

By Senator Martin

33-01163A-24

20241274__

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

33-01163A-24

20241274__

30 circumstances; amending s. 985.255, F.S.; providing
31 that when there is probable cause that a child
32 committed one of a specified list of offenses that he
33 or she is presumed to be a risk to public safety and
34 danger to the community and must be held in secure a
35 detention before an adjudicatory hearing; providing
36 requirements for release of such a child despite the
37 presumption; revising provisions concerning the use of
38 risk assessments; amending s. 985.26, F.S.; revising
39 requirements for holding a child in secure detention
40 for more than 21 days; amending s. 985.433, F.S.;
41 requiring conditional release conditions for children
42 released after confinement for specified firearms
43 offenses; requiring specified sanctions for certain
44 children adjudicated for certain firearms offenses who
45 are not committed to a residential program; providing
46 that children who previously have had adjudication
47 withheld for certain offenses my not have adjudication
48 withheld for specified offenses; amending s. 985.435,
49 F.S.; conforming provisions to changes made by the
50 act; creating s. 985.438, F.S.; requiring the
51 Department of Juvenile Justice to create and
52 administer a graduated response matrix to hold youths
53 accountable to the terms of their court ordered
54 probation and the terms of their conditional release;
55 providing requirements for the matrix; requiring that
56 the matrix be adopted in rule by the department;
57 amending s. 985.439, F.S.; requiring a state attorney
58 to file a probation violation within a specified

33-01163A-24

20241274__

59 period or inform the court and the Department of
60 Juvenile Justice why such violation is not filed;
61 removing provisions concerning an alternative
62 consequence program; allowing placement of electronic
63 monitoring for probation violations in certain
64 circumstances; amending s. 985.455, F.S.; authorizing
65 a court to make an exception to an order of revocation
66 or suspension of driving privileges in certain
67 circumstances; amending s. 985.46, F.S.; revising
68 legislative intent concerning conditional release;
69 revising the conditions of conditional release;
70 providing for assessment of conditional release
71 violations and possible recommitment of violators;
72 amending ss. 985.48 and 985.4815, F.S.; conforming
73 provisions to changes made by the act; amending s.
74 985.601, F.S.; requiring the Department of Juvenile
75 Justice to establish a specified class for firearms
76 offenders; amending s. 985.711, F.S.; revising
77 provisions concerning introduction of contraband into
78 department facilities; revising criminal penalties for
79 violations; amending s. 1002.221, F.S.; revising
80 provisions concerning educational records for certain
81 purposes; amending ss. 943.051, 985.11, and 1006.07,
82 F.S.; conforming provisions to changes made by the
83 act; providing an effective date.

84

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

86

87 Section 1. Subsection (4) of section 790.115, Florida

33-01163A-24

20241274__

88 Statutes, is amended to read:

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

92 ~~(4) Notwithstanding s. 985.24, s. 985.245, or s. 985.25(1),~~
93 ~~any minor under 18 years of age who is charged under this~~
94 ~~section with possessing or discharging a firearm on school~~
95 ~~property shall be detained in secure detention, unless the state~~
96 ~~attorney authorizes the release of the minor, and shall be given~~
97 ~~a probable cause hearing within 24 hours after being taken into~~
98 ~~custody. At the hearing, the court may order that the minor~~
99 ~~continue to be held in secure detention for a period of 21 days,~~
100 ~~during which time the minor shall receive medical, psychiatric,~~
101 ~~psychological, or substance abuse examinations pursuant to s.~~
102 ~~985.18, and a written report shall be completed.~~

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

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

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

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

33-01163A-24

20241274__

117 (a) The minor is engaged in a lawful hunting activity and
118 is:

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

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

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

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

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

33-01163A-24

20241274__

146 and:

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

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

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

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

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~~

33-01163A-24

20241274__

175 ~~privilege for up to 2 years.~~

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 of up to 2 years.~~

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~~
185 ~~up to 2 years after the date on which the minor would otherwise~~
186 ~~have become eligible.~~

