

By the Committee on Criminal Justice; and Senator Martin

591-02654-24

20241274c1

1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 790.115, F.S.; removing a provision requiring
4 specified treatment of minors charged with possessing
5 or discharging a firearm on school property; amending
6 s. 790.22, F.S.; revising penalties for minors
7 committing specified firearms violations; removing
8 provisions concerning minors charged with or convicted
9 of certain firearms offenses; amending s. 985.101,
10 F.S.; conforming provisions to changes made by the
11 act; amending s. 985.12, F.S.; redesignating civil
12 citation programs as prearrest delinquency citation
13 programs; revising program requirements; providing
14 that certain existing programs meeting certain
15 requirements shall be deemed authorized; amending s.
16 985.125, F.S.; conforming provisions to changes made
17 by the act; amending s. 985.126, F.S.; requiring the
18 Department of Juvenile Justice to publish a quarterly
19 report concerning entities using delinquency citations
20 for less than a specified amount of eligible offenses;
21 amending s. 985.245, F.S.; conforming provisions to
22 changes made by the act; amending s. 985.25, F.S.;
23 requiring that youths who are arrested for certain
24 electronic monitoring violations be placed in secure
25 detention until a detention hearing; requiring that a
26 child on probation for an underlying felony firearm
27 offense who is taken into custody be placed in secure
28 detention; providing for renewal of secure detention
29 periods in certain circumstances; amending s. 985.255,

591-02654-24

20241274c1

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

591-02654-24

20241274c1

59 provisions concerning an alternative consequence
60 program; allowing placement of electronic monitoring
61 for probation violations in certain circumstances;
62 amending s. 985.455, F.S.; authorizing a court to make
63 an exception to an order of revocation or suspension
64 of driving privileges in certain circumstances;
65 amending s. 985.46, F.S.; revising legislative intent
66 concerning conditional release; revising the
67 conditions of conditional release; providing for
68 assessment of conditional release violations and
69 possible recommitment of violators; amending ss.
70 985.48 and 985.4815, F.S.; conforming provisions to
71 changes made by the act; amending s. 985.601, F.S.;
72 requiring the Department of Juvenile justice to
73 establish a specified class for firearms offenders;
74 amending s. 985.711, F.S.; revising provisions
75 concerning introduction of contraband into department
76 facilities; revising criminal penalties for
77 violations; amending s. 1002.221, F.S.; revising
78 provisions concerning educational records for certain
79 purposes; amending ss. 943.051, 985.11, and 1006.07,
80 F.S.; conforming provisions to changes made by the
81 act; providing an effective date.

82

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

84

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

87 790.115 Possessing or discharging weapons or firearms at a

591-02654-24

20241274c1

88 school-sponsored event or on school property prohibited;
89 penalties; exceptions.-

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

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

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

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

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

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

591-02654-24

20241274c1

117 1. At least 16 years of age; or

118 2. Under 16 years of age and supervised by an adult.

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

122 1. At least 16 years of age; or

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

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

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

145 (a) ~~1.~~ If the minor is eligible by reason of age for a

591-02654-24

20241274c1

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

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

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

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

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

174 ~~2. If the minor's driver license or driving privilege is~~

591-02654-24

20241274c1

175 ~~under suspension or revocation for any reason, the court may~~
176 ~~direct the Department of Highway Safety and Motor Vehicles to~~
177 ~~extend the period of suspension or revocation by an additional~~
178 ~~period of up to 2 years.~~

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

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

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

591-02654-24

20241274c1

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

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

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

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

591-02654-24

20241274c1

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

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

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

240
241 ~~The minor shall not receive credit for time served before~~
242 ~~adjudication. For the purposes of this subsection, community~~
243 ~~service shall be performed, if possible, in a manner involving a~~
244 ~~hospital emergency room or other medical environment that deals~~
245 ~~on a regular basis with trauma patients and gunshot wounds.~~

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

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

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

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

261 ~~3. If the minor is ineligible by reason of age for a driver~~

591-02654-24

20241274c1

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

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

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

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

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

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

286 985.101 Taking a child into custody.—

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

289 (d) By a law enforcement officer who has probable cause to
290 believe that the child is in violation of the conditions of the

591-02654-24

20241274c1

291 child's probation, supervised release detention, ~~postcommitment~~
292 ~~probation~~, or conditional release supervision; has absconded
293 from nonresidential commitment; or has escaped from residential
294 commitment.

