
613 treatment probation program, restitution in money or in kind, a  
614 curfew, revocation or suspension of the driver license of the  
615 child, community service, and appropriate educational programs  
616 as determined by the district school board.

617 (a)1. Where a child is found to have committed an offense  
618 that involves the use or possession of a firearm, as defined in  
619 s. 790.001, other than a violation of s. 790.22(3), or is found



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620 to have committed an offense during the commission of which the  
621 child possessed a firearm, and the court has decided not to  
622 commit the child to a residential program, the court shall order  
623 the child, in addition to any other punishment provided by law,  
624 to:

625 a. Serve a period of detention of 30 days in a secure  
626 detention facility, with credit for time served in secure  
627 detention prior to disposition.

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

630 c. Be placed on probation for a period of at least 1 year.  
631 Such term of probation shall include electronic monitoring of  
632 the child by the department at times and under terms and  
633 conditions set by the department.

634 2. In addition to the penalties in subparagraph 1., the  
635 court may impose the following restrictions upon the child's  
636 driving privileges:

637 a. If the child is eligible by reason of age for a driver  
638 license or driving privilege, the court may direct the  
639 Department of Highway Safety and Motor Vehicles to revoke or to  
640 withhold issuance of the child's driver license or driving  
641 privilege for up to 1 year.

642 b. If the child's driver license or driving privilege is  
643 under suspension or revocation for any reason, the court may  
644 direct the Department of Highway Safety and Motor Vehicles to  
645 extend the period of suspension or revocation by an additional  
646 period for up to 1 year.

647 c. If the child is ineligible by reason of age for a driver  
648 license or driving privilege, the court may direct the



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649 Department of Highway Safety and Motor Vehicles to withhold  
650 issuance of the minor's driver license or driving privilege for  
651 up to 1 year after the date on which the child would otherwise  
652 have become eligible.

653

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

658 (b) A child who has previously had adjudication withheld  
659 for any of the following offenses shall not be eligible for a  
660 second or subsequent withhold of adjudication if he or she is  
661 subsequently found to have committed any of the following  
662 offenses, and must be adjudicated delinquent and committed to a  
663 residential program:

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

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

667 3. Having a firearm while committing a felony under s.  
668 790.07(2).

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

671 5. Delinquent in possession of a firearm under s.  
672 790.23(1)(b).

673 6. An attempt to commit any offense listed in this  
674 paragraph under s. 777.04.

675 (9) After appropriate sanctions for the offense are  
676 determined, including any minimum sanctions required by this  
677 section, the court shall develop, approve, and order a plan of





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678 probation that will contain rules, requirements, conditions, and  
679 rehabilitative programs, including the option of a day-treatment  
680 probation program, that are designed to encourage responsible  
681 and acceptable behavior and to promote both the rehabilitation  
682 of the child and the protection of the community.

683 Section 12. Subsections (1), (3), and (4) of section  
684 985.435, Florida Statutes, are amended to read:

685 985.435 Probation ~~and postcommitment probation~~; community  
686 service.—

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

698 (3) A probation program must also include a rehabilitative  
699 program component such as a requirement of participation in  
700 substance abuse treatment or in a school or career and technical  
701 education program. The nonconsent of the child to treatment in a  
702 substance abuse treatment program in no way precludes the court  
703 from ordering such treatment. Upon the recommendation of the  
704 department at the time of disposition, or subsequent to  
705 disposition pursuant to the filing of a petition alleging a  
706 violation of the child's conditions of ~~postcommitment~~ probation,



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707 the court may order the child to submit to random testing for  
708 the purpose of detecting and monitoring the use of alcohol or  
709 controlled substances.

