

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1
 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 901.15; adding
 10 possession of a firearm by a minor to the list of
 11 crimes for which a warrant is not needed for arrest;
 12 amending s. 985.101, F.S.; conforming provisions to
 13 changes made by the act; amending s. 985.12, F.S.;
 14 redesignating civil citation programs as prearrest
 15 delinquency citation programs; revising program
 16 requirements; providing that certain existing programs
 17 meeting certain requirements shall be deemed
 18 authorized; amending s. 985.125, F.S.; conforming
 19 provisions to changes made by the act; amending s.
 20 985.126, F.S.; requiring the Department of Juvenile
 21 Justice to publish a quarterly report concerning
 22 entities using delinquency citations for less than a
 23 specified amount of eligible offenses; amending s.
 24 985.245, F.S.; conforming provisions to changes made
 25 by the act; amending s. 985.25, F.S.; requiring that

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

26 youths who are arrested for certain electronic
27 monitoring violations be placed in secure detention
28 until a detention hearing; requiring that a child on
29 probation for an underlying felony firearm offense who
30 is taken into custody be placed in secure detention;
31 providing for renewal of secure detention periods in
32 certain circumstances; amending s. 985.255, F.S.;

33 providing that when there is probable cause that a
34 child committed one of a specified list of offenses
35 that he or she is presumed to be a risk to public
36 safety and danger to the community and must be held in
37 secure a detention before an adjudicatory hearing;
38 providing requirements for release of such a child
39 despite the presumption; revising language concerning
40 the use of risk assessments; amending s. 985.26, F.S.;

41 revising requirements for holding a child in secure
42 detention for more than 21 days; amending s. 985.433,
43 F.S.; requiring conditional release conditions for
44 children released after confinement for specified
45 firearms offenses; requiring specified sanctions for
46 certain children adjudicated for certain firearms
47 offenses who are not committed to a residential
48 program; providing that children who previously have
49 had adjudication withheld for certain offenses my not
50 have adjudication withheld for specified offenses;

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

51 | amending s. 985.435, F.S.; conforming provisions to
52 | changes made by the act; creating s. 985.438, F.S.;
53 | requiring the Department of Juvenile Justice to create
54 | and administer a graduated response matrix to hold
55 | youths accountable to the terms of their court ordered
56 | probation and the terms of their conditional release;
57 | providing requirements for the matrix; amending s.
58 | 985.439, F.S.; requiring a state attorney to file a
59 | probation violation within a specified period or
60 | inform the court and the Department of Juvenile
61 | Justice why such violation is not filed; removing
62 | provisions concerning an alternative consequence
63 | program; allowing placement of electronic monitoring
64 | for probation violations in certain circumstances;
65 | amending s. 985.441, F.S.; adding an exception to the
66 | prohibition against committing certain children to a
67 | residential program; amending s. 985.455, F.S.;
68 | authorizing a court to make an exception to an order
69 | of revocation or suspension of driving privileges in
70 | certain circumstances; amending s. 985.46, F.S.;
71 | revising legislative intent concerning conditional
72 | release; revising the conditions of conditional
73 | release; providing for assessment of conditional
74 | release violations and possible recommitment of
75 | violators; amending ss. 985.48 and 985.4815, F.S.;

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

76 conforming provisions to changes made by the act;
 77 amending s. 985.601, F.S.; requiring the Department of
 78 Juvenile Justice to establish a specified class for
 79 firearms offenders; amending s. 985.711, F.S.;
 80 revising provisions concerning introduction of
 81 contraband into department facilities; authorizing
 82 department staff to use canine units on the grounds of
 83 juvenile detention facilities and commitment programs
 84 for specified purposes; revising criminal penalties
 85 for violations; amending s. 1002.221, F.S.; revising
 86 provisions concerning educational records for certain
 87 purposes; amending ss. 943.051, 985.11, and 1006.07,
 88 F.S.; conforming provisions to changes made by the
 89 act; providing an effective date.

90

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

92

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

95 790.115 Possessing or discharging weapons or firearms at a
 96 school-sponsored event or on school property prohibited;
 97 penalties; exceptions.—

98 ~~(4) Notwithstanding s. 985.24, s. 985.245, or s.~~
 99 ~~985.25(1), any minor under 18 years of age who is charged under~~
 100 ~~this section with possessing or discharging a firearm on school~~

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

101 ~~property shall be detained in secure detention, unless the state~~
 102 ~~attorney authorizes the release of the minor, and shall be given~~
 103 ~~a probable cause hearing within 24 hours after being taken into~~
 104 ~~custody. At the hearing, the court may order that the minor~~
 105 ~~continue to be held in secure detention for a period of 21 days,~~
 106 ~~during which time the minor shall receive medical, psychiatric,~~
 107 ~~psychological, or substance abuse examinations pursuant to s.~~
 108 ~~985.18, and a written report shall be completed.~~

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

112 790.22 Use of BB guns, air or gas-operated guns, or
 113 electric weapons or devices by minor under 16; limitation;
 114 possession of firearms by minor under 18 prohibited; penalties.—

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

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

123 (a) The minor is engaged in a lawful hunting activity and
 124 is:

125 1. At least 16 years of age; or

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

126 2. Under 16 years of age and supervised by an adult.
 127 (b) The minor is engaged in a lawful marksmanship
 128 competition or practice or other lawful recreational shooting
 129 activity and is:
 130 1. At least 16 years of age; or
 131 2. Under 16 years of age and supervised by an adult who is
 132 acting with the consent of the minor's parent or guardian.
 133 (c) The firearm is unloaded and is being transported by
 134 the minor directly to or from an event authorized in paragraph
 135 (a) or paragraph (b).
 136 (5)(a) A minor who violates subsection (3):
 137 1. For a first offense, commits a misdemeanor of the first
 138 degree; ~~for a first offense, shall~~ may serve a period of
 139 detention of up to 5 days in a secure detention facility, with
 140 credit for time served in secure detention prior to disposition,
 141 ~~and; and, in addition to any other penalty provided by law,~~
 142 shall be required to perform 100 hours of community service or
 143 paid work as determined by the department.; and:
 144 ~~1. If the minor is eligible by reason of age for a driver~~
 145 ~~license or driving privilege, the court may direct the~~
 146 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 147 ~~withhold issuance of the minor's driver license or driving~~
 148 ~~privilege for up to 1 year.~~
 149 ~~2. If the minor's driver license or driving privilege is~~
 150 ~~under suspension or revocation for any reason, the court may~~

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

151 ~~direct the Department of Highway Safety and Motor Vehicles to~~
152 ~~extend the period of suspension or revocation by an additional~~
153 ~~period of up to 1 year.~~

