

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

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

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

76 facilities; authorizing department staff to use canine  
 77 units on the grounds of juvenile detention facilities  
 78 and commitment programs for specified purposes;  
 79 revising criminal penalties for violations; amending  
 80 s. 1002.221, F.S.; revising provisions concerning  
 81 educational records for certain purposes; amending ss.  
 82 943.051, 985.11, and 1006.07, F.S.; conforming  
 83 provisions to changes made by the act; providing an  
 84 effective date.

85

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

87

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

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

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

101 ~~during which time the minor shall receive medical, psychiatric,~~  
 102 ~~psychological, or substance abuse examinations pursuant to s.~~  
 103 ~~985.18, and a written report shall be completed.~~

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

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

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

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

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

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

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

- 125 1. At least 16 years of age; or

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

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

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

147 and:  
 148           (a)1. If the minor is eligible by reason of age for a  
 149 driver license or driving privilege, the court may direct the  
 150 Department of Highway Safety and Motor Vehicles to revoke or to

151 withhold issuance of the minor's driver license or driving  
 152 privilege for up to 1 year for a first offense and up to 2 years  
 153 for a second or subsequent offense.

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

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

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

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

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

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

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

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

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



201 ~~that the minor continue to be held in secure detention in~~  
202 ~~accordance with the applicable time periods specified in s.~~  
203 ~~985.26(1)-(5), if the court finds that the minor meets the~~  
204 ~~criteria specified in s. 985.255, or if the court finds by clear~~  
205 ~~and convincing evidence that the minor is a clear and present~~  
206 ~~danger to himself or herself or the community. The Department of~~  
207 ~~Juvenile Justice shall prepare a form for all minors charged~~  
208 ~~under this subsection which states the period of detention and~~  
209 ~~the relevant demographic information, including, but not limited~~  
210 ~~to, the gender, age, and race of the minor; whether or not the~~  
211 ~~minor was represented by private counsel or a public defender;~~  
212 ~~the current offense; and the minor's complete prior record,~~  
213 ~~including any pending cases. The form shall be provided to the~~  
214 ~~judge for determining whether the minor should be continued in~~  
215 ~~secure detention under this subsection. An order placing a minor~~  
216 ~~in secure detention because the minor is a clear and present~~  
217 ~~danger to himself or herself or the community must be in~~  
218 ~~writing, must specify the need for detention and the benefits~~  
219 ~~derived by the minor or the community by placing the minor in~~  
220 ~~secure detention, and must include a copy of the form provided~~  
221 ~~by the department.~~

222 ~~(9) Notwithstanding s. 985.245, if the minor is found to~~  
223 ~~have committed an offense that involves the use or possession of~~  
224 ~~a firearm, as defined in s. 790.001, other than a violation of~~  
225 ~~subsection (3), or an offense during the commission of which the~~

226 ~~minor possessed a firearm, and the minor is not committed to a~~  
 227 ~~residential commitment program of the Department of Juvenile~~  
 228 ~~Justice, in addition to any other punishment provided by law,~~  
 229 ~~the court shall order:~~

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

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

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

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

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

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

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

249 ~~(10) If a minor is found to have committed an offense~~  
 250 ~~under subsection (9), the court shall impose the following~~

251 ~~penalties in addition to any penalty imposed under paragraph~~  
252 ~~(9) (a) or paragraph (9) (b):~~

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

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

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

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

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

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

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

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

287           Section 3. Paragraph (d) of subsection (1) of section  
 288 985.101, Florida Statutes, is amended to read:

289           985.101 Taking a child into custody.—

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

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

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

301 part V.