295

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

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

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

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

591-02654-24

20241274c1

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

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

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

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

344 2. The eligibility criteria for the program.†

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

346 4. The program's requirements, including, but not limited
347 to, the completion of community service hours, payment of
348 restitution, if applicable, classes established by the

591-02654-24

20241274c1

349 department or the prearrest delinquency citation program, and
350 intervention services indicated by a needs assessment of the
351 juvenile, approved by the department, such as family counseling,
352 urinalysis monitoring, and substance abuse and mental health
353 treatment services. ~~;~~ ~~and~~

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

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

591-02654-24

20241274c1

378 by this section if the civil citation or similar prearrest
379 diversion program has been approved by the state attorney of the
380 circuit in which it operates and it complies with the
381 requirements in paragraph (2) (b).

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

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

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

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

406 ~~(g)(h)~~ Upon issuing a prearrest delinquency ~~civil~~ citation

591-02654-24

20241274c1

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

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

414 985.125 ~~Prearrest or~~ Postarrest diversion programs.—

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

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

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

431 985.126 Prearrest and postarrest diversion programs; data
432 collection; denial of participation or expunged record.—

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

591-02654-24

20241274c1

- 436 1. The race, ethnicity, gender, and age of that minor.
- 437 2. The offense committed, including the specific law
438 establishing the offense.
- 439 3. The judicial circuit and county in which the offense was
440 committed and the law enforcement agency that had contact with
441 the minor for the offense.
- 442 4. Other demographic information necessary to properly
443 register a case into the Juvenile Justice Information System
444 Prevention Web, as specified by the department.
- 445 (b) ~~Beginning October 1, 2018,~~ Each law enforcement agency
446 shall submit to the department data for every minor charged for
447 the first-time, who is charged with a misdemeanor, and who was
448 ~~that identifies for each minor who was eligible for a diversion~~
449 ~~program, but was instead~~ referred to the department, provided a
450 notice to appear, or arrested:
- 451 1. The data required pursuant to paragraph (a).
- 452 2. Whether the minor was offered the opportunity to
453 participate in a diversion program. If the minor was:
- 454 a. Not offered such opportunity, the reason such offer was
455 not made.
- 456 b. Offered such opportunity, whether the minor or his or
457 her parent or legal guardian declined to participate in the
458 diversion program.
- 459 (c) The data required pursuant to paragraph (a) shall be
460 entered into the Juvenile Justice Information System Prevention
461 Web within 7 days after the youth's admission into the program.
- 462 (d) The data required pursuant to paragraph (b) shall be
463 submitted on or with the arrest affidavit or notice to appear.
- 464 (4) ~~Beginning January 1, 2019,~~ The department shall compile

591-02654-24

20241274c1

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

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

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

477 985.245 Risk assessment instrument.—

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

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

487 985.25 Detention intake.—

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

493 (a) During the period of time from the taking of the child

591-02654-24

20241274c1

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

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

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

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

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

520 (f) Notwithstanding any other provision of law, a child on
521 probation for an underlying felony firearm offense in chapter
522 790 and who is taken into custody under s. 985.101 for violating

591-02654-24

20241274c1

523 conditions of probation not involving a new law violation shall
524 be held in secure detention to allow the state attorney to
525 review the violation. If, within 21 days, the state attorney
526 notifies the court that commitment will be sought, then the
527 child shall remain in secure detention pending proceedings under
528 s. 985.439 until the initial 21-day period of secure detention
529 has expired. Upon motion of the state attorney, the child may be
530 held for an additional 21-day period if the court finds that the
531 totality of the circumstances, including the preservation of
532 public safety, warrants such extension. Any release from secure
533 detention shall result in the child being held on supervised
534 release with electronic monitoring pending proceedings under s.
535 985.439.