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

192 ~~(8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor~~
193 ~~is charged with an offense that involves the use or possession~~
194 ~~of a firearm, including a violation of subsection (3), or is~~
195 ~~charged for any offense during the commission of which the minor~~
196 ~~possessed a firearm, the minor shall be detained in secure~~
197 ~~detention, unless the state attorney authorizes the release of~~
198 ~~the minor, and shall be given a hearing within 24 hours after~~
199 ~~being taken into custody. At the hearing, the court may order~~
200 ~~that the minor continue to be held in secure detention in~~
201 ~~accordance with the applicable time periods specified in s.~~
202 ~~985.26(1)-(5), if the court finds that the minor meets the~~
203 ~~criteria specified in s. 985.255, or if the court finds by clear~~

33-01163A-24

20241274__

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

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

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

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

33-01163A-24

20241274__

233 ~~2. Be placed on community control or in a nonresidential~~
234 ~~commitment program.~~

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

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

240 ~~2. Be placed on community control or in a nonresidential~~
241 ~~commitment program.~~

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

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

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

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

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

33-01163A-24

20241274__

262 ~~period for up to 1 year.~~

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

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

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

275 ~~2. If the minor's driver license or driving privilege is~~
276 ~~under suspension or revocation for any reason, the court may~~
277 ~~direct the Department of Highway Safety and Motor Vehicles to~~
278 ~~extend the period of suspension or revocation by an additional~~
279 ~~period for up to 2 years.~~

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

286 Section 3. Paragraph (d) of subsection (1) of section
287 985.101, Florida Statutes, is amended to read:

288 985.101 Taking a child into custody.—

289 (1) A child may be taken into custody under the following
290 circumstances:

33-01163A-24

20241274__

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

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

301 Section 4. Section 985.12, Florida Statutes, is amended to
302 read:

303 985.12 Prearrest delinquency ~~Civil citation or similar~~
304 ~~prearrest diversion~~ programs.—

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

33-01163A-24

20241274__

320 judicial circuit under this section.

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

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

337 (b) Each judicial circuit's delinquency civil citation ~~or~~
338 ~~similar prearrest diversion~~ program must specify all of the
339 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 are not eligible for delinquency
343 citation.†

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

33-01163A-24

20241274__

349 department or the delinquency citation entity, and intervention
350 services indicated by a needs assessment of the juvenile,
351 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 delinquency ~~civil~~ citation ~~or similar prearrest diversion~~
360 program in each circuit. A sheriff, police department, county,
361 municipality, locally authorized entity, or public or private
362 educational institution may ~~continue to~~ operate an independent
363 delinquency ~~civil~~ citation ~~or similar prearrest diversion~~
364 program ~~that is in operation as of October 1, 2018,~~ if the
365 independent program is reviewed by the state attorney of the
366 applicable circuit and he or she determines that the independent
367 program is substantially similar to the delinquency ~~civil~~
368 citation ~~or similar prearrest diversion~~ program developed by the
369 circuit. If the state attorney determines that the independent
370 program is not substantially similar to the delinquency ~~civil~~
371 citation ~~or similar prearrest diversion~~ program developed by the
372 circuit, the operator of the independent ~~diversion~~ program may
373 revise the program and the state attorney may conduct an
374 additional review of the independent program. A civil citation
375 or similar prearrest diversion program existing before July 1,
376 2024, shall be deemed a delinquency citation program authorized
377 by this section if the civil citation or similar prearrest

33-01163A-24

20241274__

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

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

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

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

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

404 ~~(g)(h)~~ Upon issuing a delinquency civil citation or similar
405 ~~prearrest diversion~~ program notice, the law enforcement officer
406 shall send a copy of the delinquency civil citation or similar

33-01163A-24

20241274__

407 ~~prearrest diversion~~ program notice to the parent or guardian of
408 the child and to the victim.