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

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

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

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

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

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

- 343 1. The misdemeanor offenses that qualify a juvenile for  
 344 participation in the program. Offenses involving the use or  
 345 possession of a firearm do not qualify for a prearrest  
 346 delinquency citation program.†
- 347 2. The eligibility criteria for the program.†
- 348 3. The program's implementation and operation.†
- 349 4. The program's requirements, including, but not limited  
 350 to, the completion of community service hours, payment of

351 restitution, if applicable, classes established by the  
 352 department or the prearrest delinquency citation program, and  
 353 intervention services indicated by a needs assessment of the  
 354 juvenile, approved by the department, such as family counseling,  
 355 urinalysis monitoring, and substance abuse and mental health  
 356 treatment services. ~~;~~ and

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

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

376 circuit, the operator of the independent ~~diversion~~ program may  
 377 revise the program and the state attorney may conduct an  
 378 additional review of the independent program. A civil citation  
 379 or similar prearrest diversion program existing before July 1,  
 380 2024, shall be deemed a delinquency citation program authorized  
 381 by this section if the civil citation or similar prearrest  
 382 diversion program has been approved by the state attorney of the  
 383 circuit in which it operates and it complies with the  
 384 requirements in paragraph (2) (b).

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

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

398 (f) ~~(e)~~ Each prearrest delinquency ~~civil~~ citation ~~or~~  
 399 ~~similar prearrest diversion~~ program shall enter the appropriate  
 400 youth data into the Juvenile Justice Information System



401 Prevention Web within 7 days after the admission of the youth  
 402 into the program.

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

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

416 Section 5. Section 985.125, Florida Statutes, is amended  
 417 to read:

418 985.125 ~~Prearrest or~~ Postarrest diversion programs.—

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

422 (2) As part of the ~~prearrest or~~ postarrest diversion  
 423 program, a child who is alleged to have committed a delinquent  
 424 act may be required to surrender his or her driver license, or  
 425 refrain from applying for a driver license, for not more than 90

426 days. If the child fails to comply with the requirements of the  
 427 program, the state attorney may notify the Department of Highway  
 428 Safety and Motor Vehicles in writing to suspend the child's  
 429 driver license for a period that may not exceed 90 days.

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

435 985.126 Prearrest and postarrest diversion programs; data  
 436 collection; denial of participation or expunged record.—

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

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

441 2. The offense committed, including the specific law  
 442 establishing the offense.

443 3. The judicial circuit and county in which the offense  
 444 was committed and the law enforcement agency that had contact  
 445 with the minor for the offense.

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

449 (b) ~~Beginning October 1, 2018,~~ Each law enforcement agency  
 450 shall submit to the department data for every minor charged for

451 the first-time, who is charged with a misdemeanor, and who was  
 452 ~~that identifies for each minor who was eligible for a diversion~~  
 453 ~~program, but was instead~~ referred to the department, provided a  
 454 notice to appear, or arrested:

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

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

458 a. Not offered such opportunity, the reason such offer was  
 459 not made.

460 b. Offered such opportunity, whether the minor or his or  
 461 her parent or legal guardian declined to participate in the  
 462 diversion program.

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

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

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

473 (5) The department shall provide a quarterly report to be  
 474 published on its website and distributed to the Governor,  
 475 President of the Senate, and Speaker of the House of

476 Representatives listing the entities that use prearrest  
 477 delinquency citations for less than 70 percent of first-time  
 478 misdemeanor offenses.

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

481 985.245 Risk assessment instrument.—

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

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

491 985.25 Detention intake.—

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

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

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

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

516 (d) If the final score on the risk assessment instrument  
517 indicates detention is not appropriate, the child may be  
518 released by the department in accordance with ss. 985.115 and  
519 985.13.

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

524 (f) Notwithstanding any other provision of law, a child on  
525 probation for an underlying felony firearm offense in chapter

526 790 and who is taken into custody under s. 985.101 for violating  
527 conditions of probation not involving a new law violation shall  
528 be held in secure detention to allow the state attorney to  
529 review the violation. If, within 21 days, the state attorney  
530 notifies the court that commitment will be sought, then the  
531 child shall remain in secure detention pending proceedings under  
532 s. 985.439 until the initial 21-day period of secure detention  
533 has expired. Upon motion of the state attorney, the child may be  
534 held for an additional 21-day period if the court finds that the  
535 totality of the circumstances, including the preservation of  
536 public safety, warrants such extension. Any release from secure  
537 detention shall result in the child being held on supervised  
538 release with electronic monitoring pending proceedings under s.  
539 985.439.