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

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

545 985.255 Detention criteria; detention hearing.—

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

550 (a) The result of the risk assessment instrument pursuant
551 to s. 985.245 indicates secure or supervised release detention

591-02654-24

20241274c1

552 or the court makes the findings required under paragraph (3) (b).

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

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

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

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

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

561 5. Having a firearm while committing a felony under s.
562 790.07(2).

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

565 7. Delinquent in possession of a firearm under s.
566 790.23(1) (b).

567 8. An attempt to commit any offense listed in this
568 paragraph under s. 777.04.

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

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

576 2. The written order releasing a child from secure
577 detention must be based on clear and convincing evidence why the
578 child does not present a risk to public safety or a danger to
579 the community and must list the child's prior adjudications,
580 dispositions, and prior violations of pretrial release orders. A

591-02654-24

20241274c1

581 court releasing a child from secure detention under this
582 subparagraph shall place the child on supervised release
583 detention care with electronic monitoring until the child's
584 adjudicatory hearing.

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

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

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

591-02654-24

20241274c1

610 be held in secure detention.

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

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

632 Section 10. Paragraph (b) of subsection (2) of section
633 985.26, Florida Statutes, is amended to read:

634 985.26 Length of detention.—

635 (2)

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

638 1. Upon good cause being shown that the nature of the

591-02654-24

20241274c1

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

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

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

666 985.433 Disposition hearings in delinquency cases.—When a
667 child has been found to have committed a delinquent act, the

591-02654-24

20241274c1

668 following procedures shall be applicable to the disposition of
669 the case:

670 (7) If the court determines that the child should be
671 adjudicated as having committed a delinquent act and should be
672 committed to the department, such determination shall be in
673 writing or on the record of the hearing. The determination shall
674 include a specific finding of the reasons for the decision to
675 adjudicate and to commit the child to the department, including
676 any determination that the child was a member of a criminal
677 gang.

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

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

591-02654-24

20241274c1

697 (a)1. Where a child is found to have committed an offense
698 that involves the use or possession of a firearm, as defined in
699 s. 790.001, other than a violation of s. 790.22(3), or is found
700 to have committed an offense during the commission of which the
701 child possessed a firearm, and the court has decided not to
702 commit the child to a residential program, the court shall order
703 the child, in addition to any other punishment provided by law,
704 to:

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

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

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

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

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

722 b. If the child's driver license or driving privilege is
723 under suspension or revocation for any reason, the court may
724 direct the Department of Highway Safety and Motor Vehicles to
725 extend the period of suspension or revocation by an additional

591-02654-24

20241274c1

726 period for up to 1 year.

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

733

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

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

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

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

747 3. Having a firearm while committing a felony under s.
748 790.07(2).

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

751 5. Delinquent in possession of a firearm under s.
752 790.23(1)(b).

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

591-02654-24

20241274c1

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

763 Section 12. Subsections (1), (3), and (4) of section
764 985.435, Florida Statutes, are amended to read:

765 985.435 Probation ~~and postcommitment probation~~; community
766 service.—

767 (1) The court that has jurisdiction over an adjudicated
768 delinquent child may, by an order stating the facts upon which a
769 determination of a sanction and rehabilitative program was made
770 at the disposition hearing, place the child in a probation
771 program ~~or a postcommitment probation program~~. Such placement
772 must be under the supervision of an authorized agent of the
773 department or of any other person or agency specifically
774 authorized and appointed by the court, whether in the child's
775 own home, in the home of a relative of the child, or in some
776 other suitable place under such reasonable conditions as the
777 court may direct.

778 (3) A probation program must also include a rehabilitative
779 program component such as a requirement of participation in
780 substance abuse treatment or in a school or career and technical
781 education program. The nonconsent of the child to treatment in a
782 substance abuse treatment program in no way precludes the court
783 from ordering such treatment. Upon the recommendation of the

591-02654-24

20241274c1

784 department at the time of disposition, or subsequent to
785 disposition pursuant to the filing of a petition alleging a
786 violation of the child's conditions of ~~postcommitment~~ probation,
787 the court may order the child to submit to random testing for
788 the purpose of detecting and monitoring the use of alcohol or
789 controlled substances.