409 Section 5. Section 985.125, Florida Statutes, is amended to
410 read:

411 985.125 ~~Prearrest or~~ Postarrest diversion programs.—

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

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

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

428 985.126 Diversion programs; data collection; denial of
429 participation or expunged record.—

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

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

434 2. The offense committed, including the specific law
435 establishing the offense.

33-01163A-24

20241274__

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

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

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

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

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

451 a. Not offered such opportunity, the reason such offer was
452 not made.

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

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

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

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

33-01163A-24

20241274__

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

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

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

474 985.245 Risk assessment instrument.—

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

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

484 985.25 Detention intake.—

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

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

33-01163A-24

20241274__

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

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

509 (d) If the final score on the risk assessment instrument
510 indicates detention is not appropriate, the child may be
511 released by the department in accordance with ss. 985.115 and
512 985.13.

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

517 (f) Notwithstanding any other provision of law, a child on
518 probation for an underlying felony firearm offense as defined in
519 chapter 790 and who is taken into custody under s. 985.101 for
520 violating conditions of probation not involving a new law
521 violation shall be held in secure detention to allow the state
522 attorney to review the violation. If, within 21 days, the state

33-01163A-24

20241274__

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

533

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

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

542 985.255 Detention criteria; detention hearing.—

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

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

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

33-01163A-24

20241274__

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

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

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

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

558 5. Having a firearm while committing a felony under s.
559 790.07(2).

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

562 7. Delinquent in possession of a firearm under s.
563 790.23(1)(b).

564 8. An attempt to commit any offense listed in this
565 paragraph under s. 777.04.

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

567 1. There is a presumption that the child is a risk to
568 public safety and danger to the community and such child must be
569 held in secure detention prior to an adjudicatory hearing,
570 unless the court enters a written order that the child would not
571 pose a risk to public safety or a danger to the community if he
572 or she were placed on supervised release detention care.

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

33-01163A-24

20241274__

581 adjudicatory hearing.

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

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

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

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

33-01163A-24

20241274__

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

612 (c) Except as provided in ~~s. 790.22(8)~~ or s. 985.27, when a
613 child is placed into detention care, or into a respite home or
614 other placement pursuant to a court order following a hearing,
615 the court order must include specific instructions that direct
616 the release of the child from such placement no later than 5
617 p.m. on the last day of the detention period specified in s.
618 985.26 or s. 985.27, whichever is applicable, unless the
619 requirements of such applicable provision have been met or an
620 order of continuance has been granted under s. 985.26(4). If the
621 court order does not include a release date, the release date
622 shall be requested from the court on the same date that the
623 child is placed in detention care. If a subsequent hearing is
624 needed to provide additional information to the court for safety
625 planning, the initial order placing the child in detention care
626 shall reflect the next detention review hearing, which shall be
627 held within 3 calendar days after the child's initial detention
628 placement.

629 Section 10. Paragraph (b) of subsection (2) of section
630 985.26, Florida Statutes, is amended to read:

631 985.26 Length of detention.—

632 (2)

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

636 1. Upon good cause being shown that the nature of the
637 charge requires additional time for the prosecution or defense
638 of the case or that the totality of the circumstances, including

33-01163A-24

20241274__

639 the preservation of public safety, warrants an extension, the
640 court may extend the length of secure detention care for up to
641 an additional 21 days if the child is charged with an offense
642 which, if committed by an adult, would be a capital felony, a
643 life felony, a felony of the first degree or the second degree,
644 a felony of the third degree involving violence against any
645 individual, or any other offense involving the possession or use
646 of a firearm. Except as otherwise provided for certain offenses
647 and as set forth in subparagraph 2., the court may continue to
648 extend the period of secure detention care in increments of up
649 to 21 days each by conducting a hearing before the expiration of
650 the current period to determine the need for continued secure
651 detention of the child. At the hearing, the court must make the
652 required findings in writing to extend the period of secure
653 detention. If the court extends the time period for secure
654 detention care, it shall ensure an adjudicatory hearing for the
655 case commences as soon as is reasonably possible considering the
656 totality of the circumstances. The court shall prioritize the
657 efficient disposition of cases in which the child has served 60
658 or more days in secure detention care.