154 ~~3. If the minor is ineligible by reason of age for a~~
155 ~~driver license or driving privilege, the court may direct the~~
156 ~~Department of Highway Safety and Motor Vehicles to withhold~~
157 ~~issuance of the minor's driver license or driving privilege for~~
158 ~~up to 1 year after the date on which the minor would otherwise~~
159 ~~have become eligible.~~

160 2.(b) For a second or subsequent offense, ~~a minor who~~
161 ~~violates subsection (3)~~ commits a felony of the third degree.
162 For a second offense, the minor and shall serve a period of
163 detention of up to 21 days in a secure detention facility, with
164 credit for time served in secure detention prior to disposition,
165 and shall be required to perform not less than 100 nor more than
166 250 hours of community service or paid work as determined by the
167 department. For a third or subsequent offense, the minor shall
168 be adjudicated delinquent and committed to a residential
169 program. A withhold of adjudication of delinquency shall be
170 considered a prior offense for the purpose of determining a
171 second, third, or subsequent offense., and:

172 (b) In addition to the penalties for a violation of
173 subsection (3):

174 1. If the minor is eligible by reason of age for a driver
175 license or driving privilege, the court may direct the

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

176 Department of Highway Safety and Motor Vehicles to revoke or to
177 withhold issuance of the minor's driver license or driving
178 privilege for up to 1 year for a first offense and up to 2 years
179 for a second or subsequent offense.

180 2. If the minor's driver license or driving privilege is
181 under suspension or revocation for any reason, the court may
182 direct the Department of Highway Safety and Motor Vehicles to
183 extend the period of suspension or revocation by an additional
184 period of up to 1 year for a first offense and up to 2 years for
185 a second or subsequent offense.

186 3. If the minor is ineligible by reason of age for a
187 driver license or driving privilege, the court may direct the
188 Department of Highway Safety and Motor Vehicles to withhold
189 issuance of the minor's driver license or driving privilege for
190 up to 1 year ~~2 years~~ after the date on which the minor would
191 otherwise have become eligible and up to 2 years for a second or
192 subsequent offense.

193
194 For the purposes of this subsection, community service shall be
195 performed, if possible, in a manner involving a hospital
196 emergency room or other medical environment that deals on a
197 regular basis with trauma patients and gunshot wounds.

198 ~~(8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor~~
199 ~~is charged with an offense that involves the use or possession~~
200 ~~of a firearm, including a violation of subsection (3), or is~~

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

201 ~~charged for any offense during the commission of which the minor~~
202 ~~possessed a firearm, the minor shall be detained in secure~~
203 ~~detention, unless the state attorney authorizes the release of~~
204 ~~the minor, and shall be given a hearing within 24 hours after~~
205 ~~being taken into custody. At the hearing, the court may order~~
206 ~~that the minor continue to be held in secure detention in~~
207 ~~accordance with the applicable time periods specified in s.~~
208 ~~985.26(1)-(5), if the court finds that the minor meets the~~
209 ~~criteria specified in s. 985.255, or if the court finds by clear~~
210 ~~and convincing evidence that the minor is a clear and present~~
211 ~~danger to himself or herself or the community. The Department of~~
212 ~~Juvenile Justice shall prepare a form for all minors charged~~
213 ~~under this subsection which states the period of detention and~~
214 ~~the relevant demographic information, including, but not limited~~
215 ~~to, the gender, age, and race of the minor; whether or not the~~
216 ~~minor was represented by private counsel or a public defender;~~
217 ~~the current offense; and the minor's complete prior record,~~
218 ~~including any pending cases. The form shall be provided to the~~
219 ~~judge for determining whether the minor should be continued in~~
220 ~~secure detention under this subsection. An order placing a minor~~
221 ~~in secure detention because the minor is a clear and present~~
222 ~~danger to himself or herself or the community must be in~~
223 ~~writing, must specify the need for detention and the benefits~~
224 ~~derived by the minor or the community by placing the minor in~~
225 ~~secure detention, and must include a copy of the form provided~~

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

226 ~~by the department.~~

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

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

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

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

- 244 ~~1. Perform not less than 100 nor more than 250 hours of~~
 245 ~~community service; and may~~
- 246 ~~2. Be placed on community control or in a nonresidential~~
 247 ~~commitment program.~~

248
 249 ~~The minor shall not receive credit for time served before~~
 250 ~~adjudication. For the purposes of this subsection, community~~

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

251 ~~service shall be performed, if possible, in a manner involving a~~
252 ~~hospital emergency room or other medical environment that deals~~
253 ~~on a regular basis with trauma patients and gunshot wounds.~~

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

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

259 ~~1. If the minor is eligible by reason of age for a driver~~
260 ~~license or driving privilege, the court may direct the~~
261 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
262 ~~withhold issuance of the minor's driver license or driving~~
263 ~~privilege for up to 1 year.~~

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

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

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

276 ~~1. If the minor is eligible by reason of age for a driver~~
 277 ~~license or driving privilege, the court may direct the~~
 278 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 279 ~~withhold issuance of the minor's driver license or driving~~
 280 ~~privilege for up to 2 years.~~

281 ~~2. If the minor's driver license or driving privilege is~~
 282 ~~under suspension or revocation for any reason, the court may~~
 283 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 284 ~~extend the period of suspension or revocation by an additional~~
 285 ~~period for up to 2 years.~~

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

292 Section 3. Subsection (9) of section 901.15, Florida
 293 Statutes, is amended to read:

294 901.15 When arrest by officer without warrant is lawful.—A
 295 law enforcement officer may arrest a person without a warrant
 296 when:

297 (9) There is probable cause to believe that the person has
 298 committed:

299 (a) Any battery upon another person, as defined in s.
 300 784.03.

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

301 (b) An act of criminal mischief or a graffiti-related
 302 offense as described in s. 806.13.

303 (c) A violation of a safety zone, security zone, regulated
 304 navigation area, or naval vessel protection zone as described in
 305 s. 327.461.

306 (d) A racing, street takeover, or stunt driving violation
 307 as described in s. 316.191(2).

308 (e) An exposure of sexual organs in violation of s.
 309 800.03.

310 (f) Possession of a firearm by a minor in violation of s.
 311 790.22(3).

312 Section 4. Paragraph (d) of subsection (1) of section
 313 985.101, Florida Statutes, is amended to read:

314 985.101 Taking a child into custody.—

315 (1) A child may be taken into custody under the following
 316 circumstances:

317 (d) By a law enforcement officer who has probable cause to
 318 believe that the child is in violation of the conditions of the
 319 child's probation, supervised release detention, ~~postcommitment~~
 320 ~~probation~~, or conditional release supervision; has absconded
 321 from nonresidential commitment; or has escaped from residential
 322 commitment.

323
 324 Nothing in this subsection shall be construed to allow the
 325 detention of a child who does not meet the detention criteria in

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

326 part V.