790 (4) A probation program must ~~may also~~ include an
791 alternative consequence component to address instances in which
792 a child is noncompliant with technical conditions of his or her
793 probation but has not committed any new violations of law. The
794 alternative consequence component must be aligned with the
795 department's graduated response matrix as described in s.
796 985.438 ~~Each judicial circuit shall develop, in consultation~~
797 ~~with judges, the state attorney, the public defender, the~~
798 ~~regional counsel, relevant law enforcement agencies, and the~~
799 ~~department, a written plan specifying the alternative~~
800 ~~consequence component which must be based upon the principle~~
801 ~~that sanctions must reflect the seriousness of the violation,~~
802 ~~the assessed criminogenic needs and risks of the child, the~~
803 ~~child's age and maturity level, and how effective the sanction~~
804 ~~or incentive will be in moving the child to compliant behavior.~~
805 ~~The alternative consequence component is designed to provide~~
806 ~~swift and appropriate consequences or incentives to a child who~~
807 ~~is alleged to be noncompliant with or in violation of probation.~~
808 ~~If the probation program includes this component, specific~~
809 ~~consequences that apply to noncompliance with specific technical~~
810 ~~conditions of probation, as well as incentives used to move the~~
811 ~~child toward compliant behavior, must be detailed in the~~
812 ~~disposition order.~~

591-02654-24

20241274c1

813 Section 13. Section 985.438, Florida Statutes, is created
814 to read:

815 985.438 Graduated response matrix.—

816 (1) The department shall create and administer a statewide
817 plan to hold youths accountable to the terms of their court
818 ordered probation and the terms of their conditional release.
819 The plan must be based upon the principle that sanctions must
820 reflect the seriousness of the violation, provide immediate
821 accountability for violations, the assessed criminogenic needs
822 and risks of the child, and the child's age and maturity level.
823 The plan is designed to provide swift and appropriate
824 consequences or incentives to a child who is alleged to be
825 noncompliant with or in violation of his or her probation.

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

829 (a) Increased contacts.

830 (b) Increased drug tests.

831 (c) Curfew reductions.

832 (d) Increased community service.

833 (e) Additional evaluations.

834 (f) Addition of electronic monitoring.

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

837 Section 14. Section 985.439, Florida Statutes, is amended
838 to read:

839 985.439 Violation of probation ~~or postcommitment~~
840 probation.—

841 (1) (a) This section is applicable when the court has

591-02654-24

20241274c1

842 jurisdiction over a child on probation ~~or postcommitment~~
843 ~~probation~~, regardless of adjudication.

844 (b) If the conditions of the probation program ~~or the~~
845 ~~postcommitment probation program~~ are violated, the department or
846 the state attorney may bring the child before the court on a
847 petition alleging a violation of the program. A child who
848 violates the conditions of probation ~~or postcommitment probation~~
849 must be brought before the court if sanctions are sought.

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

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

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

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

591-02654-24

20241274c1

871 (a) Place the child in supervised release detention with
872 electronic monitoring.

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

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

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

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

888 (c) Modify or continue the child's probation program ~~or~~
889 ~~postcommitment probation program.~~

890 (d) Revoke probation ~~or postcommitment probation~~ and commit
891 the child to the department.

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

895 (5) Upon the recommendation of the department at the time
896 of disposition, or subsequent to disposition pursuant to the
897 filing of a petition alleging a violation of the child's
898 conditions of ~~postcommitment~~ probation, the court may order the
899 child to submit to random testing for the purpose of detecting

591-02654-24

20241274c1

900 and monitoring the use of alcohol or controlled substances.