710 (4) A probation program must ~~may also~~ include an  
711 alternative consequence component to address instances in which  
712 a child is noncompliant with technical conditions of his or her  
713 probation but has not committed any new violations of law. The  
714 alternative consequence component must be aligned with the  
715 department's graduated response matrix as described in s.  
716 985.438 ~~Each judicial circuit shall develop, in consultation~~  
717 ~~with judges, the state attorney, the public defender, the~~  
718 ~~regional counsel, relevant law enforcement agencies, and the~~  
719 ~~department, a written plan specifying the alternative~~  
720 ~~consequence component which must be based upon the principle~~  
721 ~~that sanctions must reflect the seriousness of the violation,~~  
722 ~~the assessed criminogenic needs and risks of the child, the~~  
723 ~~child's age and maturity level, and how effective the sanction~~  
724 ~~or incentive will be in moving the child to compliant behavior.~~  
725 ~~The alternative consequence component is designed to provide~~  
726 ~~swift and appropriate consequences or incentives to a child who~~  
727 ~~is alleged to be noncompliant with or in violation of probation.~~  
728 ~~If the probation program includes this component, specific~~  
729 ~~consequences that apply to noncompliance with specific technical~~  
730 ~~conditions of probation, as well as incentives used to move the~~  
731 ~~child toward compliant behavior, must be detailed in the~~  
732 ~~disposition order.~~

733 Section 13. Section 985.438, Florida Statutes, is created  
734 to read:

735 985.438 Graduated response matrix.-



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

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

- 749           (a) Increased contacts.
- 750           (b) Increased drug tests.
- 751           (c) Curfew reductions.
- 752           (d) Increased community service.
- 753           (e) Additional evaluations.
- 754           (f) Addition of electronic monitoring.

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

757           Section 14. Section 985.439, Florida Statutes, is amended  
758 to read:

759           985.439 Violation of probation ~~or postcommitment~~  
760 ~~probation.~~—

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

764           (b) If the conditions of the probation program ~~or the~~



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765 ~~postcommitment probation program~~ are violated, the department or  
766 the state attorney may bring the child before the court on a  
767 petition alleging a violation of the program. A child who  
768 violates the conditions of probation ~~or postcommitment probation~~  
769 must be brought before the court if sanctions are sought.

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

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

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

781 (4) Upon the child's admission, or if the court finds after  
782 a hearing that the child has violated the conditions of  
783 probation ~~or postcommitment probation~~, the court shall enter an  
784 order revoking, modifying, or continuing probation ~~or~~  
785 ~~postcommitment probation~~. In each such case, the court shall  
786 enter a new disposition order and, in addition to the sanctions  
787 set forth in this section, may impose any sanction the court  
788 could have imposed at the original disposition hearing. If the  
789 child is found to have violated the conditions of probation ~~or~~  
790 ~~postcommitment probation~~, the court may:

791 (a) Place the child in supervised release detention with  
792 electronic monitoring.

793 (b) If the violation of probation is technical in nature



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794 and not a new violation of law, place the child in an  
795 alternative consequence program designed to provide swift and  
796 appropriate consequences to any further violations of probation.

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

801 ~~2. Alternative consequence programs may be operated by an~~  
802 ~~entity such as a law enforcement agency, the department, a~~  
803 ~~juvenile assessment center, a county or municipality, or another~~  
804 ~~entity selected by the department.~~

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

808 (c) ~~Modify or continue the child's probation program or~~  
809 ~~postcommitment probation program.~~

810 (d) ~~Revoke probation or postcommitment probation and commit~~  
811 ~~the child to the department.~~

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

815 (5) Upon the recommendation of the department at the time  
816 of disposition, or subsequent to disposition pursuant to the  
817 filing of a petition alleging a violation of the child's  
818 conditions of ~~postcommitment~~ probation, the court may order the  
819 child to submit to random testing for the purpose of detecting  
820 and monitoring the use of alcohol or controlled substances.

