

By the Committees on Fiscal Policy; and Criminal Justice; and
Senator Martin

594-03649-24

20241274c2

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 percentage of eligible
21 offenses; amending s. 985.245, F.S.; conforming
22 provisions to changes made by the act; amending s.
23 985.25, F.S.; requiring that children who are arrested
24 for certain electronic monitoring violations be placed
25 in secure detention until a detention hearing;
26 requiring that a child on probation for an underlying
27 felony firearm offense who is taken into custody be
28 placed in secure detention; providing for renewal of
29 secure detention periods in certain circumstances;

594-03649-24

20241274c2

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

594-03649-24

20241274c2

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

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

594-03649-24

20241274c2

88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116

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

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

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

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

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

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

(3) A minor under 18 years of age may not possess a

594-03649-24

20241274c2

117 firearm, other than an unloaded firearm at his or her home,
118 unless:

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

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

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

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

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

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

594-03649-24

20241274c2

146 residential program. In addition to the penalties for a first
147 offense and a second or subsequent offense under subsection (3)+
148 and:

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

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

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

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

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

594-03649-24

20241274c2

175 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
176 ~~withhold issuance of the minor's driver license or driving~~
177 ~~privilege for up to 2 years.~~

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

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

189

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

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

594-03649-24

20241274c2

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

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

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

594-03649-24

20241274c2

233 ~~facility; and~~

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

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

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

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

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

244

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

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

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

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

260 ~~2. If the minor's driver license or driving privilege is~~
261 ~~under suspension or revocation for any reason, the court may~~

594-03649-24

20241274c2

262 ~~direct the Department of Highway Safety and Motor Vehicles to~~
263 ~~extend the period of suspension or revocation by an additional~~
264 ~~period for up to 1 year.~~

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

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

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

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

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

288 Section 3. Paragraph (d) of subsection (1) of section
289 985.101, Florida Statutes, is amended to read:

290 985.101 Taking a child into custody.-

594-03649-24

20241274c2

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

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

299

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

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

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

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

594-03649-24

20241274c2

320 municipalities, and public or private educational institutions
321 participate in a prearrest delinquency ~~civil citation or similar~~
322 ~~prearrest diversion~~ program created by their judicial circuit
323 under this section.

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

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

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

344 1. The misdemeanor offenses that qualify a juvenile for
345 participation in the program. Offenses involving the use or
346 possession of a firearm do not qualify for a prearrest
347 delinquency citation program.†

348 2. The eligibility criteria for the program.†

594-03649-24

20241274c2

349 3. The program's implementation and operation.~~†~~

350 4. The program's requirements, including, but not limited
351 to, the completion of community service hours, payment of
352 restitution, if applicable, classes established by the
353 department or the prearrest delinquency citation program, and
354 intervention services indicated by a needs assessment of the
355 juvenile, approved by the department, such as family counseling,
356 urinalysis monitoring, and substance abuse and mental health
357 treatment services.~~†~~ and

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

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

594-03649-24

20241274c2

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

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

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

399 ~~(e)(f)~~ Each prearrest delinquency civil citation or similar
400 prearrest diversion program shall enter the appropriate youth
401 data into the Juvenile Justice Information System Prevention Web
402 within 7 days after the admission of the youth 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

594-03649-24

20241274c2

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 to
417 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

594-03649-24

20241274c2

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 was
444 committed and the law enforcement agency that had contact with
445 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

594-03649-24

20241274c2

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 compile
469 and semiannually publish the data required by subsection (3) on
470 the department's website in a format that is, at a minimum,
471 sortable by judicial circuit, county, law enforcement agency,
472 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 has
493 been taken into custody from the law enforcement agency or court

594-03649-24

20241274c2

494 and shall review the facts in the law enforcement report or
495 probable cause affidavit and make such further inquiry as may be
496 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 place
502 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 who
521 is arrested for violating the terms of his or her electronic
522 monitoring supervision or his or her supervised release shall be

594-03649-24

20241274c2

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 and
551 placed into detention care shall be given a hearing within 24

594-03649-24

20241274c2

552 hours after being taken into custody. At the hearing, the court
553 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 hearing
558 that the child committed one or more of the following offenses:

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

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

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

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

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

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

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

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

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

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

580 2. The written order releasing a child from secure

594-03649-24

20241274c2

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

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

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

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

594-03649-24

20241274c2

610 offender who is detained under s. 985.26(2)(c), the court shall
611 consider ~~use~~ the results of the risk assessment performed by the
612 department and the criteria in subsection (1) or subsection (2)
613 only to determine whether the prolific juvenile offender should
614 be held in secure detention.