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

903 985.455 Other dispositional issues.—

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

910 Section 16. Subsections (2), (3), and (5) of section
911 985.46, Florida Statutes, are amended, and subsection (6) is
912 added to that section, to read:

913 985.46 Conditional release.—

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

915 (a) Commitment programs include rehabilitative efforts on
916 preparing committed juveniles for a successful release to the
917 community.

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

920 (c) Each juvenile committed to a residential commitment
921 program receive conditional release services ~~be assessed to~~
922 ~~determine the need for conditional release services~~ upon release
923 from the commitment program unless the juvenile is directly
924 released by the court.

925 (3) For juveniles referred or committed to the department,
926 the function of the department may include, but shall not be
927 limited to, supervising each juvenile on conditional release
928 when assessing each juvenile placed in a residential commitment

591-02654-24

20241274c1

929 ~~program to determine the need for conditional release services~~
930 ~~upon release from the program, supervising the juvenile when~~
931 ~~released into the community from a residential commitment~~
932 ~~facility of the department, providing such counseling and other~~
933 ~~services as may be necessary for the families and assisting~~
934 ~~their preparations for the return of the child. Subject to~~
935 ~~specific appropriation, the department shall provide for~~
936 ~~outpatient sexual offender counseling for any juvenile sexual~~
937 ~~offender released from a residential commitment program as a~~
938 ~~component of conditional release.~~

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

941 (a) ~~(5)~~ Participation in the educational program by students
942 of compulsory school attendance age pursuant to s. 1003.21(1)
943 and (2) (a) ~~is mandatory for juvenile justice youth on~~
944 ~~conditional release or postcommitment probation status.~~ A
945 student of noncompulsory school-attendance age who has not
946 received a high school diploma or its equivalent must
947 participate in an educational program or career and technical
948 education course of study. A youth who has received a high
949 school diploma or its equivalent and is not employed must
950 participate in workforce development or other career or
951 technical education or attend a community college or a
952 university while in the program, ~~subject to available funding.~~

953 (b) A curfew.

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

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

957 (e) A prohibition on possession of firearms.

591-02654-24

20241274c1

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

963 Section 17. Paragraph (c) of subsection (1) of section
964 985.48, Florida Statutes, is amended to read:

965 985.48 Juvenile sexual offender commitment programs; sexual
966 abuse intervention networks.—

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

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

979 Section 18. Paragraph (a) of subsection (6) of section
980 985.4815, Florida Statutes, is amended to read:

981 985.4815 Notification to Department of Law Enforcement of
982 information on juvenile sexual offenders.—

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

985 1. The information obtained from the sexual offender under
986 subsection (4).

591-02654-24

20241274c1

987 2. The sexual offender's most current address and place of
988 permanent, temporary, or transient residence within the state or
989 out of state, and address, location or description, and dates of
990 any current or known future temporary residence within the state
991 or out of state, while the sexual offender is in the care or
992 custody or under the jurisdiction or supervision of the
993 department in this state, including the name of the county or
994 municipality in which the offender permanently or temporarily
995 resides, or has a transient residence, and address, location or
996 description, and dates of any current or known future temporary
997 residence within the state or out of state; and, if known, the
998 intended place of permanent, temporary, or transient residence,
999 and address, location or description, and dates of any current
1000 or known future temporary residence within the state or out of
1001 state upon satisfaction of all sanctions.

1002 3. The legal status of the sexual offender and the
1003 scheduled termination date of that legal status.

1004 4. The location of, and local telephone number for, any
1005 department office that is responsible for supervising the sexual
1006 offender.

1007 5. An indication of whether the victim of the offense that
1008 resulted in the offender's status as a sexual offender was a
1009 minor.

1010 6. The offense or offenses at adjudication and disposition
1011 that resulted in the determination of the offender's status as a
1012 sex offender.