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



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823 985.455 Other dispositional issues.-

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

830 Section 16. Subsections (2), (3), and (5) of section  
831 985.46, Florida Statutes, are amended, and subsection (6) is  
832 added to that section, to read:

833 985.46 Conditional release.-

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

835 (a) Commitment programs include rehabilitative efforts on  
836 preparing committed juveniles for a successful release to the  
837 community.

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

840 (c) Each juvenile committed to a residential commitment  
841 program receive conditional release services ~~be assessed to~~  
842 ~~determine the need for conditional release services~~ upon release  
843 from the commitment program unless the juvenile is directly  
844 released by the court.

845 (3) For juveniles referred or committed to the department,  
846 the function of the department may include, but shall not be  
847 limited to, supervising each juvenile on conditional release  
848 ~~when assessing each juvenile placed in a residential commitment~~  
849 ~~program to determine the need for conditional release services~~  
850 ~~upon release from the program, supervising the juvenile when~~  
851 released into the community from a residential commitment



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852 facility of the department, providing such counseling and other  
853 services as may be necessary for the families and assisting  
854 their preparations for the return of the child. Subject to  
855 specific appropriation, the department shall provide for  
856 outpatient sexual offender counseling for any juvenile sexual  
857 offender released from a residential commitment program as a  
858 component of conditional release.

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

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

873 (b) A curfew.

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

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

877 (e) A prohibition on possession of firearms.

878 (6) A youth who violates the terms of his or her  
879 conditional release shall be assessed using the graduated  
880 response matrix as described in s. 985.438. A youth who fails to



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881 move into compliance shall be recommitted to a residential  
882 facility.

883 Section 17. Paragraph (c) of subsection (1) of section  
884 985.48, Florida Statutes, is amended to read:

885 985.48 Juvenile sexual offender commitment programs; sexual  
886 abuse intervention networks.—

887 (1) In order to provide intensive treatment and  
888 psychological services to a juvenile sexual offender committed  
889 to the department, it is the intent of the Legislature to  
890 establish programs and strategies to effectively respond to  
891 juvenile sexual offenders. In designing programs for juvenile  
892 sexual offenders, it is the further intent of the Legislature to  
893 implement strategies that include:

894 (c) Providing intensive ~~postcommitment~~ supervision of  
895 juvenile sexual offenders who are released into the community  
896 with terms and conditions which may include electronic  
897 monitoring of a juvenile sexual offender for the purpose of  
898 enhancing public safety.

899 Section 18. Paragraph (a) of subsection (6) of section  
900 985.4815, Florida Statutes, is amended to read:

901 985.4815 Notification to Department of Law Enforcement of  
902 information on juvenile sexual offenders.—

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

905 1. The information obtained from the sexual offender under  
906 subsection (4).

907 2. The sexual offender's most current address and place of  
908 permanent, temporary, or transient residence within the state or  
909 out of state, and address, location or description, and dates of





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

922 3. The legal status of the sexual offender and the  
923 scheduled termination date of that legal status.

924 4. The location of, and local telephone number for, any  
925 department office that is responsible for supervising the sexual  
926 offender.

927 5. An indication of whether the victim of the offense that  
928 resulted in the offender's status as a sexual offender was a  
929 minor.

930 6. The offense or offenses at adjudication and disposition  
931 that resulted in the determination of the offender's status as a  
932 sex offender.

933 7. A digitized photograph of the sexual offender, which  
934 must have been taken within 60 days before the offender was  
935 released from the custody of the department or a private  
936 correctional facility by expiration of sentence under s.  
937 944.275, or within 60 days after the onset of the department's  
938 supervision of any sexual offender who is on probation,



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939 ~~postcommitment probation,~~ residential commitment, nonresidential  
940 commitment, licensed child-caring commitment, community control,  
941 conditional release, parole, provisional release, or control  
942 release or who is supervised by the department under the  
943 Interstate Compact Agreement for Probationers and Parolees. If  
944 the sexual offender is in the custody of a private correctional  
945 facility, the facility shall take a digitized photograph of the  
946 sexual offender within the time period provided in this  
947 subparagraph and shall provide the photograph to the department.