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

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

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

638 985.26 Length of detention.—

594-03649-24

20241274c2

639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667

(2)

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

1. Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case or that the totality of the circumstances, including the preservation of public safety, warrants an extension, the court may extend the length of secure detention care for up to an additional 21 days if the child is charged with an offense which, if committed by an adult, would be a capital felony, a life felony, a felony of the first degree or the second degree, a felony of the third degree involving violence against any individual, or any other offense involving the possession or use of a firearm. Except as otherwise provided in subparagraph 2., the court may continue to extend the period of secure detention care in increments of up to 21 days each by conducting a hearing before the expiration of the current period to determine the need for continued secure detention of the child. At the hearing, the court must make the required findings in writing to extend the period of secure detention. If the court extends the time period for secure detention care, it shall ensure an adjudicatory hearing for the case commences as soon as is reasonably possible considering the totality of the circumstances. The court shall prioritize the efficient disposition of cases in which the child has served 60 or more days in secure detention care.

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

Section 11. Paragraph (d) is added to subsection (7) of

594-03649-24

20241274c2

668 section 985.433, Florida Statutes, and subsections (8) and (9)
669 of that section are amended, to read:

670 985.433 Disposition hearings in delinquency cases.—When a
671 child has been found to have committed a delinquent act, the
672 following procedures shall be applicable to the disposition of
673 the case:

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

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

692 (8) If the court determines not to adjudicate and commit to
693 the department, then the court shall determine what community-
694 based sanctions it will impose in a probation program for the
695 child. Community-based sanctions may include, but are not
696 limited to, participation in substance abuse treatment, a day-

594-03649-24

20241274c2

697 treatment probation program, restitution in money or in kind, a
698 curfew, revocation or suspension of the driver license of the
699 child, community service, and appropriate educational programs
700 as determined by the district school board.

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

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

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

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

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

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

594-03649-24

20241274c2

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

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

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

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

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

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

751 3. Having a firearm while committing a felony under s.
752 790.07(2).

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

594-03649-24

20241274c2

755 5. Delinquent in possession of a firearm under s.
756 790.23(1)(b).

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

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

767 Section 12. Subsections (1), (3), and (4) of section
768 985.435, Florida Statutes, are amended to read:

769 985.435 Probation ~~and postcommitment probation~~; community
770 service.—

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

782 (3) A probation program must also include a rehabilitative
783 program component such as a requirement of participation in

594-03649-24

20241274c2

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

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

594-03649-24

20241274c2

813 ~~consequences that apply to noncompliance with specific technical~~
814 ~~conditions of probation, as well as incentives used to move the~~
815 ~~child toward compliant behavior, must be detailed in the~~
816 ~~disposition order.~~

817 Section 13. Section 985.438, Florida Statutes, is created
818 to read:

819 985.438 Graduated response matrix.-

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

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

833 (a) Increased contacts.

834 (b) Increased drug tests.

835 (c) Curfew reductions.

836 (d) Increased community service.

837 (e) Additional evaluations.

838 (f) Addition of electronic monitoring.

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

841 Section 14. Section 985.439, Florida Statutes, is amended

594-03649-24

20241274c2

842 to read:

843 985.439 Violation of probation ~~or postcommitment~~
844 ~~probation.~~—

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

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

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

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

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

865 (4) Upon the child's admission, or if the court finds after
866 a hearing that the child has violated the conditions of
867 probation ~~or postcommitment probation~~, the court shall enter an
868 order revoking, modifying, or continuing probation ~~or~~
869 ~~postcommitment probation~~. In each such case, the court shall
870 enter a new disposition order and, in addition to the sanctions

594-03649-24

20241274c2

871 set forth in this section, may impose any sanction the court
872 could have imposed at the original disposition hearing. If the
873 child is found to have violated the conditions of probation ~~or~~
874 ~~postcommitment probation~~, the court may:

875 (a) Place the child in supervised release detention with
876 electronic monitoring.

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

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

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

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

892 (c) Modify or continue the child's probation program ~~or~~
893 ~~postcommitment probation program.~~

894 (d) Revoke probation ~~or postcommitment probation~~ and commit
895 the child to the department.

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

899 (5) Upon the recommendation of the department at the time

594-03649-24

20241274c2

900 of disposition, or subsequent to disposition pursuant to the
901 filing of a petition alleging a violation of the child's
902 conditions of ~~postcommitment~~ probation, the court may order the
903 child to submit to random testing for the purpose of detecting
904 and monitoring the use of alcohol or controlled substances.

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

907 985.455 Other dispositional issues.—

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

914 Section 16. Subsections (2), (3), and (5) of section
915 985.46, Florida Statutes, are amended, and subsection (6) is
916 added to that section, to read:

917 985.46 Conditional release.—

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

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

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

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

594-03649-24

20241274c2

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

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

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

957 (b) A curfew.