1013 7. A digitized photograph of the sexual offender, which
1014 must have been taken within 60 days before the offender was
1015 released from the custody of the department or a private

591-02654-24

20241274c1

1016 correctional facility by expiration of sentence under s.
1017 944.275, or within 60 days after the onset of the department's
1018 supervision of any sexual offender who is on probation,
1019 ~~postcommitment probation,~~ residential commitment, nonresidential
1020 commitment, licensed child-caring commitment, community control,
1021 conditional release, parole, provisional release, or control
1022 release or who is supervised by the department under the
1023 Interstate Compact Agreement for Probationers and Parolees. If
1024 the sexual offender is in the custody of a private correctional
1025 facility, the facility shall take a digitized photograph of the
1026 sexual offender within the time period provided in this
1027 subparagraph and shall provide the photograph to the department.

1028 Section 19. Subsection (11) of section 985.601, Florida
1029 Statutes, is renumbered as subsection (12), and a new subsection
1030 (11) is added to that section, to read:

1031 985.601 Administering the juvenile justice continuum.—

1032 (11) The department shall establish a class focused on the
1033 risk and consequences of youthful firearm offending which shall
1034 be provided by the department to any youth who has been
1035 adjudicated or had adjudication withheld for any offense
1036 involving the use or possession of a firearm.

1037 Section 20. Section 985.711, Florida Statutes, is amended
1038 to read:

1039 985.711 Introduction, removal, or possession of certain
1040 articles unlawful; penalty.—

1041 (1) (a) Except as authorized through program policy or
1042 operating procedure or as authorized by the facility
1043 superintendent, program director, or manager, a person may not
1044 introduce into or upon the grounds of a juvenile detention

591-02654-24

20241274c1

1045 facility or commitment program, or take or send, or attempt to
1046 take or send, from a juvenile detention facility or commitment
1047 program, any of the following articles, which are declared to be
1048 contraband under this section:

1049 1. Any unauthorized article of food or clothing given or
1050 transmitted, or intended to be given or transmitted, to any
1051 youth in a juvenile detention facility or commitment program.

1052 2. Any intoxicating beverage or any beverage that causes or
1053 may cause an intoxicating effect.

1054 3. Any controlled substance as defined in s. 893.02(4),
1055 marijuana as defined in s. 381.986, hemp as defined in s.
1056 581.217, industrial hemp as defined in s. 1004.4473, or any
1057 prescription or nonprescription drug that has a hypnotic,
1058 stimulating, or depressing effect.

1059 4. Any firearm or weapon of any kind or any explosive
1060 substance.

1061 5. Any cellular telephone or other portable communication
1062 device as described in s. 944.47(1)(a)6., intentionally and
1063 unlawfully introduced inside the secure perimeter of any
1064 juvenile detention facility or commitment program. As used in
1065 this subparagraph, the term "portable communication device" does
1066 not include any device that has communication capabilities which
1067 has been approved or issued by the facility superintendent,
1068 program director, or manager.

1069 6. Any vapor-generating electronic device as defined in s.
1070 386.203, intentionally and unlawfully introduced inside the
1071 secure perimeter of any juvenile detention facility or
1072 commitment program.

1073 7. Any currency or coin given or transmitted, or intended

591-02654-24

20241274c1

1074 to be given or transmitted, to any youth in any juvenile
1075 detention facility or commitment program.

1076 8. Any cigarettes, as defined in s. 210.01(1) or tobacco
1077 products, as defined in s. 210.25, given, or intended to be
1078 given, to any youth in a juvenile detention facility or
1079 commitment program.

1080 (b) A person may not transmit contraband to, cause
1081 contraband to be transmitted to or received by, attempt to
1082 transmit contraband to, or attempt to cause contraband to be
1083 transmitted to or received by, a juvenile offender into or upon
1084 the grounds of a juvenile detention facility or commitment
1085 program, except as authorized through program policy or
1086 operating procedures or as authorized by the facility
1087 superintendent, program director, or manager.

1088 (c) A juvenile offender or any person, while upon the
1089 grounds of a juvenile detention facility or commitment program,
1090 may not be in actual or constructive possession of any article
1091 or thing declared to be contraband under this section, except as
1092 authorized through program policy or operating procedures or as
1093 authorized by the facility superintendent, program director, or
1094 manager.