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

951 985.601 Administering the juvenile justice continuum.—

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

957 Section 20. Section 985.711, Florida Statutes, is amended  
958 to read:

959 985.711 Introduction, removal, or possession of certain  
960 articles unlawful; penalty.—

961 (1) (a) Except as authorized through program policy or  
962 operating procedure or as authorized by the facility  
963 superintendent, program director, or manager, a person may not  
964 introduce into or upon the grounds of a juvenile detention  
965 facility or commitment program, or take or send, or attempt to  
966 take or send, from a juvenile detention facility or commitment  
967 program, any of the following articles, which are declared to be



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968 contraband under this section:

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

972 2. Any intoxicating beverage or any beverage that causes or  
973 may cause an intoxicating effect.

974 3. Any controlled substance as defined in s. 893.02(4),  
975 marijuana as defined in s. 381.986, hemp as defined in s.  
976 581.217, industrial hemp as defined in s. 1004.4473, or any  
977 prescription or nonprescription drug that has a hypnotic,  
978 stimulating, or depressing effect.

979 4. Any firearm or weapon of any kind or any explosive  
980 substance.

981 5. Any cellular telephone or other portable communication  
982 device as described in s. 944.47(1)(a)6., intentionally and  
983 unlawfully introduced inside the secure perimeter of any  
984 juvenile detention facility or commitment program. As used in  
985 this subparagraph, the term "portable communication device" does  
986 not include any device that has communication capabilities which  
987 has been approved or issued by the facility superintendent,  
988 program director, or manager.

989 6. Any vapor-generating electronic device as defined in s.  
990 386.203, intentionally and unlawfully introduced inside the  
991 secure perimeter of any juvenile detention facility or  
992 commitment program.

993 7. Any currency or coin given or transmitted, or intended  
994 to be given or transmitted, to any youth in any juvenile  
995 detention facility or commitment program.

996 8. Any cigarettes, as defined in s. 210.01(1) or tobacco



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997 products, as defined in s. 210.25, given, or intended to be  
998 given, to any youth in a juvenile detention facility or  
999 commitment program.

1000 (b) A person may not transmit contraband to, cause  
1001 contraband to be transmitted to or received by, attempt to  
1002 transmit contraband to, or attempt to cause contraband to be  
1003 transmitted to or received by, a juvenile offender into or upon  
1004 the grounds of a juvenile detention facility or commitment  
1005 program, except as authorized through program policy or  
1006 operating procedures or as authorized by the facility  
1007 superintendent, program director, or manager.

1008 (c) A juvenile offender or any person, while upon the  
1009 grounds of a juvenile detention facility or commitment program,  
1010 may not be in actual or constructive possession of any article  
1011 or thing declared to be contraband under this section, except as  
1012 authorized through program policy or operating procedures or as  
1013 authorized by the facility superintendent, program director, or  
1014 manager.

1015 ~~(2) (a) Any person who violates this section as it pertains~~  
1016 ~~to an article of contraband described in subparagraph (1) (a)1.~~  
1017 ~~commits a felony of the third degree, punishable as provided in~~  
1018 ~~s. 775.082, s. 775.083, or s. 775.084.~~

1019 ~~(b) Any person who violates this section as it pertains to~~  
1020 ~~an article of contraband described in subparagraph (1) (a)5. or~~  
1021 ~~subparagraph (1) (a)6. commits a misdemeanor of the first degree,~~  
1022 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1023 ~~(c) In all other cases,~~ A person who violates this section  
1024 commits a felony of the second degree, punishable as provided in  
1025 s. 775.082, s. 775.083, or s. 775.084.