659 2. Any child held in secure detention under s.
660 985.255(1)(g).

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

667 b. The written order releasing a child from secure

33-01163A-24

20241274__

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

676 c. If an adjudicatory hearing has not taken place after 60
677 days of secure detention for a child held in secure detention
678 under this paragraph, the court must hold a review hearing
679 within each successive 7-day review period until the
680 adjudicatory hearing or the child is placed on supervised
681 release with electronic monitoring under sub-subparagraph b.

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

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

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

694 (7) If the court determines that the child should be
695 adjudicated as having committed a delinquent act and should be
696 committed to the department, such determination shall be in

33-01163A-24

20241274__

697 writing or on the record of the hearing. The determination shall
698 include a specific finding of the reasons for the decision to
699 adjudicate and to commit the child to the department, including
700 any determination that the child was a member of a criminal
701 gang.

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

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

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

33-01163A-24

20241274__

726 order, in addition to any other punishment provided by law:

727 1. For a first offense, a child shall:

728 a. Serve a period of detention of 30 days in a secure
729 detention facility, with credit for time served in secure
730 detention prior to disposition.

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

733 c. Be placed on probation for a period of at least 1 year.
734 Such term of probation shall include electronic monitoring of
735 the child by the department at times and under terms and
736 conditions set by the department.

737 2. In addition to these penalties, the court may impose the
738 following restrictions upon the child's driving privileges:

739 a. If the child is eligible by reason of age for a driver
740 license or driving privilege, the court may direct the
741 Department of Highway Safety and Motor Vehicles to revoke or to
742 withhold issuance of the child's driver license or driving
743 privilege for up to 1 year.

744 b. If the child's driver license or driving privilege is
745 under suspension or revocation for any reason, the court may
746 direct the Department of Highway Safety and Motor Vehicles to
747 extend the period of suspension or revocation by an additional
748 period for up to 1 year.

749 c. If the child is ineligible by reason of age for a driver
750 license or driving privilege, the court may direct the
751 Department of Highway Safety and Motor Vehicles to withhold
752 issuance of the minor's driver license or driving privilege for
753 up to 1 year after the date on which the child would otherwise
754 have become eligible.

33-01163A-24

20241274__

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

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

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

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

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

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

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

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

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

33-01163A-24

20241274__

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

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

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

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

811 (4) A probation program must ~~may also~~ include an
812 alternative consequence component to address instances in which

33-01163A-24

20241274__

813 a child is noncompliant with technical conditions of his or her
814 probation but has not committed any new violations of law. The
815 alternative consequence component must be aligned with the
816 department's graduated response matrix as described in s.
817 985.438 ~~Each judicial circuit shall develop, in consultation~~
818 ~~with judges, the state attorney, the public defender, the~~
819 ~~regional counsel, relevant law enforcement agencies, and the~~
820 ~~department, a written plan specifying the alternative~~
821 ~~consequence component which must be based upon the principle~~
822 ~~that sanctions must reflect the seriousness of the violation,~~
823 ~~the assessed criminogenic needs and risks of the child, the~~
824 ~~child's age and maturity level, and how effective the sanction~~
825 ~~or incentive will be in moving the child to compliant behavior.~~
826 ~~The alternative consequence component is designed to provide~~
827 ~~swift and appropriate consequences or incentives to a child who~~
828 ~~is alleged to be noncompliant with or in violation of probation.~~
829 ~~If the probation program includes this component, specific~~
830 ~~consequences that apply to noncompliance with specific technical~~
831 ~~conditions of probation, as well as incentives used to move the~~
832 ~~child toward compliant behavior, must be detailed in the~~
833 ~~disposition order.~~