1095 ~~(2)(a) Any person who violates this section as it pertains~~
1096 ~~to an article of contraband described in subparagraph (1)(a)1.~~
1097 ~~commits a felony of the third degree, punishable as provided in~~
1098 ~~s. 775.082, s. 775.083, or s. 775.084.~~

1099 ~~(b) Any person who violates this section as it pertains to~~
1100 ~~an article of contraband described in subparagraph (1)(a)5. or~~
1101 ~~subparagraph (1)(a)6. commits a misdemeanor of the first degree,~~
1102 ~~punishable as provided in s. 775.082 or s. 775.083.~~

591-02654-24

20241274c1

1103 ~~(c) In all other cases,~~ A person who violates this section
1104 commits a felony of the second degree, punishable as provided in
1105 s. 775.082, s. 775.083, or s. 775.084.

1106 Section 21. Paragraph (c) of subsection (2) of section
1107 1002.221, Florida Statutes, is amended to read:

1108 1002.221 K-12 education records; public records exemption.-
1109 (2)

1110 (c) In accordance with the FERPA and the federal
1111 regulations issued pursuant to the FERPA, an agency or
1112 institution, as defined in s. 1002.22, may release a student's
1113 education records without written consent of the student or
1114 parent to parties to an interagency agreement among the
1115 Department of Juvenile Justice, the school, law enforcement
1116 authorities, and other signatory agencies. Information provided
1117 pursuant to an interagency agreement may be used for proceedings
1118 initiated under chapter 984 or chapter 985 ~~in furtherance of an~~
1119 ~~interagency agreement is intended solely for use in determining~~
1120 ~~the appropriate programs and services for each juvenile or the~~
1121 ~~juvenile's family, or for coordinating the delivery of the~~
1122 ~~programs and services, and as such is inadmissible in any court~~
1123 ~~proceeding before a dispositional hearing unless written consent~~
1124 ~~is provided by a parent or other responsible adult on behalf of~~
1125 ~~the juvenile.~~

1126 Section 22. Paragraph (b) of subsection (3) of section
1127 943.051, Florida Statutes, is amended to read:

1128 943.051 Criminal justice information; collection and
1129 storage; fingerprinting.-

1130 (3)

1131 (b) A minor who is charged with or found to have committed

591-02654-24

20241274c1

1132 the following offenses shall be fingerprinted and the
1133 fingerprints shall be submitted electronically to the
1134 department, unless the minor is issued a prearrest delinquency
1135 ~~civil~~ citation pursuant to s. 985.12:

- 1136 1. Assault, as defined in s. 784.011.
- 1137 2. Battery, as defined in s. 784.03.
- 1138 3. Carrying a concealed weapon, as defined in s. 790.01(2).
- 1139 4. Unlawful use of destructive devices or bombs, as defined
1140 in s. 790.1615(1).
- 1141 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1142 6. Assault or battery on a law enforcement officer, a
1143 firefighter, or other specified officers, as defined in s.
1144 784.07(2)(a) and (b).
- 1145 7. Open carrying of a weapon, as defined in s. 790.053.
- 1146 8. Exposure of sexual organs, as defined in s. 800.03.
- 1147 9. Unlawful possession of a firearm, as defined in s.
1148 790.22(5).
- 1149 10. Petit theft, as defined in s. 812.014(3).
- 1150 11. Cruelty to animals, as defined in s. 828.12(1).
- 1151 12. Arson, as defined in s. 806.031(1).
- 1152 13. Unlawful possession or discharge of a weapon or firearm
1153 at a school-sponsored event or on school property, as provided
1154 in s. 790.115.