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

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

549 985.255 Detention criteria; detention hearing.—

550 (1) Subject to s. 985.25(1), a child taken into custody

551 and placed into detention care shall be given a hearing within  
552 24 hours after being taken into custody. At the hearing, the  
553 court may order a continued detention status if:

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

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

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

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

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

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

566 5. Having a firearm while committing a felony under s.  
567 790.07(2).

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

570 7. Delinquent in possession of a firearm under s.  
571 790.23(1) (b).

572 8. An attempt to commit any offense listed in this  
573 paragraph under s. 777.04.

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

575 1. There is a presumption that the child presents a risk

576 to public safety and danger to the community and such child must  
577 be held in secure detention prior to an adjudicatory hearing,  
578 unless the court enters a written order that the child would not  
579 present a risk to public safety or a danger to the community if  
580 he or she were placed on supervised release detention care.

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

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

597 4. If the court, under this section, releases a child to  
598 supervised release detention care, the court must provide a copy  
599 of the written order to the victim, to the law enforcement  
600 agency that arrested the child, and to the law enforcement



601 agency with primary jurisdiction over the child's primary  
602 residence.

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

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

620 (c) Except as provided in ~~s. 790.22(8) or~~ s. 985.27, when  
621 a child is placed into detention care, or into a respite home or  
622 other placement pursuant to a court order following a hearing,  
623 the court order must include specific instructions that direct  
624 the release of the child from such placement no later than 5  
625 p.m. on the last day of the detention period specified in s.

626 985.26 or s. 985.27, whichever is applicable, unless the  
627 requirements of such applicable provision have been met or an  
628 order of continuance has been granted under s. 985.26(4). If the  
629 court order does not include a release date, the release date  
630 shall be requested from the court on the same date that the  
631 child is placed in detention care. If a subsequent hearing is  
632 needed to provide additional information to the court for safety  
633 planning, the initial order placing the child in detention care  
634 shall reflect the next detention review hearing, which shall be  
635 held within 3 calendar days after the child's initial detention  
636 placement.

637 Section 10. Paragraph (b) of subsection (2) of section  
638 985.26, Florida Statutes, is amended to read:

639 985.26 Length of detention.—

640 (2)

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

643 1. Upon good cause being shown that the nature of the  
644 charge requires additional time for the prosecution or defense  
645 of the case or that the totality of the circumstances, including  
646 the preservation of public safety, warrants an extension, the  
647 court may extend the length of secure detention care for up to  
648 an additional 21 days if the child is charged with an offense  
649 which, if committed by an adult, would be a capital felony, a  
650 life felony, a felony of the first degree or the second degree,

651 a felony of the third degree involving violence against any  
652 individual, or any other offense involving the possession or use  
653 of a firearm. Except as otherwise provided in subparagraph 2.,  
654 the court may continue to extend the period of secure detention  
655 care in increments of up to 21 days each by conducting a hearing  
656 before the expiration of the current period to determine the  
657 need for continued secure detention of the child. At the  
658 hearing, the court must make the required findings in writing to  
659 extend the period of secure detention. If the court extends the  
660 time period for secure detention care, it shall ensure an  
661 adjudicatory hearing for the case commences as soon as is  
662 reasonably possible considering the totality of the  
663 circumstances. The court shall prioritize the efficient  
664 disposition of cases in which the child has served 60 or more  
665 days in secure detention care.

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

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

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

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

676 adjudicated as having committed a delinquent act and should be  
677 committed to the department, such determination shall be in  
678 writing or on the record of the hearing. The determination shall  
679 include a specific finding of the reasons for the decision to  
680 adjudicate and to commit the child to the department, including  
681 any determination that the child was a member of a criminal  
682 gang.

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

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

701 programs as determined by the district school board.

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

710 a. Serve a period of detention of 30 days in a secure  
711 detention facility, with credit for time served in secure  
712 detention prior to disposition.