327 Section 5. Section 985.12, Florida Statutes, is amended to
328 read:

329 985.12 Prearrest delinquency ~~Civil citation or similar~~
330 ~~prearrest diversion~~ programs.—

331 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
332 that the creation and implementation of any prearrest
333 delinquency ~~civil citation or similar prearrest diversion~~
334 programs at the judicial circuit level promotes public safety,
335 aids interagency cooperation, and provides the greatest chance
336 of success for prearrest delinquency ~~civil citation and similar~~
337 ~~prearrest diversion~~ programs. The Legislature further finds that
338 the widespread use of prearrest delinquency ~~civil citation and~~
339 ~~similar prearrest diversion~~ programs has a positive effect on
340 the criminal justice system by immediately holding youth
341 accountable for their actions and contributes to an overall
342 reduction in the crime rate and recidivism in the state. The
343 Legislature encourages but does not mandate that counties,
344 municipalities, and public or private educational institutions
345 participate in a prearrest delinquency ~~civil citation or similar~~
346 ~~prearrest diversion~~ program created by their judicial circuit
347 under this section.

348 (2) JUDICIAL CIRCUIT DELINQUENCY ~~CIVIL CITATION OR SIMILAR~~
349 ~~PREARREST DIVERSION~~ PROGRAM DEVELOPMENT, IMPLEMENTATION, AND
350 OPERATION.—

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

351 (a) A prearrest delinquency civil citation ~~or similar~~
 352 ~~prearrest diversion~~ program for misdemeanor offenses shall be
 353 established in each judicial circuit in the state. The state
 354 attorney and public defender of each circuit, the clerk of the
 355 court for each county in the circuit, and representatives of
 356 participating law enforcement agencies in the circuit shall
 357 create a prearrest delinquency civil citation ~~or similar~~
 358 ~~prearrest diversion~~ program and develop its policies and
 359 procedures. In developing the program's policies and procedures,
 360 input from other interested stakeholders may be solicited. The
 361 department shall annually develop and provide guidelines on best
 362 practice models for prearrest delinquency civil citation ~~or~~
 363 ~~similar prearrest diversion~~ programs to the judicial circuits as
 364 a resource.

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

368 1. The misdemeanor offenses that qualify a juvenile for
 369 participation in the program. Offenses involving the use or
 370 possession of a firearm do not qualify for a prearrest
 371 delinquency citation program.†

372 2. The eligibility criteria for the program.†

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

374 4. The program's requirements, including, but not limited
 375 to, the completion of community service hours, payment of

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

376 restitution, if applicable, classes established by the
 377 department or the prearrest delinquency citation program, and
 378 intervention services indicated by a needs assessment of the
 379 juvenile, approved by the department, such as family counseling,
 380 urinalysis monitoring, and substance abuse and mental health
 381 treatment services. ~~;~~ and

382 5. A program fee, if any, to be paid by a juvenile
 383 participating in the program. If the program imposes a fee, the
 384 clerk of the court of the applicable county must receive a
 385 reasonable portion of the fee.

386 (c) The state attorney of each circuit shall operate a
 387 prearrest delinquency civil citation ~~or similar prearrest~~
 388 ~~diversion~~ program in each circuit. A sheriff, police department,
 389 county, municipality, locally authorized entity, or public or
 390 private educational institution may ~~continue to~~ operate an
 391 independent prearrest delinquency civil citation ~~or similar~~
 392 ~~prearrest diversion~~ program ~~that is in operation as of October~~
 393 ~~1, 2018,~~ if the independent program is reviewed by the state
 394 attorney of the applicable circuit and he or she determines that
 395 the independent program is substantially similar to the
 396 prearrest delinquency civil citation ~~or similar prearrest~~
 397 ~~diversion~~ program developed by the circuit. If the state
 398 attorney determines that the independent program is not
 399 substantially similar to the prearrest delinquency civil
 400 ~~citation or similar prearrest diversion~~ program developed by the

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

401 circuit, the operator of the independent ~~diversion~~ program may
 402 revise the program and the state attorney may conduct an
 403 additional review of the independent program. A civil citation
 404 or similar prearrest diversion program existing before July 1,
 405 2024, shall be deemed a delinquency citation program authorized
 406 by this section if the civil citation or similar prearrest
 407 diversion program has been approved by the state attorney of the
 408 circuit in which it operates and it complies with the
 409 requirements in paragraph (2) (b).

410 ~~(d) A judicial circuit may model an existing sheriff's,~~
 411 ~~police department's, county's, municipality's, locally~~
 412 ~~authorized entity's, or public or private educational~~
 413 ~~institution's independent civil citation or similar prearrest~~
 414 ~~diversion program in developing the civil citation or similar~~
 415 ~~prearrest diversion program for the circuit.~~

416 (d)-(e) If a juvenile does not successfully complete the
 417 prearrest delinquency ~~civil citation or similar prearrest~~
 418 ~~diversion~~ program, the arresting law enforcement officer shall
 419 determine if there is good cause to arrest the juvenile for the
 420 original misdemeanor offense and refer the case to the state
 421 attorney to determine if prosecution is appropriate or allow the
 422 juvenile to continue in the program.

423 (e)-(f) Each prearrest delinquency ~~civil~~ citation ~~or~~
 424 ~~similar prearrest diversion~~ program shall enter the appropriate
 425 youth data into the Juvenile Justice Information System

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

426 Prevention Web within 7 days after the admission of the youth
 427 into the program.

428 ~~(f)-(g)~~ At the conclusion of a juvenile's prearrest
 429 delinquency ~~civil~~ citation ~~or similar prearrest diversion~~
 430 program, the state attorney or operator of the independent
 431 program shall report the outcome to the department. The issuance
 432 of a prearrest delinquency ~~civil~~ citation ~~or similar prearrest~~
 433 ~~diversion~~ program notice is not considered a referral to the
 434 department.

435 ~~(g)-(h)~~ Upon issuing a prearrest delinquency ~~civil~~ citation
 436 ~~or similar prearrest diversion~~ program notice, the law
 437 enforcement officer shall send a copy of the prearrest
 438 delinquency ~~civil~~ citation ~~or similar prearrest diversion~~
 439 program notice to the parent or guardian of the child and to the
 440 victim.

441 Section 6. Section 985.125, Florida Statutes, is amended
 442 to read:

443 985.125 ~~Prearrest or~~ Postarrest diversion programs.—

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

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

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

455 Section 7. Subsections (5) and (6) of section 985.126,
 456 Florida Statutes, are renumbered as subsections (6) and (7),
 457 respectively, subsections (3) and (4) of that section are
 458 amended, and a new subsection (5) is added to that section, to
 459 read:

460 985.126 Prearrest and postarrest diversion programs; data
 461 collection; denial of participation or expunged record.—

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

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

466 2. The offense committed, including the specific law
 467 establishing the offense.

468 3. The judicial circuit and county in which the offense
 469 was committed and the law enforcement agency that had contact
 470 with the minor for the offense.