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

836 985.438 Graduated response matrix.—

837 (1) The department shall create and administer a statewide
838 plan to hold youths accountable to the terms of their court-
839 ordered probation and the terms of their conditional release.
840 The plan must be based upon the principle that sanctions must
841 reflect the seriousness of the violation, provide immediate

33-01163A-24

20241274__

842 accountability for violations, the assessed criminogenic needs
843 and risks of the child, and the child's age and maturity level.
844 The plan is designed to provide swift and appropriate
845 consequences or incentives to a child who is alleged to be
846 noncompliant with or in violation of probation.

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

850 (a) Increased contacts.

851 (b) Increased drug tests.

852 (c) Curfew reductions.

853 (d) Increased community service.

854 (e) Additional evaluations.

855 (f) Addition of electronic monitoring.

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

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

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

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

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

33-01163A-24

20241274__

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

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

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

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

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

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

898 ~~1. Alternative consequence programs shall be established,~~
899 ~~within existing resources, at the local level in coordination~~

33-01163A-24

20241274__

900 ~~with law enforcement agencies, the chief judge of the circuit,~~
901 ~~the state attorney, and the public defender.~~

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

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

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

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

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

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

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

924 985.455 Other dispositional issues.—

925 (5) If the court orders revocation or suspension of a
926 child's driver license as part of a disposition, the court may,
927 upon finding a compelling circumstance to warrant an exception,
928 direct the Department of Highway Safety and Motor Vehicles to

33-01163A-24

20241274__

929 issue a license for driving privileges restricted to business or
930 employment purposes only, as defined in s. 322.271.

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

934 985.46 Conditional release.—

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

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

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

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

946 (3) For juveniles referred or committed to the department,
947 the function of the department may include, but shall not be
948 limited to, supervising each juvenile on conditional release
949 ~~when assessing each juvenile placed in a residential commitment~~
950 ~~program to determine the need for conditional release services~~
951 ~~upon release from the program, supervising the juvenile when~~
952 released into the community from a residential commitment
953 facility of the department, providing such counseling and other
954 services as may be necessary for the families and assisting
955 their preparations for the return of the child. Subject to
956 specific appropriation, the department shall provide for
957 outpatient sexual offender counseling for any juvenile sexual

33-01163A-24

20241274__

958 offender released from a residential commitment program as a
959 component of conditional release.

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

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

974 (b) A curfew.

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

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

978 (e) A prohibition on possession of firearms.

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

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

986 985.48 Juvenile sexual offender commitment programs; sexual

33-01163A-24

20241274__

987 abuse intervention networks.—

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

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

1000 Section 18. Paragraph (a) of subsection (6) of section
1001 985.4815, Florida Statutes, is amended to read:

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

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

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

1008 2. The sexual offender's most current address and place of
1009 permanent, temporary, or transient residence within the state or
1010 out of state, and address, location or description, and dates of
1011 any current or known future temporary residence within the state
1012 or out of state, while the sexual offender is in the care or
1013 custody or under the jurisdiction or supervision of the
1014 department in this state, including the name of the county or
1015 municipality in which the offender permanently or temporarily

33-01163A-24

20241274__

1016 resides, or has a transient residence, and address, location or
1017 description, and dates of any current or known future temporary
1018 residence within the state or out of state; and, if known, the
1019 intended place of permanent, temporary, or transient residence,
1020 and address, location or description, and dates of any current
1021 or known future temporary residence within the state or out of
1022 state upon satisfaction of all sanctions.

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

1025 4. The location of, and local telephone number for, any
1026 department office that is responsible for supervising the sexual
1027 offender.

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

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

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

33-01163A-24

20241274__

1045 the sexual offender is in the custody of a private correctional
1046 facility, the facility shall take a digitized photograph of the
1047 sexual offender within the time period provided in this
1048 subparagraph and shall provide the photograph to the department.