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

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

719 2. In addition to the penalties in subparagraph 1., the  
720 court may impose the following restrictions upon the child's  
721 driving privileges:

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

726 privilege for up to 1 year.

727 b. If the child's driver license or driving privilege is  
728 under suspension or revocation for any reason, the court may  
729 direct the Department of Highway Safety and Motor Vehicles to  
730 extend the period of suspension or revocation by an additional  
731 period for up to 1 year.

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

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

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

749 1. Armed robbery involving a firearm under s.  
750 812.13(2) (a).

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

753           3. Having a firearm while committing a felony under s.  
 754 790.07(2).

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

757           5. Delinquent in possession of a firearm under s.  
 758 790.23(1)(b).

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

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

769           Section 12. Subsections (1), (3), and (4) of section  
 770 985.435, Florida Statutes, are amended to read:

771           985.435 Probation ~~and postcommitment probation~~; community  
 772 service.—

773           (1) The court that has jurisdiction over an adjudicated  
 774 delinquent child may, by an order stating the facts upon which a  
 775 determination of a sanction and rehabilitative program was made

776 at the disposition hearing, place the child in a probation  
 777 program ~~or a postcommitment probation program~~. Such placement  
 778 must be under the supervision of an authorized agent of the  
 779 department or of any other person or agency specifically  
 780 authorized and appointed by the court, whether in the child's  
 781 own home, in the home of a relative of the child, or in some  
 782 other suitable place under such reasonable conditions as the  
 783 court may direct.

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

796 (4) A probation program must ~~may also~~ include an  
 797 alternative consequence component to address instances in which  
 798 a child is noncompliant with technical conditions of his or her  
 799 probation but has not committed any new violations of law. The  
 800 alternative consequence component must be aligned with the



801 department's graduated response matrix as described in s.  
802 985.438 ~~Each judicial circuit shall develop, in consultation~~  
803 ~~with judges, the state attorney, the public defender, the~~  
804 ~~regional counsel, relevant law enforcement agencies, and the~~  
805 ~~department, a written plan specifying the alternative~~  
806 ~~consequence component which must be based upon the principle~~  
807 ~~that sanctions must reflect the seriousness of the violation,~~  
808 ~~the assessed criminogenic needs and risks of the child, the~~  
809 ~~child's age and maturity level, and how effective the sanction~~  
810 ~~or incentive will be in moving the child to compliant behavior.~~  
811 ~~The alternative consequence component is designed to provide~~  
812 ~~swift and appropriate consequences or incentives to a child who~~  
813 ~~is alleged to be noncompliant with or in violation of probation.~~  
814 ~~If the probation program includes this component, specific~~  
815 ~~consequences that apply to noncompliance with specific technical~~  
816 ~~conditions of probation, as well as incentives used to move the~~  
817 ~~child toward compliant behavior, must be detailed in the~~  
818 ~~disposition order.~~

819 Section 13. Section 985.438, Florida Statutes, is created  
820 to read:

821 985.438 Graduated response matrix.-

822 (1) The department shall create and administer a statewide  
823 plan to hold youths accountable to the terms of their court  
824 ordered probation and the terms of their conditional release.  
825 The plan must be based upon the principle that sanctions must

826 reflect the seriousness of the violation, provide immediate  
 827 accountability for violations, the assessed criminogenic needs  
 828 and risks of the child, and the child's age and maturity level.  
 829 The plan is designed to provide swift and appropriate  
 830 consequences or incentives to a child who is alleged to be  
 831 noncompliant with or in violation of his or her probation.

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

- 835 (a) Increased contacts.
- 836 (b) Increased drug tests.
- 837 (c) Curfew reductions.
- 838 (d) Increased community service.
- 839 (e) Additional evaluations.
- 840 (f) Addition of electronic monitoring.

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

843 Section 14. Section 985.439, Florida Statutes, is amended  
 844 to read:

845 985.439 Violation of probation ~~or postcommitment~~  
 846 ~~probation.~~-

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

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

851 ~~postcommitment probation program~~ are violated, the department or  
852 the state attorney may bring the child before the court on a  
853 petition alleging a violation of the program. A child who  
854 violates the conditions of probation ~~or postcommitment probation~~  
855 must be brought before the court if sanctions are sought.