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

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

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

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

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

483 a. Not offered such opportunity, the reason such offer was
 484 not made.

485 b. Offered such opportunity, whether the minor or his or
 486 her parent or legal guardian declined to participate in the
 487 diversion program.

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

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

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

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

501 Representatives listing the entities that use prearrest
 502 delinquency citations for less than 70 percent of first-time
 503 misdemeanor offenses.

504 Section 8. Subsection (4) of section 985.245, Florida
 505 Statutes, is amended to read:

506 985.245 Risk assessment instrument.—

507 (4) For a child who is under the supervision of the
 508 department through probation, supervised release detention,
 509 conditional release, ~~postcommitment probation,~~ or commitment and
 510 who is charged with committing a new offense, the risk
 511 assessment instrument may be completed and scored based on the
 512 underlying charge for which the child was placed under the
 513 supervision of the department.

514 Section 9. Subsection (1) of section 985.25, Florida
 515 Statutes, is amended to read:

516 985.25 Detention intake.—

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

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

526 (b) The department shall base the decision whether to
527 place the child into detention care on an assessment of risk in
528 accordance with the risk assessment instrument and procedures
529 developed by the department under s. 985.245, except that a
530 child shall be placed in secure detention care until the child's
531 detention hearing if the child meets the criteria specified in
532 s. 985.255(1)(f), ~~is charged with possessing or discharging a~~
533 ~~firearm on school property in violation of s. 790.115,~~ or is
534 charged with any other offense involving the possession or use
535 of a firearm.

536 (c) If the final score on the child's risk assessment
537 instrument indicates detention care is appropriate, but the
538 department otherwise determines the child should be released,
539 the department shall contact the state attorney, who may
540 authorize release.

541 (d) If the final score on the risk assessment instrument
542 indicates detention is not appropriate, the child may be
543 released by the department in accordance with ss. 985.115 and
544 985.13.

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

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

551 790 and who is taken into custody under s. 985.101 for violating
552 conditions of probation not involving a new law violation shall
553 be held in secure detention to allow the state attorney to
554 review the violation. If, within 21 days, the state attorney
555 notifies the court that commitment will be sought, then the
556 child shall remain in secure detention pending proceedings under
557 s. 985.439 until the initial 21-day period of secure detention
558 has expired. Upon motion of the state attorney, the child may be
559 held for an additional 21-day period if the court finds that the
560 totality of the circumstances, including the preservation of
561 public safety, warrants such extension. Any release from secure
562 detention shall result in the child being held on supervised
563 release with electronic monitoring pending proceedings under s.
564 985.439.

565

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

570 Section 10. Paragraph (a) of subsection (1) and subsection
571 (3) of section 985.255, Florida Statutes, are amended, and
572 paragraphs (g) and (h) are added to subsection (1) of that
573 section, to read:

574 985.255 Detention criteria; detention hearing.—

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

576 and placed into detention care shall be given a hearing within
 577 24 hours after being taken into custody. At the hearing, the
 578 court may order a continued detention status if:

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

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

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

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

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

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

591 5. Having a firearm while committing a felony under s.
 592 790.07(2).

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

595 7. Delinquent in possession of a firearm under s.
 596 790.23(1) (b).

597 8. An attempt to commit any offense listed in this
 598 paragraph under s. 777.04.

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

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

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

606 2. The written order releasing a child from secure
607 detention must be based on clear and convincing evidence why the
608 child does not present a risk to public safety or a danger to
609 the community and must list the child's prior adjudications,
610 dispositions, and prior violations of pretrial release orders. A
611 court releasing a child from secure detention under this
612 subparagraph shall place the child on supervised release
613 detention care with electronic monitoring until the child's
614 adjudicatory hearing.

615 3. If an adjudicatory hearing has not taken place after 60
616 days of secure detention for a child held in secure detention
617 under this paragraph, the court must prioritize the efficient
618 disposition of cases and hold a review hearing within each
619 successive 7-day review period until the adjudicatory hearing or
620 until the child is placed on supervised release with electronic
621 monitoring under subparagraph 2.

622 4. If the court, under this section, releases a child to
623 supervised release detention care, the court must provide a copy
624 of the written order to the victim, to the law enforcement
625 agency that arrested the child, and to the law enforcement

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

626 agency with primary jurisdiction over the child's primary
627 residence.

628 (3) (a) The purpose of the detention hearing required under
629 subsection (1) is to determine the existence of probable cause
630 that the child has committed the delinquent act or violation of
631 law that he or she is charged with and the need for continued
632 detention. The court shall consider ~~use~~ the results of the risk
633 assessment performed by the department and, based on the
634 criteria in subsection (1), shall determine the need for
635 continued detention. If the child is a prolific juvenile
636 offender who is detained under s. 985.26(2)(c), the court shall
637 consider ~~use~~ the results of the risk assessment performed by the
638 department and the criteria in subsection (1) or subsection (2)
639 only to determine whether the prolific juvenile offender should
640 be held in secure detention.

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

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

651 985.26 or s. 985.27, whichever is applicable, unless the
652 requirements of such applicable provision have been met or an
653 order of continuance has been granted under s. 985.26(4). If the
654 court order does not include a release date, the release date
655 shall be requested from the court on the same date that the
656 child is placed in detention care. If a subsequent hearing is
657 needed to provide additional information to the court for safety
658 planning, the initial order placing the child in detention care
659 shall reflect the next detention review hearing, which shall be
660 held within 3 calendar days after the child's initial detention
661 placement.

662 Section 11. Paragraph (b) of subsection (2) of section
663 985.26, Florida Statutes, is amended to read:

664 985.26 Length of detention.—

665 (2)

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

668 1. Upon good cause being shown that the nature of the
669 charge requires additional time for the prosecution or defense
670 of the case or that the totality of the circumstances, including
671 the preservation of public safety, warrants an extension, the
672 court may extend the length of secure detention care for up to
673 an additional 21 days if the child is charged with an offense
674 which, if committed by an adult, would be a capital felony, a
675 life felony, a felony of the first degree or the second degree,

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

676 a felony of the third degree involving violence against any
677 individual, or any other offense involving the possession or use
678 of a firearm. Except as otherwise provided in subparagraph 2.,
679 the court may continue to extend the period of secure detention
680 care in increments of up to 21 days each by conducting a hearing
681 before the expiration of the current period to determine the
682 need for continued secure detention of the child. At the
683 hearing, the court must make the required findings in writing to
684 extend the period of secure detention. If the court extends the
685 time period for secure detention care, it shall ensure an
686 adjudicatory hearing for the case commences as soon as is
687 reasonably possible considering the totality of the
688 circumstances. The court shall prioritize the efficient
689 disposition of cases in which the child has served 60 or more
690 days in secure detention care.