1049 Section 19. Subsection (11) of section 985.601, Florida
1050 Statutes, is renumbered as subsection (12), and a new subsection
1051 (11) is added to that section, to read:

1052 985.601 Administering the juvenile justice continuum.-

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

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

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

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

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

1073 2. Any intoxicating beverage or any beverage that causes or

33-01163A-24

20241274__

1074 may cause an intoxicating effect.

1075 3. Any controlled substance as defined in s. 893.02(4),
1076 marijuana as defined in s. 381.986, hemp as defined in s.
1077 581.217, industrial hemp as defined in s. 1004.4473, or any
1078 prescription or nonprescription drug that has a hypnotic,
1079 stimulating, or depressing effect.

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

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

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

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

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

1101 (b) A person may not transmit contraband to, cause
1102 contraband to be transmitted to or received by, attempt to

33-01163A-24

20241274__

1103 transmit contraband to, or attempt to cause contraband to be
1104 transmitted to or received by, a juvenile offender into or upon
1105 the grounds of a juvenile detention facility or commitment
1106 program, except as authorized through program policy or
1107 operating procedures or as authorized by the facility
1108 superintendent, program director, or manager.

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

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

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

1124 ~~(c) In all other cases,~~ A person who violates this section
1125 commits a felony of the second degree, punishable as provided in
1126 s. 775.082, s. 775.083, or s. 775.084.

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

1129 1002.221 K-12 education records; public records exemption.-

1130 (2)

1131 (c) In accordance with the FERPA and the federal

33-01163A-24

20241274__

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

1147 Section 22. Paragraph (b) of subsection (3) of section
1148 943.051, Florida Statutes, is amended to read:

1149 943.051 Criminal justice information; collection and
1150 storage; fingerprinting.—

1151 (3)

1152 (b) A minor who is charged with or found to have committed
1153 the following offenses shall be fingerprinted and the
1154 fingerprints shall be submitted electronically to the
1155 department, unless the minor is issued a delinquency civil
1156 citation pursuant to s. 985.12:

- 1157 1. Assault, as defined in s. 784.011.
- 1158 2. Battery, as defined in s. 784.03.
- 1159 3. Carrying a concealed weapon, as defined in s. 790.01(2).
- 1160 4. Unlawful use of destructive devices or bombs, as defined

33-01163A-24

20241274__

- 1161 in s. 790.1615(1).
- 1162 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1163 6. Assault or battery on a law enforcement officer, a
1164 firefighter, or other specified officers, as defined in s.
1165 784.07(2)(a) and (b).
- 1166 7. Open carrying of a weapon, as defined in s. 790.053.
- 1167 8. Exposure of sexual organs, as defined in s. 800.03.
- 1168 9. Unlawful possession of a firearm, as defined in s.
1169 790.22(5).
- 1170 10. Petit theft, as defined in s. 812.014(3).
- 1171 11. Cruelty to animals, as defined in s. 828.12(1).
- 1172 12. Arson, as defined in s. 806.031(1).
- 1173 13. Unlawful possession or discharge of a weapon or firearm
1174 at a school-sponsored event or on school property, as provided
1175 in s. 790.115.
- 1176 Section 23. Paragraph (b) of subsection (1) of section
1177 985.11, Florida Statutes, is amended to read:
- 1178 985.11 Fingerprinting and photographing.—
- 1179 (1)
- 1180 (b) Unless the child is issued a delinquency ~~civil~~ citation
1181 ~~or is participating in a similar diversion program~~ pursuant to
1182 s. 985.12, a child who is charged with or found to have
1183 committed one of the following offenses shall be fingerprinted,
1184 and the fingerprints shall be submitted to the Department of Law
1185 Enforcement as provided in s. 943.051(3)(b):
- 1186 1. Assault, as defined in s. 784.011.
- 1187 2. Battery, as defined in s. 784.03.
- 1188 3. Carrying a concealed weapon, as defined in s. 790.01(2).
- 1189 4. Unlawful use of destructive devices or bombs, as defined

33-01163A-24

20241274__

1190 in s. 790.1615(1).