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

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

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

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

876 ~~postcommitment probation~~, the court may:

877 (a) Place the child in supervised release detention with  
878 electronic monitoring.

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

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

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

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

894 (c) Modify or continue the child's probation program ~~or~~  
895 ~~postcommitment probation program.~~

896 (d) Revoke probation ~~or postcommitment probation~~ and  
897 commit the child to the department.

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

901 (5) Upon the recommendation of the department at the time  
 902 of disposition, or subsequent to disposition pursuant to the  
 903 filing of a petition alleging a violation of the child's  
 904 conditions of ~~postcommitment~~ probation, the court may order the  
 905 child to submit to random testing for the purpose of detecting  
 906 and monitoring the use of alcohol or controlled substances.

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

909 985.455 Other dispositional issues.—

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

916 Section 16. Subsections (2), (3), and (5) of section  
 917 985.46, Florida Statutes, are amended, and subsection (6) is  
 918 added to that section, to read:

919 985.46 Conditional release.—

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

921 (a) Commitment programs include rehabilitative efforts on  
 922 preparing committed juveniles for a successful release to the  
 923 community.

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

926 (c) Each juvenile committed to a residential commitment  
 927 program receive conditional release services ~~be assessed to~~  
 928 ~~determine the need for conditional release services~~ upon release  
 929 from the commitment program unless the juvenile is directly  
 930 released by the court.

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

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

947 (a)-(5) Participation in the educational program by  
 948 students of compulsory school attendance age pursuant to s.  
 949 1003.21(1) and (2) (a) ~~is mandatory for juvenile justice youth on~~  
 950 ~~conditional release or postcommitment probation status.~~ A

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

959 (b) A curfew.

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

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

963 (e) A prohibition on possession of firearms.

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

969 Section 17. Paragraph (c) of subsection (1) of section  
970 985.48, Florida Statutes, is amended to read:

971 985.48 Juvenile sexual offender commitment programs;  
972 sexual abuse intervention networks.—

973 (1) In order to provide intensive treatment and  
974 psychological services to a juvenile sexual offender committed  
975 to the department, it is the intent of the Legislature to

976 establish programs and strategies to effectively respond to  
 977 juvenile sexual offenders. In designing programs for juvenile  
 978 sexual offenders, it is the further intent of the Legislature to  
 979 implement strategies that include:

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

985 Section 18. Paragraph (a) of subsection (6) of section  
 986 985.4815, Florida Statutes, is amended to read:

987 985.4815 Notification to Department of Law Enforcement of  
 988 information on juvenile sexual offenders.—

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

991 1. The information obtained from the sexual offender under  
 992 subsection (4).

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



1001 resides, or has a transient residence, and address, location or  
 1002 description, and dates of any current or known future temporary  
 1003 residence within the state or out of state; and, if known, the  
 1004 intended place of permanent, temporary, or transient residence,  
 1005 and address, location or description, and dates of any current  
 1006 or known future temporary residence within the state or out of  
 1007 state upon satisfaction of all sanctions.

1008 3. The legal status of the sexual offender and the  
 1009 scheduled termination date of that legal status.

1010 4. The location of, and local telephone number for, any  
 1011 department office that is responsible for supervising the sexual  
 1012 offender.

1013 5. An indication of whether the victim of the offense that  
 1014 resulted in the offender's status as a sexual offender was a  
 1015 minor.

1016 6. The offense or offenses at adjudication and disposition  
 1017 that resulted in the determination of the offender's status as a  
 1018 sex offender.

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

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2024

1026 | commitment, licensed child-caring commitment, community control,  
1027 | conditional release, parole, provisional release, or control  
1028 | release or who is supervised by the department under the  
1029 | Interstate Compact Agreement for Probationers and Parolees. If  
1030 | the sexual offender is in the custody of a private correctional  
1031 | facility, the facility shall take a digitized photograph of the  
1032 | sexual offender within the time period provided in this  
1033 | subparagraph and shall provide the photograph to the department.