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

693 Section 12. Paragraph (d) is added to subsection (7) of
694 section 985.433, Florida Statutes, and subsections (8) and (9)
695 of that section are amended, to read:

696 985.433 Disposition hearings in delinquency cases.—When a
697 child has been found to have committed a delinquent act, the
698 following procedures shall be applicable to the disposition of
699 the case:

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

701 adjudicated as having committed a delinquent act and should be
702 committed to the department, such determination shall be in
703 writing or on the record of the hearing. The determination shall
704 include a specific finding of the reasons for the decision to
705 adjudicate and to commit the child to the department, including
706 any determination that the child was a member of a criminal
707 gang.

708 (d) Any child adjudicated by the court and committed to
709 the department under a restrictiveness level described in s.
710 985.03(44) (a)-(d), for any offense or attempted offense
711 involving a firearm must be placed on conditional release, as
712 defined in s. 985.03, for a period of 1 year following his or
713 her release from a commitment program. Such term of conditional
714 release shall include electronic monitoring of the child by the
715 department for the initial 6 months following his or her release
716 and at times and under terms and conditions set by the
717 department.

718 (8) If the court determines not to adjudicate and commit
719 to the department, then the court shall determine what
720 community-based sanctions it will impose in a probation program
721 for the child. Community-based sanctions may include, but are
722 not limited to, participation in substance abuse treatment, a
723 day-treatment probation program, restitution in money or in
724 kind, a curfew, revocation or suspension of the driver license
725 of the child, community service, and appropriate educational

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

726 programs as determined by the district school board.

727 (a)1. Where a child is found to have committed an offense
728 that involves the use or possession of a firearm, as defined in
729 s. 790.001, other than a violation of s. 790.22(3), or is found
730 to have committed an offense during the commission of which the
731 child possessed a firearm, and the court has decided not to
732 commit the child to a residential program, the court shall order
733 the child, in addition to any other punishment provided by law,
734 to:

735 a. Serve a period of detention of 30 days in a secure
736 detention facility, with credit for time served in secure
737 detention prior to disposition.

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

740 c. Be placed on probation for a period of at least 1 year.
741 Such term of probation shall include electronic monitoring of
742 the child by the department at times and under terms and
743 conditions set by the department.

744 2. In addition to the penalties in subparagraph 1., the
745 court may impose the following restrictions upon the child's
746 driving privileges:

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

751 privilege for up to 1 year.

752 b. If the child's driver license or driving privilege is
 753 under suspension or revocation for any reason, the court may
 754 direct the Department of Highway Safety and Motor Vehicles to
 755 extend the period of suspension or revocation by an additional
 756 period for up to 1 year.

757 c. If the child is ineligible by reason of age for a
 758 driver license or driving privilege, the court may direct the
 759 Department of Highway Safety and Motor Vehicles to withhold
 760 issuance of the minor's driver license or driving privilege for
 761 up to 1 year after the date on which the child would otherwise
 762 have become eligible.

763
 764 For the purposes of this paragraph, community service shall be
 765 performed, if possible, in a manner involving a hospital
 766 emergency room or other medical environment that deals on a
 767 regular basis with trauma patients and gunshot wounds.

768 (b) A child who has previously had adjudication withheld
 769 for any of the following offenses shall not be eligible for a
 770 second or subsequent withhold of adjudication if he or she is
 771 subsequently found to have committed any of the following
 772 offenses, and must be adjudicated delinquent and committed to a
 773 residential program:

774 1. Armed robbery involving a firearm under s.
 775 812.13(2) (a).

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

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

778 3. Having a firearm while committing a felony under s.
 779 790.07(2).

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

782 5. Delinquent in possession of a firearm under s.
 783 790.23(1)(b).

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

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

794 Section 13. Subsections (1), (3), and (4) of section
 795 985.435, Florida Statutes, are amended to read:

796 985.435 Probation ~~and postcommitment probation~~; community
 797 service.—

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

801 at the disposition hearing, place the child in a probation
802 program ~~or a postcommitment probation program~~. Such placement
803 must be under the supervision of an authorized agent of the
804 department or of any other person or agency specifically
805 authorized and appointed by the court, whether in the child's
806 own home, in the home of a relative of the child, or in some
807 other suitable place under such reasonable conditions as the
808 court may direct.

809 (3) A probation program must also include a rehabilitative
810 program component such as a requirement of participation in
811 substance abuse treatment or in a school or career and technical
812 education program. The nonconsent of the child to treatment in a
813 substance abuse treatment program in no way precludes the court
814 from ordering such treatment. Upon the recommendation of the
815 department at the time of disposition, or subsequent to
816 disposition pursuant to the filing of a petition alleging a
817 violation of the child's conditions of ~~postcommitment~~ probation,
818 the court may order the child to submit to random testing for
819 the purpose of detecting and monitoring the use of alcohol or
820 controlled substances.

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

826 department's graduated response matrix as described in s.
827 985.438 ~~Each judicial circuit shall develop, in consultation~~
828 ~~with judges, the state attorney, the public defender, the~~
829 ~~regional counsel, relevant law enforcement agencies, and the~~
830 ~~department, a written plan specifying the alternative~~
831 ~~consequence component which must be based upon the principle~~
832 ~~that sanctions must reflect the seriousness of the violation,~~
833 ~~the assessed criminogenic needs and risks of the child, the~~
834 ~~child's age and maturity level, and how effective the sanction~~
835 ~~or incentive will be in moving the child to compliant behavior.~~
836 ~~The alternative consequence component is designed to provide~~
837 ~~swift and appropriate consequences or incentives to a child who~~
838 ~~is alleged to be noncompliant with or in violation of probation.~~
839 ~~If the probation program includes this component, specific~~
840 ~~consequences that apply to noncompliance with specific technical~~
841 ~~conditions of probation, as well as incentives used to move the~~
842 ~~child toward compliant behavior, must be detailed in the~~
843 ~~disposition order.~~

844 Section 14. Section 985.438, Florida Statutes, is created
845 to read:

846 985.438 Graduated response matrix.-

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

851 reflect the seriousness of the violation, provide immediate
 852 accountability for violations, the assessed criminogenic needs
 853 and risks of the child, and the child's age and maturity level.

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

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

- 860 (a) Increased contacts.
- 861 (b) Increased drug tests.
- 862 (c) Curfew reductions.
- 863 (d) Increased community service.
- 864 (e) Additional evaluations.
- 865 (f) Addition of electronic monitoring.

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

868 Section 15. Section 985.439, Florida Statutes, is amended
 869 to read:

870 985.439 Violation of probation ~~or postcommitment~~
 871 ~~probation.~~-

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

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

876 ~~postcommitment probation program~~ are violated, the department or
877 the state attorney may bring the child before the court on a
878 petition alleging a violation of the program. A child who
879 violates the conditions of probation ~~or postcommitment probation~~
880 must be brought before the court if sanctions are sought.