1191 5. Neglect of a child, as defined in s. 827.03(1)(e).

1192 6. Assault on a law enforcement officer, a firefighter, or

1193 other specified officers, as defined in s. 784.07(2)(a).

1194 7. Open carrying of a weapon, as defined in s. 790.053.

1195 8. Exposure of sexual organs, as defined in s. 800.03.

1196 9. Unlawful possession of a firearm, as defined in s.

1197 790.22(5).

1198 10. Petit theft, as defined in s. 812.014.

1199 11. Cruelty to animals, as defined in s. 828.12(1).

1200 12. Arson, resulting in bodily harm to a firefighter, as

1201 defined in s. 806.031(1).

1202 13. Unlawful possession or discharge of a weapon or firearm

1203 at a school-sponsored event or on school property as defined in

1204 s. 790.115.

1205

1206 A law enforcement agency may fingerprint and photograph a child

1207 taken into custody upon probable cause that such child has

1208 committed any other violation of law, as the agency deems

1209 appropriate. Such fingerprint records and photographs shall be

1210 retained by the law enforcement agency in a separate file, and

1211 these records and all copies thereof must be marked "Juvenile

1212 Confidential." These records are not available for public

1213 disclosure and inspection under s. 119.07(1) except as provided

1214 in ss. 943.053 and 985.04(2), but shall be available to other

1215 law enforcement agencies, criminal justice agencies, state

1216 attorneys, the courts, the child, the parents or legal

1217 custodians of the child, their attorneys, and any other person

1218 authorized by the court to have access to such records. In

33-01163A-24

20241274__

1219 addition, such records may be submitted to the Department of Law
1220 Enforcement for inclusion in the state criminal history records
1221 and used by criminal justice agencies for criminal justice
1222 purposes. These records may, in the discretion of the court, be
1223 open to inspection by anyone upon a showing of cause. The
1224 fingerprint and photograph records shall be produced in the
1225 court whenever directed by the court. Any photograph taken
1226 pursuant to this section may be shown by a law enforcement
1227 officer to any victim or witness of a crime for the purpose of
1228 identifying the person who committed such crime.

1229 Section 24. Paragraph (n) of subsection (2) of section
1230 1006.07, Florida Statutes, is amended to read:

1231 1006.07 District school board duties relating to student
1232 discipline and school safety.—The district school board shall
1233 provide for the proper accounting for all students, for the
1234 attendance and control of students at school, and for proper
1235 attention to health, safety, and other matters relating to the
1236 welfare of students, including:

1237 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
1238 conduct for elementary schools and a code of student conduct for
1239 middle and high schools and distribute the appropriate code to
1240 all teachers, school personnel, students, and parents, at the
1241 beginning of every school year. Each code shall be organized and
1242 written in language that is understandable to students and
1243 parents and shall be discussed at the beginning of every school
1244 year in student classes, school advisory council meetings, and
1245 parent and teacher association or organization meetings. Each
1246 code shall be based on the rules governing student conduct and
1247 discipline adopted by the district school board and shall be

33-01163A-24

20241274__

1248 made available in the student handbook or similar publication.
1249 Each code shall include, but is not limited to:
1250 (n) Criteria for recommending to law enforcement that a
1251 student who commits a criminal offense be allowed to participate
1252 in a prearrest delinquency citation ~~civil citation or similar~~
1253 ~~prearrest diversion~~ program as an alternative to expulsion or
1254 arrest. All prearrest delinquency citation ~~civil citation or~~
1255 ~~similar prearrest diversion~~ programs must comply with s. 985.12.
1256 Section 25. This act shall take effect July 1, 2024.