1034 |       Section 19. Subsection (11) of section 985.601, Florida  
1035 | Statutes, is renumbered as subsection (12), and a new subsection  
1036 | (11) is added to that section, to read:

1037 |       985.601 Administering the juvenile justice continuum.—

1038 |       (11) The department shall establish a class focused on the  
1039 | risk and consequences of youthful firearm offending which shall  
1040 | be provided by the department to any youth who has been  
1041 | adjudicated or had adjudication withheld for any offense  
1042 | involving the use or possession of a firearm.

1043 |       Section 20. Section 985.711, Florida Statutes, is amended  
1044 | to read:

1045 |       985.711 Introduction, removal, or possession of certain  
1046 | articles unlawful; penalty.—

1047 |       (1)(a) Except as authorized through program policy or  
1048 | operating procedure or as authorized by the facility  
1049 | superintendent, program director, or manager, a person may not  
1050 | introduce into or upon the grounds of a juvenile detention

1051 facility or commitment program, or take or send, or attempt to  
1052 take or send, from a juvenile detention facility or commitment  
1053 program, any of the following articles, which are declared to be  
1054 contraband under this section:

1055 1. Any unauthorized article of food or clothing given or  
1056 transmitted, or intended to be given or transmitted, to any  
1057 youth in a juvenile detention facility or commitment program.

1058 2. Any intoxicating beverage or any beverage that causes  
1059 or may cause an intoxicating effect.

1060 3. Any controlled substance as defined in s. 893.02(4),  
1061 marijuana as defined in s. 381.986, hemp as defined in s.  
1062 581.217, industrial hemp as defined in s. 1004.4473, or any  
1063 prescription or nonprescription drug that has a hypnotic,  
1064 stimulating, or depressing effect.

1065 4. Any firearm or weapon of any kind or any explosive  
1066 substance.

1067 5. Any cellular telephone or other portable communication  
1068 device as described in s. 944.47(1)(a)6., intentionally and  
1069 unlawfully introduced inside the secure perimeter of any  
1070 juvenile detention facility or commitment program. As used in  
1071 this subparagraph, the term "portable communication device" does  
1072 not include any device that has communication capabilities which  
1073 has been approved or issued by the facility superintendent,  
1074 program director, or manager.

1075 6. Any vapor-generating electronic device as defined in s.

1076 386.203, intentionally and unlawfully introduced inside the  
 1077 secure perimeter of any juvenile detention facility or  
 1078 commitment program.

1079 7. Any currency or coin given or transmitted, or intended  
 1080 to be given or transmitted, to any youth in any juvenile  
 1081 detention facility or commitment program.

1082 8. Any cigarettes, as defined in s. 210.01(1) or tobacco  
 1083 products, as defined in s. 210.25, given, or intended to be  
 1084 given, to any youth in a juvenile detention facility or  
 1085 commitment program.

1086 (b) A person may not transmit contraband to, cause  
 1087 contraband to be transmitted to or received by, attempt to  
 1088 transmit contraband to, or attempt to cause contraband to be  
 1089 transmitted to or received by, a juvenile offender into or upon  
 1090 the grounds of a juvenile detention facility or commitment  
 1091 program, except as authorized through program policy or  
 1092 operating procedures or as authorized by the facility  
 1093 superintendent, program director, or manager.

1094 (c) A juvenile offender or any person, while upon the  
 1095 grounds of a juvenile detention facility or commitment program,  
 1096 may not be in actual or constructive possession of any article  
 1097 or thing declared to be contraband under this section, except as  
 1098 authorized through program policy or operating procedures or as  
 1099 authorized by the facility superintendent, program director, or  
 1100 manager.

1101 (d) Department staff may use canine units on the grounds  
1102 of a juvenile detention facility or commitment program to locate  
1103 and seize contraband and ensure security within such facility or  
1104 program.