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

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

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

892 (4) Upon the child's admission, or if the court finds
893 after a hearing that the child has violated the conditions of
894 probation ~~or postcommitment probation~~, the court shall enter an
895 order revoking, modifying, or continuing probation ~~or~~
896 ~~postcommitment probation~~. In each such case, the court shall
897 enter a new disposition order and, in addition to the sanctions
898 set forth in this section, may impose any sanction the court
899 could have imposed at the original disposition hearing. If the
900 child is found to have violated the conditions of probation ~~or~~

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

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

902 (a) Place the child in supervised release detention with
903 electronic monitoring.

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

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

912 ~~2. Alternative consequence programs may be operated by an~~
913 ~~entity such as a law enforcement agency, the department, a~~
914 ~~juvenile assessment center, a county or municipality, or another~~
915 ~~entity selected by the department.~~

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

919 (c) Modify or continue the child's probation program ~~or~~
920 ~~postcommitment probation program.~~

921 (d) Revoke probation ~~or postcommitment probation~~ and
922 commit the child to the department.

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

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

926 (5) Upon the recommendation of the department at the time
 927 of disposition, or subsequent to disposition pursuant to the
 928 filing of a petition alleging a violation of the child's
 929 conditions of ~~postcommitment~~ probation, the court may order the
 930 child to submit to random testing for the purpose of detecting
 931 and monitoring the use of alcohol or controlled substances.

932 Section 16. Subsection (2) of section 985.441, Florida
 933 Statutes, is amended to read:

934 985.441 Commitment.—

935 (2) Notwithstanding subsection (1), the court having
 936 jurisdiction over an adjudicated delinquent child whose offense
 937 is a misdemeanor, other than a violation of s. 790.22(3), or a
 938 child who is currently on probation for a misdemeanor, other
 939 than a violation of s. 790.22(3), may not commit the child for
 940 any misdemeanor offense or any probation violation that is
 941 technical in nature and not a new violation of law at a
 942 restrictiveness level other than minimum-risk nonresidential.
 943 However, the court may commit such child to a nonsecure
 944 residential placement if:

945 (a) The child has previously been adjudicated or had
 946 adjudication withheld for a felony offense;

947 (b) The child has previously been adjudicated or had
 948 adjudication withheld for three or more misdemeanor offenses
 949 within the previous 18 months;

950 (c) The child is before the court for disposition for a

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

951 violation of s. 800.03, s. 806.031, or s. 828.12; or

952 (d) The court finds by a preponderance of the evidence
 953 that the protection of the public requires such placement or
 954 that the particular needs of the child would be best served by
 955 such placement. Such finding must be in writing.

956 Section 17. Subsection (5) is added to section 985.455,
 957 Florida Statutes, to read:

958 985.455 Other dispositional issues.—

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

965 Section 18. Subsections (2), (3), and (5) of section
 966 985.46, Florida Statutes, are amended, and subsection (6) is
 967 added to that section, to read:

968 985.46 Conditional release.—

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

970 (a) Commitment programs include rehabilitative efforts on
 971 preparing committed juveniles for a successful release to the
 972 community.

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

975 (c) Each juvenile committed to a residential commitment

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

976 | program receive conditional release services ~~be assessed to~~
 977 | ~~determine the need for conditional release services~~ upon release
 978 | from the commitment program unless the juvenile is directly
 979 | released by the court.

980 | (3) For juveniles referred or committed to the department,
 981 | the function of the department may include, but shall not be
 982 | limited to, supervising each juvenile on conditional release
 983 | when assessing each juvenile placed in a residential commitment
 984 | program to determine the need for conditional release services
 985 | upon release from the program, supervising the juvenile when
 986 | released into the community from a residential commitment
 987 | facility of the department, providing such counseling and other
 988 | services as may be necessary for the families and assisting
 989 | their preparations for the return of the child. Subject to
 990 | specific appropriation, the department shall provide for
 991 | outpatient sexual offender counseling for any juvenile sexual
 992 | offender released from a residential commitment program as a
 993 | component of conditional release.

994 | (5) Conditional release supervision shall contain, at a
 995 | minimum, the following conditions:

996 | (a)-(5) Participation in the educational program by
 997 | students of compulsory school attendance age pursuant to s.
 998 | 1003.21(1) and (2)(a) ~~is mandatory for juvenile justice youth on~~
 999 | ~~conditional release or postcommitment probation status.~~ A
 1000 | student of noncompulsory school-attendance age who has not

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1001 received a high school diploma or its equivalent must
 1002 participate in an educational program or career and technical
 1003 education course of study. A youth who has received a high
 1004 school diploma or its equivalent and is not employed must
 1005 participate in workforce development or other career or
 1006 technical education or attend a community college or a
 1007 university while in the program, ~~subject to available funding.~~

1008 (b) A curfew.

1009 (c) A prohibition on contact with victims, co-defendants,
 1010 or known gang members.

1011 (d) A prohibition on use of controlled substances.

1012 (e) A prohibition on possession of firearms.

1013 (6) A youth who violates the terms of his or her
 1014 conditional release shall be assessed using the graduated
 1015 response matrix as described in s. 985.438. A youth who fails to
 1016 move into compliance shall be recommitted to a residential
 1017 facility.

1018 Section 19. Paragraph (c) of subsection (1) of section
 1019 985.48, Florida Statutes, is amended to read:

1020 985.48 Juvenile sexual offender commitment programs;
 1021 sexual abuse intervention networks.—

1022 (1) In order to provide intensive treatment and
 1023 psychological services to a juvenile sexual offender committed
 1024 to the department, it is the intent of the Legislature to
 1025 establish programs and strategies to effectively respond to

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1026 juvenile sexual offenders. In designing programs for juvenile
 1027 sexual offenders, it is the further intent of the Legislature to
 1028 implement strategies that include:

1029 (c) Providing intensive ~~postcommitment~~ supervision of
 1030 juvenile sexual offenders who are released into the community
 1031 with terms and conditions which may include electronic
 1032 monitoring of a juvenile sexual offender for the purpose of
 1033 enhancing public safety.

1034 Section 20. Paragraph (a) of subsection (6) of section
 1035 985.4815, Florida Statutes, is amended to read:

1036 985.4815 Notification to Department of Law Enforcement of
 1037 information on juvenile sexual offenders.—

1038 (6)(a) The information provided to the Department of Law
 1039 Enforcement must include the following:

1040 1. The information obtained from the sexual offender under
 1041 subsection (4).