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1026 Section 21. Paragraph (c) of subsection (2) of section  
1027 1002.221, Florida Statutes, is amended to read:

1028 1002.221 K-12 education records; public records exemption.—

1029 (2)

1030 (c) In accordance with the FERPA and the federal  
1031 regulations issued pursuant to the FERPA, an agency or  
1032 institution, as defined in s. 1002.22, may release a student's  
1033 education records without written consent of the student or  
1034 parent to parties to an interagency agreement among the  
1035 Department of Juvenile Justice, the school, law enforcement  
1036 authorities, and other signatory agencies. Information provided  
1037 pursuant to an interagency agreement may be used for proceedings  
1038 initiated under chapter 984 or chapter 985 ~~in furtherance of an~~  
1039 ~~interagency agreement is intended solely for use in determining~~  
1040 ~~the appropriate programs and services for each juvenile or the~~  
1041 ~~juvenile's family, or for coordinating the delivery of the~~  
1042 ~~programs and services, and as such is inadmissible in any court~~  
1043 ~~proceeding before a dispositional hearing unless written consent~~  
1044 ~~is provided by a parent or other responsible adult on behalf of~~  
1045 ~~the juvenile.~~

1046 Section 22. Paragraph (b) of subsection (3) of section  
1047 943.051, Florida Statutes, is amended to read:

1048 943.051 Criminal justice information; collection and  
1049 storage; fingerprinting.—

1050 (3)

1051 (b) A minor who is charged with or found to have committed  
1052 the following offenses shall be fingerprinted and the  
1053 fingerprints shall be submitted electronically to the  
1054 department, unless the minor is issued a prearrest delinquency



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1055 ~~civil~~ citation pursuant to s. 985.12:  
1056       1. Assault, as defined in s. 784.011.  
1057       2. Battery, as defined in s. 784.03.  
1058       3. Carrying a concealed weapon, as defined in s. 790.01(2).  
1059       4. Unlawful use of destructive devices or bombs, as defined  
1060 in s. 790.1615(1).  
1061       5. Neglect of a child, as defined in s. 827.03(1)(e).  
1062       6. Assault or battery on a law enforcement officer, a  
1063 firefighter, or other specified officers, as defined in s.  
1064 784.07(2)(a) and (b).  
1065       7. Open carrying of a weapon, as defined in s. 790.053.  
1066       8. Exposure of sexual organs, as defined in s. 800.03.  
1067       9. Unlawful possession of a firearm, as defined in s.  
1068 790.22(5).  
1069       10. Petit theft, as defined in s. 812.014(3).  
1070       11. Cruelty to animals, as defined in s. 828.12(1).  
1071       12. Arson, as defined in s. 806.031(1).  
1072       13. Unlawful possession or discharge of a weapon or firearm  
1073 at a school-sponsored event or on school property, as provided  
1074 in s. 790.115.  
1075       Section 23. Paragraph (b) of subsection (1) of section  
1076 985.11, Florida Statutes, is amended to read:  
1077       985.11 Fingerprinting and photographing.—  
1078       (1)  
1079       (b) Unless the child is issued a prearrest delinquency  
1080 ~~civil citation or is participating in a similar diversion~~  
1081 ~~program~~ pursuant to s. 985.12, a child who is charged with or  
1082 found to have committed one of the following offenses shall be  
1083 fingerprinted, and the fingerprints shall be submitted to the



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- 1084 Department of Law Enforcement as provided in s. 943.051(3)(b):  
1085       1. Assault, as defined in s. 784.011.  
1086       2. Battery, as defined in s. 784.03.  
1087       3. Carrying a concealed weapon, as defined in s. 790.01(2).  
1088       4. Unlawful use of destructive devices or bombs, as defined  
1089 in s. 790.1615(1).  
1090       5. Neglect of a child, as defined in s. 827.03(1)(e).  
1091       6. Assault on a law enforcement officer, a firefighter, or  
1092 other specified officers, as defined in s. 784.07(2)(a).  
1093       7. Open carrying of a weapon, as defined in s. 790.053.  
1094       8. Exposure of sexual organs, as defined in s. 800.03.  
1095       9. Unlawful possession of a firearm, as defined in s.  
1096 790.22(5).  
1097       10. Petit theft, as defined in s. 812.014.  
1098       11. Cruelty to animals, as defined in s. 828.12(1).  
1099       12. Arson, resulting in bodily harm to a firefighter, as  
1100 defined in s. 806.031(1).  
1101       13. Unlawful possession or discharge of a weapon or firearm  
1102 at a school-sponsored event or on school property as defined in  
1103 s. 790.115.