1105 ~~(2)(a) Any person who violates this section as it pertains~~  
1106 ~~to an article of contraband described in subparagraph (1)(a)1.~~  
1107 ~~commits a felony of the third degree, punishable as provided in~~  
1108 ~~s. 775.082, s. 775.083, or s. 775.084.~~

1109 ~~(b) Any person who violates this section as it pertains to~~  
1110 ~~an article of contraband described in subparagraph (1)(a)5. or~~  
1111 ~~subparagraph (1)(a)6. commits a misdemeanor of the first degree,~~  
1112 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1113 ~~(c) In all other cases,~~ A person who violates this section  
1114 commits a felony of the second degree, punishable as provided in  
1115 s. 775.082, s. 775.083, or s. 775.084.

1116 Section 21. Paragraph (c) of subsection (2) of section  
1117 1002.221, Florida Statutes, is amended to read:

1118 1002.221 K-12 education records; public records  
1119 exemption.—

1120 (2)

1121 (c) In accordance with the FERPA and the federal  
1122 regulations issued pursuant to the FERPA, an agency or  
1123 institution, as defined in s. 1002.22, may release a student's  
1124 education records without written consent of the student or  
1125 parent to parties to an interagency agreement among the

1126 Department of Juvenile Justice, the school, law enforcement  
 1127 authorities, and other signatory agencies. Information provided  
 1128 pursuant to an interagency agreement may be used for proceedings  
 1129 initiated under chapter 984 or chapter 985 in furtherance of an  
 1130 interagency agreement is intended solely for use in determining  
 1131 the appropriate programs and services for each juvenile or the  
 1132 juvenile's family, or for coordinating the delivery of the  
 1133 programs and services, and as such is inadmissible in any court  
 1134 proceeding before a dispositional hearing unless written consent  
 1135 is provided by a parent or other responsible adult on behalf of  
 1136 the juvenile.

1137 Section 22. Paragraph (b) of subsection (3) of section  
 1138 943.051, Florida Statutes, is amended to read:

1139 943.051 Criminal justice information; collection and  
 1140 storage; fingerprinting.—

1141 (3)

1142 (b) A minor who is charged with or found to have committed  
 1143 the following offenses shall be fingerprinted and the  
 1144 fingerprints shall be submitted electronically to the  
 1145 department, unless the minor is issued a prearrest delinquency  
 1146 ~~civil~~ citation pursuant to s. 985.12:

1147 1. Assault, as defined in s. 784.011.

1148 2. Battery, as defined in s. 784.03.

1149 3. Carrying a concealed weapon, as defined in s.

1150 790.01(2).

- 1151 4. Unlawful use of destructive devices or bombs, as
- 1152 defined in s. 790.1615(1).
- 1153 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1154 6. Assault or battery on a law enforcement officer, a
- 1155 firefighter, or other specified officers, as defined in s.
- 1156 784.07(2)(a) and (b).
- 1157 7. Open carrying of a weapon, as defined in s. 790.053.
- 1158 8. Exposure of sexual organs, as defined in s. 800.03.
- 1159 9. Unlawful possession of a firearm, as defined in s.
- 1160 790.22(5).
- 1161 10. Petit theft, as defined in s. 812.014(3).
- 1162 11. Cruelty to animals, as defined in s. 828.12(1).
- 1163 12. Arson, as defined in s. 806.031(1).
- 1164 13. Unlawful possession or discharge of a weapon or
- 1165 firearm at a school-sponsored event or on school property, as
- 1166 provided in s. 790.115.

1167 Section 23. Paragraph (b) of subsection (1) of section  
 1168 985.11, Florida Statutes, is amended to read:

1169 985.11 Fingerprinting and photographing.—

1170 (1)

1171 (b) Unless the child is issued a prearrest delinquency  
 1172 ~~civil citation or is participating in a similar diversion~~  
 1173 ~~program~~ pursuant to s. 985.12, a child who is charged with or  
 1174 found to have committed one of the following offenses shall be  
 1175 fingerprinted, and the fingerprints shall be submitted to the