1042 2. The sexual offender's most current address and place of
 1043 permanent, temporary, or transient residence within the state or
 1044 out of state, and address, location or description, and dates of
 1045 any current or known future temporary residence within the state
 1046 or out of state, while the sexual offender is in the care or
 1047 custody or under the jurisdiction or supervision of the
 1048 department in this state, including the name of the county or
 1049 municipality in which the offender permanently or temporarily
 1050 resides, or has a transient residence, and address, location or

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1051 description, and dates of any current or known future temporary
 1052 residence within the state or out of state; and, if known, the
 1053 intended place of permanent, temporary, or transient residence,
 1054 and address, location or description, and dates of any current
 1055 or known future temporary residence within the state or out of
 1056 state upon satisfaction of all sanctions.

1057 3. The legal status of the sexual offender and the
 1058 scheduled termination date of that legal status.

1059 4. The location of, and local telephone number for, any
 1060 department office that is responsible for supervising the sexual
 1061 offender.

1062 5. An indication of whether the victim of the offense that
 1063 resulted in the offender's status as a sexual offender was a
 1064 minor.

1065 6. The offense or offenses at adjudication and disposition
 1066 that resulted in the determination of the offender's status as a
 1067 sex offender.

1068 7. A digitized photograph of the sexual offender, which
 1069 must have been taken within 60 days before the offender was
 1070 released from the custody of the department or a private
 1071 correctional facility by expiration of sentence under s.
 1072 944.275, or within 60 days after the onset of the department's
 1073 supervision of any sexual offender who is on probation,
 1074 ~~postcommitment probation,~~ residential commitment, nonresidential
 1075 commitment, licensed child-caring commitment, community control,

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1076 conditional release, parole, provisional release, or control
 1077 release or who is supervised by the department under the
 1078 Interstate Compact Agreement for Probationers and Parolees. If
 1079 the sexual offender is in the custody of a private correctional
 1080 facility, the facility shall take a digitized photograph of the
 1081 sexual offender within the time period provided in this
 1082 subparagraph and shall provide the photograph to the department.

1083 Section 21. Subsection (11) of section 985.601, Florida
 1084 Statutes, is renumbered as subsection (12), and a new subsection
 1085 (11) is added to that section, to read:

1086 985.601 Administering the juvenile justice continuum.—

1087 (11) The department shall establish a class focused on the
 1088 risk and consequences of youthful firearm offending which shall
 1089 be provided by the department to any youth who has been
 1090 adjudicated or had adjudication withheld for any offense
 1091 involving the use or possession of a firearm.

1092 Section 22. Section 985.711, Florida Statutes, is amended
 1093 to read:

1094 985.711 Introduction, removal, or possession of certain
 1095 articles unlawful; penalty.—

1096 (1)(a) Except as authorized through program policy or
 1097 operating procedure or as authorized by the facility
 1098 superintendent, program director, or manager, a person may not
 1099 introduce into or upon the grounds of a juvenile detention
 1100 facility or commitment program, or take or send, or attempt to

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1101 take or send, from a juvenile detention facility or commitment
 1102 program, any of the following articles, which are declared to be
 1103 contraband under this section:

1104 1. Any unauthorized article of food or clothing given or
 1105 transmitted, or intended to be given or transmitted, to any
 1106 youth in a juvenile detention facility or commitment program.

1107 2. Any intoxicating beverage or any beverage that causes
 1108 or may cause an intoxicating effect.

1109 3. Any controlled substance as defined in s. 893.02(4),
 1110 marijuana as defined in s. 381.986, hemp as defined in s.
 1111 581.217, industrial hemp as defined in s. 1004.4473, or any
 1112 prescription or nonprescription drug that has a hypnotic,
 1113 stimulating, or depressing effect.

1114 4. Any firearm or weapon of any kind or any explosive
 1115 substance.

1116 5. Any cellular telephone or other portable communication
 1117 device as described in s. 944.47(1)(a)6., intentionally and
 1118 unlawfully introduced inside the secure perimeter of any
 1119 juvenile detention facility or commitment program. As used in
 1120 this subparagraph, the term "portable communication device" does
 1121 not include any device that has communication capabilities which
 1122 has been approved or issued by the facility superintendent,
 1123 program director, or manager.

1124 6. Any vapor-generating electronic device as defined in s.
 1125 386.203, intentionally and unlawfully introduced inside the

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1126 | secure perimeter of any juvenile detention facility or
 1127 | commitment program.

1128 | 7. Any currency or coin given or transmitted, or intended
 1129 | to be given or transmitted, to any youth in any juvenile
 1130 | detention facility or commitment program.

1131 | 8. Any cigarettes, as defined in s. 210.01(1) or tobacco
 1132 | products, as defined in s. 210.25, given, or intended to be
 1133 | given, to any youth in a juvenile detention facility or
 1134 | commitment program.

1135 | (b) A person may not transmit contraband to, cause
 1136 | contraband to be transmitted to or received by, attempt to
 1137 | transmit contraband to, or attempt to cause contraband to be
 1138 | transmitted to or received by, a juvenile offender into or upon
 1139 | the grounds of a juvenile detention facility or commitment
 1140 | program, except as authorized through program policy or
 1141 | operating procedures or as authorized by the facility
 1142 | superintendent, program director, or manager.

1143 | (c) A juvenile offender or any person, while upon the
 1144 | grounds of a juvenile detention facility or commitment program,
 1145 | may not be in actual or constructive possession of any article
 1146 | or thing declared to be contraband under this section, except as
 1147 | authorized through program policy or operating procedures or as
 1148 | authorized by the facility superintendent, program director, or
 1149 | manager.

1150 | (d) Department staff may use canine units on the grounds

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1151 of a juvenile detention facility or commitment program to locate
1152 and seize contraband and ensure security within such facility or
1153 program.

1154 ~~(2)(a) Any person who violates this section as it pertains~~
1155 ~~to an article of contraband described in subparagraph (1)(a)1.~~
1156 ~~commits a felony of the third degree, punishable as provided in~~
1157 ~~s. 775.082, s. 775.083, or s. 775.084.~~

1158 ~~(b) Any person who violates this section as it pertains to~~
1159 ~~an article of contraband described in subparagraph (1)(a)5. or~~
1160 ~~subparagraph (1)(a)6. commits a misdemeanor of the first degree,~~
1161 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1162 ~~(c) In all other cases,~~ A person who violates this section
1163 commits a felony of the second degree, punishable as provided in
1164 s. 775.082, s. 775.083, or s. 775.084.