1155 Section 23. Paragraph (b) of subsection (1) of section
1156 985.11, Florida Statutes, is amended to read:

1157 985.11 Fingerprinting and photographing.—

1158 (1)

1159 (b) Unless the child is issued a prearrest delinquency
1160 ~~civil~~ citation ~~or is participating in a similar diversion~~

591-02654-24

20241274c1

1161 ~~program~~ pursuant to s. 985.12, a child who is charged with or
1162 found to have committed one of the following offenses shall be
1163 fingerprinted, and the fingerprints shall be submitted to the
1164 Department of Law Enforcement as provided in s. 943.051(3)(b):

- 1165 1. Assault, as defined in s. 784.011.
- 1166 2. Battery, as defined in s. 784.03.
- 1167 3. Carrying a concealed weapon, as defined in s. 790.01(2).
- 1168 4. Unlawful use of destructive devices or bombs, as defined
1169 in s. 790.1615(1).
- 1170 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1171 6. Assault on a law enforcement officer, a firefighter, or
1172 other specified officers, as defined in s. 784.07(2)(a).
- 1173 7. Open carrying of a weapon, as defined in s. 790.053.
- 1174 8. Exposure of sexual organs, as defined in s. 800.03.
- 1175 9. Unlawful possession of a firearm, as defined in s.
1176 790.22(5).
- 1177 10. Petit theft, as defined in s. 812.014.
- 1178 11. Cruelty to animals, as defined in s. 828.12(1).
- 1179 12. Arson, resulting in bodily harm to a firefighter, as
1180 defined in s. 806.031(1).
- 1181 13. Unlawful possession or discharge of a weapon or firearm
1182 at a school-sponsored event or on school property as defined in
1183 s. 790.115.

1184
1185 A law enforcement agency may fingerprint and photograph a child
1186 taken into custody upon probable cause that such child has
1187 committed any other violation of law, as the agency deems
1188 appropriate. Such fingerprint records and photographs shall be
1189 retained by the law enforcement agency in a separate file, and

591-02654-24

20241274c1

1190 these records and all copies thereof must be marked "Juvenile
1191 Confidential." These records are not available for public
1192 disclosure and inspection under s. 119.07(1) except as provided
1193 in ss. 943.053 and 985.04(2), but shall be available to other
1194 law enforcement agencies, criminal justice agencies, state
1195 attorneys, the courts, the child, the parents or legal
1196 custodians of the child, their attorneys, and any other person
1197 authorized by the court to have access to such records. In
1198 addition, such records may be submitted to the Department of Law
1199 Enforcement for inclusion in the state criminal history records
1200 and used by criminal justice agencies for criminal justice
1201 purposes. These records may, in the discretion of the court, be
1202 open to inspection by anyone upon a showing of cause. The
1203 fingerprint and photograph records shall be produced in the
1204 court whenever directed by the court. Any photograph taken
1205 pursuant to this section may be shown by a law enforcement
1206 officer to any victim or witness of a crime for the purpose of
1207 identifying the person who committed such crime.

1208 Section 24. Paragraph (n) of subsection (2) of section
1209 1006.07, Florida Statutes, is amended to read:

1210 1006.07 District school board duties relating to student
1211 discipline and school safety.—The district school board shall
1212 provide for the proper accounting for all students, for the
1213 attendance and control of students at school, and for proper
1214 attention to health, safety, and other matters relating to the
1215 welfare of students, including:

1216 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
1217 conduct for elementary schools and a code of student conduct for
1218 middle and high schools and distribute the appropriate code to

591-02654-24

20241274c1

1219 all teachers, school personnel, students, and parents, at the
1220 beginning of every school year. Each code shall be organized and
1221 written in language that is understandable to students and
1222 parents and shall be discussed at the beginning of every school
1223 year in student classes, school advisory council meetings, and
1224 parent and teacher association or organization meetings. Each
1225 code shall be based on the rules governing student conduct and
1226 discipline adopted by the district school board and shall be
1227 made available in the student handbook or similar publication.
1228 Each code shall include, but is not limited to:

1229 (n) Criteria for recommending to law enforcement that a
1230 student who commits a criminal offense be allowed to participate
1231 in a prearrest delinquency citation ~~civil citation or similar~~
1232 ~~prearrest diversion~~ program as an alternative to expulsion or
1233 arrest. All prearrest delinquency citation ~~civil citation or~~
1234 ~~similar prearrest diversion~~ programs must comply with s. 985.12.

1235 Section 25. This act shall take effect July 1, 2024.