1104  
1105       A law enforcement agency may fingerprint and photograph a  
1106 child taken into custody upon probable cause that such child has  
1107 committed any other violation of law, as the agency deems  
1108 appropriate. Such fingerprint records and photographs shall be  
1109 retained by the law enforcement agency in a separate file, and  
1110 these records and all copies thereof must be marked "Juvenile  
1111 Confidential." These records are not available for public  
1112 disclosure and inspection under s. 119.07(1) except as provided



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1113 in ss. 943.053 and 985.04(2), but shall be available to other  
1114 law enforcement agencies, criminal justice agencies, state  
1115 attorneys, the courts, the child, the parents or legal  
1116 custodians of the child, their attorneys, and any other person  
1117 authorized by the court to have access to such records. In  
1118 addition, such records may be submitted to the Department of Law  
1119 Enforcement for inclusion in the state criminal history records  
1120 and used by criminal justice agencies for criminal justice  
1121 purposes. These records may, in the discretion of the court, be  
1122 open to inspection by anyone upon a showing of cause. The  
1123 fingerprint and photograph records shall be produced in the  
1124 court whenever directed by the court. Any photograph taken  
1125 pursuant to this section may be shown by a law enforcement  
1126 officer to any victim or witness of a crime for the purpose of  
1127 identifying the person who committed such crime.

1128 Section 24. Paragraph (n) of subsection (2) of section  
1129 1006.07, Florida Statutes, is amended to read:

1130 1006.07 District school board duties relating to student  
1131 discipline and school safety.—The district school board shall  
1132 provide for the proper accounting for all students, for the  
1133 attendance and control of students at school, and for proper  
1134 attention to health, safety, and other matters relating to the  
1135 welfare of students, including:

1136 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
1137 conduct for elementary schools and a code of student conduct for  
1138 middle and high schools and distribute the appropriate code to  
1139 all teachers, school personnel, students, and parents, at the  
1140 beginning of every school year. Each code shall be organized and  
1141 written in language that is understandable to students and





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1142 parents and shall be discussed at the beginning of every school  
1143 year in student classes, school advisory council meetings, and  
1144 parent and teacher association or organization meetings. Each  
1145 code shall be based on the rules governing student conduct and  
1146 discipline adopted by the district school board and shall be  
1147 made available in the student handbook or similar publication.  
1148 Each code shall include, but is not limited to:

1149 (n) Criteria for recommending to law enforcement that a  
1150 student who commits a criminal offense be allowed to participate  
1151 in a prearrest delinquency citation ~~civil citation or similar~~  
1152 ~~prearrest diversion~~ program as an alternative to expulsion or  
1153 arrest. All prearrest delinquency citation ~~civil citation or~~  
1154 ~~similar prearrest diversion~~ programs must comply with s. 985.12.