1165 Section 23. Paragraph (c) of subsection (2) of section
1166 1002.221, Florida Statutes, is amended to read:

1167 1002.221 K-12 education records; public records
1168 exemption.—

1169 (2)

1170 (c) In accordance with the FERPA and the federal
1171 regulations issued pursuant to the FERPA, an agency or
1172 institution, as defined in s. 1002.22, may release a student's
1173 education records without written consent of the student or
1174 parent to parties to an interagency agreement among the
1175 Department of Juvenile Justice, the school, law enforcement

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1176 authorities, and other signatory agencies. Information provided
 1177 pursuant to an interagency agreement may be used for proceedings
 1178 initiated under chapter 984 or chapter 985 ~~in furtherance of an~~
 1179 ~~interagency agreement is intended solely for use in determining~~
 1180 ~~the appropriate programs and services for each juvenile or the~~
 1181 ~~juvenile's family, or for coordinating the delivery of the~~
 1182 ~~programs and services, and as such is inadmissible in any court~~
 1183 ~~proceeding before a dispositional hearing unless written consent~~
 1184 ~~is provided by a parent or other responsible adult on behalf of~~
 1185 ~~the juvenile.~~

1186 Section 24. Paragraph (b) of subsection (3) of section
 1187 943.051, Florida Statutes, is amended to read:

1188 943.051 Criminal justice information; collection and
 1189 storage; fingerprinting.—

1190 (3)

1191 (b) A minor who is charged with or found to have committed
 1192 the following offenses shall be fingerprinted and the
 1193 fingerprints shall be submitted electronically to the
 1194 department, unless the minor is issued a prearrest delinquency
 1195 ~~civil~~ citation pursuant to s. 985.12:

1196 1. Assault, as defined in s. 784.011.

1197 2. Battery, as defined in s. 784.03.

1198 3. Carrying a concealed weapon, as defined in s.

1199 790.01(2).

1200 4. Unlawful use of destructive devices or bombs, as

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1201 defined in s. 790.1615(1).

1202 5. Neglect of a child, as defined in s. 827.03(1)(e).

1203 6. Assault or battery on a law enforcement officer, a

1204 firefighter, or other specified officers, as defined in s.

1205 784.07(2)(a) and (b).

1206 7. Open carrying of a weapon, as defined in s. 790.053.

1207 8. Exposure of sexual organs, as defined in s. 800.03.

1208 9. Unlawful possession of a firearm, as defined in s.

1209 790.22(5).

1210 10. Petit theft, as defined in s. 812.014(3).

1211 11. Cruelty to animals, as defined in s. 828.12(1).

1212 12. Arson, as defined in s. 806.031(1).

1213 13. Unlawful possession or discharge of a weapon or

1214 firearm at a school-sponsored event or on school property, as

1215 provided in s. 790.115.

1216 Section 25. Paragraph (b) of subsection (1) of section

1217 985.11, Florida Statutes, is amended to read:

1218 985.11 Fingerprinting and photographing.—

1219 (1)

1220 (b) Unless the child is issued a prearrest delinquency

1221 ~~civil citation or is participating in a similar diversion~~

1222 ~~program~~ pursuant to s. 985.12, a child who is charged with or

1223 found to have committed one of the following offenses shall be

1224 fingerprinted, and the fingerprints shall be submitted to the

1225 Department of Law Enforcement as provided in s. 943.051(3)(b):

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

- 1226 | 1. Assault, as defined in s. 784.011.
- 1227 | 2. Battery, as defined in s. 784.03.
- 1228 | 3. Carrying a concealed weapon, as defined in s.
- 1229 | 790.01(2).
- 1230 | 4. Unlawful use of destructive devices or bombs, as
- 1231 | defined in s. 790.1615(1).
- 1232 | 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1233 | 6. Assault on a law enforcement officer, a firefighter, or
- 1234 | other specified officers, as defined in s. 784.07(2)(a).
- 1235 | 7. Open carrying of a weapon, as defined in s. 790.053.
- 1236 | 8. Exposure of sexual organs, as defined in s. 800.03.
- 1237 | 9. Unlawful possession of a firearm, as defined in s.
- 1238 | 790.22(5).
- 1239 | 10. Petit theft, as defined in s. 812.014.
- 1240 | 11. Cruelty to animals, as defined in s. 828.12(1).
- 1241 | 12. Arson, resulting in bodily harm to a firefighter, as
- 1242 | defined in s. 806.031(1).
- 1243 | 13. Unlawful possession or discharge of a weapon or
- 1244 | firearm at a school-sponsored event or on school property as
- 1245 | defined in s. 790.115.
- 1246 |
- 1247 | A law enforcement agency may fingerprint and photograph a child
- 1248 | taken into custody upon probable cause that such child has
- 1249 | committed any other violation of law, as the agency deems
- 1250 | appropriate. Such fingerprint records and photographs shall be

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1251 retained by the law enforcement agency in a separate file, and
1252 these records and all copies thereof must be marked "Juvenile
1253 Confidential." These records are not available for public
1254 disclosure and inspection under s. 119.07(1) except as provided
1255 in ss. 943.053 and 985.04(2), but shall be available to other
1256 law enforcement agencies, criminal justice agencies, state
1257 attorneys, the courts, the child, the parents or legal
1258 custodians of the child, their attorneys, and any other person
1259 authorized by the court to have access to such records. In
1260 addition, such records may be submitted to the Department of Law
1261 Enforcement for inclusion in the state criminal history records
1262 and used by criminal justice agencies for criminal justice
1263 purposes. These records may, in the discretion of the court, be
1264 open to inspection by anyone upon a showing of cause. The
1265 fingerprint and photograph records shall be produced in the
1266 court whenever directed by the court. Any photograph taken
1267 pursuant to this section may be shown by a law enforcement
1268 officer to any victim or witness of a crime for the purpose of
1269 identifying the person who committed such crime.

1270 Section 26. Paragraph (n) of subsection (2) of section
1271 1006.07, Florida Statutes, is amended to read:

1272 1006.07 District school board duties relating to student
1273 discipline and school safety.—The district school board shall
1274 provide for the proper accounting for all students, for the
1275 attendance and control of students at school, and for proper

ENROLLED

CS/CS/HB 1181, Engrossed 1

2024 Legislature

1276 attention to health, safety, and other matters relating to the
 1277 welfare of students, including:

1278 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
 1279 conduct for elementary schools and a code of student conduct for
 1280 middle and high schools and distribute the appropriate code to
 1281 all teachers, school personnel, students, and parents, at the
 1282 beginning of every school year. Each code shall be organized and
 1283 written in language that is understandable to students and
 1284 parents and shall be discussed at the beginning of every school
 1285 year in student classes, school advisory council meetings, and
 1286 parent and teacher association or organization meetings. Each
 1287 code shall be based on the rules governing student conduct and
 1288 discipline adopted by the district school board and shall be
 1289 made available in the student handbook or similar publication.
 1290 Each code shall include, but is not limited to:

1291 (n) Criteria for recommending to law enforcement that a
 1292 student who commits a criminal offense be allowed to participate
 1293 in a prearrest delinquency citation ~~civil citation or similar~~
 1294 ~~prearrest diversion~~ program as an alternative to expulsion or
 1295 arrest. All prearrest delinquency citation ~~civil citation or~~
 1296 ~~similar prearrest diversion~~ programs must comply with s. 985.12.

1297 Section 27. This act shall take effect July 1, 2024.