594-03649-24

20241274c2

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

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

961 (e) A prohibition on possession of firearms.

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

967 Section 17. Paragraph (c) of subsection (1) of section
968 985.48, Florida Statutes, is amended to read:

969 985.48 Juvenile sexual offender commitment programs; sexual
970 abuse intervention networks.—

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

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

983 Section 18. Paragraph (a) of subsection (6) of section
984 985.4815, Florida Statutes, is amended to read:

985 985.4815 Notification to Department of Law Enforcement of
986 information on juvenile sexual offenders.—

594-03649-24

20241274c2

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

989 1. The information obtained from the sexual offender under
990 subsection (4).

991 2. The sexual offender's most current address and place of
992 permanent, temporary, or transient residence within the state or
993 out of state, and address, location or description, and dates of
994 any current or known future temporary residence within the state
995 or out of state, while the sexual offender is in the care or
996 custody or under the jurisdiction or supervision of the
997 department in this state, including the name of the county or
998 municipality in which the offender permanently or temporarily
999 resides, or has a transient residence, and address, location or
1000 description, and dates of any current or known future temporary
1001 residence within the state or out of state; and, if known, the
1002 intended place of permanent, temporary, or transient residence,
1003 and address, location or description, and dates of any current
1004 or known future temporary residence within the state or out of
1005 state upon satisfaction of all sanctions.

1006 3. The legal status of the sexual offender and the
1007 scheduled termination date of that legal status.

1008 4. The location of, and local telephone number for, any
1009 department office that is responsible for supervising the sexual
1010 offender.

1011 5. An indication of whether the victim of the offense that
1012 resulted in the offender's status as a sexual offender was a
1013 minor.

1014 6. The offense or offenses at adjudication and disposition
1015 that resulted in the determination of the offender's status as a

594-03649-24

20241274c2

1016 sex offender.

1017 7. A digitized photograph of the sexual offender, which
1018 must have been taken within 60 days before the offender was
1019 released from the custody of the department or a private
1020 correctional facility by expiration of sentence under s.
1021 944.275, or within 60 days after the onset of the department's
1022 supervision of any sexual offender who is on probation,
1023 ~~postcommitment probation,~~ residential commitment, nonresidential
1024 commitment, licensed child-caring commitment, community control,
1025 conditional release, parole, provisional release, or control
1026 release or who is supervised by the department under the
1027 Interstate Compact Agreement for Probationers and Parolees. If
1028 the sexual offender is in the custody of a private correctional
1029 facility, the facility shall take a digitized photograph of the
1030 sexual offender within the time period provided in this
1031 subparagraph and shall provide the photograph to the department.

1032 Section 19. Subsection (11) of section 985.601, Florida
1033 Statutes, is renumbered as subsection (12), and a new subsection
1034 (11) is added to that section, to read:

1035 985.601 Administering the juvenile justice continuum.—

1036 (11) The department shall establish a class focused on the
1037 risk and consequences of youthful firearm offending which shall
1038 be provided by the department to any youth who has been
1039 adjudicated or had adjudication withheld for any offense
1040 involving the use or possession of a firearm.

1041 Section 20. Section 985.711, Florida Statutes, is amended
1042 to read:

1043 985.711 Introduction, removal, or possession of certain
1044 articles unlawful; penalty.—

594-03649-24

20241274c2

1045 (1) (a) Except as authorized through program policy or
1046 operating procedure or as authorized by the facility
1047 superintendent, program director, or manager, a person may not
1048 introduce into or upon the grounds of a juvenile detention
1049 facility or commitment program, or take or send, or attempt to
1050 take or send, from a juvenile detention facility or commitment
1051 program, any of the following articles, which are declared to be
1052 contraband under this section:

1053 1. Any unauthorized article of food or clothing given or
1054 transmitted, or intended to be given or transmitted, to any
1055 youth in a juvenile detention facility or commitment program.

1056 2. Any intoxicating beverage or any beverage that causes or
1057 may cause an intoxicating effect.

1058 3. Any controlled substance as defined in s. 893.02(4),
1059 marijuana as defined in s. 381.986, hemp as defined in s.
1060 581.217, industrial hemp as defined in s. 1004.4473, or any
1061 prescription or nonprescription drug that has a hypnotic,
1062 stimulating, or depressing effect.

1063 4. Any firearm or weapon of any kind or any explosive
1064 substance.

1065 5. Any cellular telephone or other portable communication
1066 device as described in s. 944.47(1)(a)6., intentionally and
1067 unlawfully introduced inside the secure perimeter of any
1068 juvenile detention facility or commitment program. As used in
1069 this subparagraph, the term "portable communication device" does
1070 not include any device that has communication capabilities which
1071 has been approved or issued by the facility superintendent,
1072 program director, or manager.