1176 Department of Law Enforcement as provided in s. 943.051(3)(b):  
 1177 1. Assault, as defined in s. 784.011.  
 1178 2. Battery, as defined in s. 784.03.  
 1179 3. Carrying a concealed weapon, as defined in s.  
 1180 790.01(2).  
 1181 4. Unlawful use of destructive devices or bombs, as  
 1182 defined in s. 790.1615(1).  
 1183 5. Neglect of a child, as defined in s. 827.03(1)(e).  
 1184 6. Assault on a law enforcement officer, a firefighter, or  
 1185 other specified officers, as defined in s. 784.07(2)(a).  
 1186 7. Open carrying of a weapon, as defined in s. 790.053.  
 1187 8. Exposure of sexual organs, as defined in s. 800.03.  
 1188 9. Unlawful possession of a firearm, as defined in s.  
 1189 790.22(5).  
 1190 10. Petit theft, as defined in s. 812.014.  
 1191 11. Cruelty to animals, as defined in s. 828.12(1).  
 1192 12. Arson, resulting in bodily harm to a firefighter, as  
 1193 defined in s. 806.031(1).  
 1194 13. Unlawful possession or discharge of a weapon or  
 1195 firearm at a school-sponsored event or on school property as  
 1196 defined in s. 790.115.  
 1197  
 1198 A law enforcement agency may fingerprint and photograph a child  
 1199 taken into custody upon probable cause that such child has  
 1200 committed any other violation of law, as the agency deems



1201 appropriate. Such fingerprint records and photographs shall be  
1202 retained by the law enforcement agency in a separate file, and  
1203 these records and all copies thereof must be marked "Juvenile  
1204 Confidential." These records are not available for public  
1205 disclosure and inspection under s. 119.07(1) except as provided  
1206 in ss. 943.053 and 985.04(2), but shall be available to other  
1207 law enforcement agencies, criminal justice agencies, state  
1208 attorneys, the courts, the child, the parents or legal  
1209 custodians of the child, their attorneys, and any other person  
1210 authorized by the court to have access to such records. In  
1211 addition, such records may be submitted to the Department of Law  
1212 Enforcement for inclusion in the state criminal history records  
1213 and used by criminal justice agencies for criminal justice  
1214 purposes. These records may, in the discretion of the court, be  
1215 open to inspection by anyone upon a showing of cause. The  
1216 fingerprint and photograph records shall be produced in the  
1217 court whenever directed by the court. Any photograph taken  
1218 pursuant to this section may be shown by a law enforcement  
1219 officer to any victim or witness of a crime for the purpose of  
1220 identifying the person who committed such crime.

1221 Section 24. Paragraph (n) of subsection (2) of section  
1222 1006.07, Florida Statutes, is amended to read:

1223 1006.07 District school board duties relating to student  
1224 discipline and school safety.—The district school board shall  
1225 provide for the proper accounting for all students, for the

1226 attendance and control of students at school, and for proper  
 1227 attention to health, safety, and other matters relating to the  
 1228 welfare of students, including:

1229 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
 1230 conduct for elementary schools and a code of student conduct for  
 1231 middle and high schools and distribute the appropriate code to  
 1232 all teachers, school personnel, students, and parents, at the  
 1233 beginning of every school year. Each code shall be organized and  
 1234 written in language that is understandable to students and  
 1235 parents and shall be discussed at the beginning of every school  
 1236 year in student classes, school advisory council meetings, and  
 1237 parent and teacher association or organization meetings. Each  
 1238 code shall be based on the rules governing student conduct and  
 1239 discipline adopted by the district school board and shall be  
 1240 made available in the student handbook or similar publication.  
 1241 Each code shall include, but is not limited to:

1242 (n) Criteria for recommending to law enforcement that a  
 1243 student who commits a criminal offense be allowed to participate  
 1244 in a prearrest delinquency citation ~~civil citation or similar~~  
 1245 ~~prearrest diversion~~ program as an alternative to expulsion or  
 1246 arrest. All prearrest delinquency citation ~~civil citation or~~  
 1247 ~~similar prearrest diversion~~ programs must comply with s. 985.12.

1248 Section 25. This act shall take effect July 1, 2024.