1155 Section 25. This act shall take effect July 1, 2024.

1156  
1157 ===== T I T L E A M E N D M E N T =====

1158 And the title is amended as follows:

1159 Delete everything before the enacting clause  
1160 and insert:

1161 A bill to be entitled

1162 An act relating to juvenile justice; amending s.  
1163 790.115, F.S.; removing a provision requiring  
1164 specified treatment of minors charged with possessing  
1165 or discharging a firearm on school property; amending  
1166 s. 790.22, F.S.; revising penalties for minors  
1167 committing specified firearms violations; removing  
1168 provisions concerning minors charged with or convicted  
1169 of certain firearms offenses; amending s. 985.101,  
1170 F.S.; conforming provisions to changes made by the



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1171 act; amending s. 985.12, F.S.; redesignating civil  
1172 citation programs as prearrest delinquency citation  
1173 programs; revising program requirements; providing  
1174 that certain existing programs meeting certain  
1175 requirements shall be deemed authorized; amending s.  
1176 985.125, F.S.; conforming provisions to changes made  
1177 by the act; amending s. 985.126, F.S.; requiring the  
1178 Department of Juvenile Justice to publish a quarterly  
1179 report concerning entities using delinquency citations  
1180 for less than a specified amount of eligible offenses;  
1181 amending s. 985.245, F.S.; conforming provisions to  
1182 changes made by the act; amending s. 985.25, F.S.;  
1183 requiring that youths who are arrested for certain  
1184 electronic monitoring violations be placed in secure  
1185 detention until a detention hearing; requiring that a  
1186 child on probation for an underlying felony firearm  
1187 offense who is taken into custody be placed in secure  
1188 detention; providing for renewal of secure detention  
1189 periods in certain circumstances; amending s. 985.255,  
1190 F.S.; providing that when there is probable cause that  
1191 a child committed one of a specified list of offenses  
1192 that he or she is presumed to be a risk to public  
1193 safety and danger to the community and must be held in  
1194 secure a detention before an adjudicatory hearing;  
1195 providing requirements for release of such a child  
1196 despite the presumption; revising language concerning  
1197 the use of risk assessments; amending s. 985.26, F.S.;  
1198 revising requirements for holding a child in secure  
1199 detention for more than 21 days; amending s. 985.433,



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1200 F.S.; requiring conditional release conditions for  
1201 children released after confinement for specified  
1202 firearms offenses; requiring specified sanctions for  
1203 certain children adjudicated for certain firearms  
1204 offenses who are not committed to a residential  
1205 program; providing that children who previously have  
1206 had adjudication withheld for certain offenses my not  
1207 have adjudication withheld for specified offenses;  
1208 amending s. 985.435, F.S.; conforming provisions to  
1209 changes made by the act; creating s. 985.438, F.S.;  
1210 requiring the Department of Juvenile Justice to create  
1211 and administer a graduated response matrix to hold  
1212 youths accountable to the terms of their court ordered  
1213 probation and the terms of their conditional release;  
1214 providing requirements for the matrix; amending s.  
1215 985.439, F.S.; requiring a state attorney to file a  
1216 probation violation within a specified period or  
1217 inform the court and the Department of Juvenile  
1218 Justice why such violation is not filed; removing  
1219 provisions concerning an alternative consequence  
1220 program; allowing placement of electronic monitoring  
1221 for probation violations in certain circumstances;  
1222 amending s. 985.455, F.S.; authorizing a court to make  
1223 an exception to an order of revocation or suspension  
1224 of driving privileges in certain circumstances;  
1225 amending s. 985.46, F.S.; revising legislative intent  
1226 concerning conditional release; revising the  
1227 conditions of conditional release; providing for  
1228 assessment of conditional release violations and



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1229 possible recommitment of violators; amending ss.  
1230 985.48 and 985.4815, F.S.; conforming provisions to  
1231 changes made by the act; amending s. 985.601, F.S.;  
1232 requiring the Department of Juvenile justice to  
1233 establish a specified class for firearms offenders;  
1234 amending s. 985.711, F.S.; revising provisions  
1235 concerning introduction of contraband into department  
1236 facilities; revising criminal penalties for  
1237 violations; amending s. 1002.221, F.S.; revising  
1238 provisions concerning educational records for certain  
1239 purposes; amending ss. 943.051, 985.11, and 1006.07,  
1240 F.S.; conforming provisions to changes made by the  
1241 act; providing an effective date.