1073 6. Any vapor-generating electronic device as defined in s.

594-03649-24

20241274c2

1074 386.203, intentionally and unlawfully introduced inside the
1075 secure perimeter of any juvenile detention facility or
1076 commitment program.

1077 7. Any currency or coin given or transmitted, or intended
1078 to be given or transmitted, to any youth in any juvenile
1079 detention facility or commitment program.

1080 8. Any cigarettes, as defined in s. 210.01(1) or tobacco
1081 products, as defined in s. 210.25, given, or intended to be
1082 given, to any youth in a juvenile detention facility or
1083 commitment program.

1084 (b) A person may not transmit contraband to, cause
1085 contraband to be transmitted to or received by, attempt to
1086 transmit contraband to, or attempt to cause contraband to be
1087 transmitted to or received by, a juvenile offender into or upon
1088 the grounds of a juvenile detention facility or commitment
1089 program, except as authorized through program policy or
1090 operating procedures or as authorized by the facility
1091 superintendent, program director, or manager.

1092 (c) A juvenile offender or any person, while upon the
1093 grounds of a juvenile detention facility or commitment program,
1094 may not be in actual or constructive possession of any article
1095 or thing declared to be contraband under this section, except as
1096 authorized through program policy or operating procedures or as
1097 authorized by the facility superintendent, program director, or
1098 manager.

1099 (d) Department staff may use canine units on the grounds of
1100 a juvenile detention facility or commitment program to locate
1101 and seize contraband and ensure security within such facility or
1102 program.

594-03649-24

20241274c2

1103 ~~(2) (a) Any person who violates this section as it pertains~~
1104 ~~to an article of contraband described in subparagraph (1) (a) 1.~~
1105 ~~commits a felony of the third degree, punishable as provided in~~
1106 ~~s. 775.082, s. 775.083, or s. 775.084.~~

1107 ~~(b) Any person who violates this section as it pertains to~~
1108 ~~an article of contraband described in subparagraph (1) (a) 5. or~~
1109 ~~subparagraph (1) (a) 6. commits a misdemeanor of the first degree,~~
1110 ~~punishable as provided in s. 775.082 or s. 775.083.~~

1111 ~~(c) In all other cases,~~ A person who violates this section
1112 commits a felony of the second degree, punishable as provided in
1113 s. 775.082, s. 775.083, or s. 775.084.

1114 Section 21. Paragraph (c) of subsection (2) of section
1115 1002.221, Florida Statutes, is amended to read:

1116 1002.221 K-12 education records; public records exemption.-

1117 (2)

1118 (c) In accordance with the FERPA and the federal
1119 regulations issued pursuant to the FERPA, an agency or
1120 institution, as defined in s. 1002.22, may release a student's
1121 education records without written consent of the student or
1122 parent to parties to an interagency agreement among the
1123 Department of Juvenile Justice, the school, law enforcement
1124 authorities, and other signatory agencies. Information provided
1125 pursuant to an interagency agreement may be used for proceedings
1126 initiated under chapter 984 or chapter 985 ~~in furtherance of an~~
1127 ~~interagency agreement is intended solely for use in determining~~
1128 ~~the appropriate programs and services for each juvenile or the~~
1129 ~~juvenile's family, or for coordinating the delivery of the~~
1130 ~~programs and services, and as such is inadmissible in any court~~
1131 ~~proceeding before a dispositional hearing unless written consent~~

594-03649-24

20241274c2

1132 ~~is provided by a parent or other responsible adult on behalf of~~
1133 ~~the juvenile.~~

1134 Section 22. Paragraph (b) of subsection (3) of section
1135 943.051, Florida Statutes, is amended to read:

1136 943.051 Criminal justice information; collection and
1137 storage; fingerprinting.—

1138 (3)

1139 (b) A minor who is charged with or found to have committed
1140 the following offenses shall be fingerprinted and the
1141 fingerprints shall be submitted electronically to the
1142 department, unless the minor is issued a prearrest delinquency
1143 ~~civil~~ citation pursuant to s. 985.12:

1144 1. Assault, as defined in s. 784.011.

1145 2. Battery, as defined in s. 784.03.

1146 3. Carrying a concealed weapon, as defined in s. 790.01(2).

1147 4. Unlawful use of destructive devices or bombs, as defined
1148 in s. 790.1615(1).

1149 5. Neglect of a child, as defined in s. 827.03(1)(e).

1150 6. Assault or battery on a law enforcement officer, a
1151 firefighter, or other specified officers, as defined in s.
1152 784.07(2)(a) and (b).

1153 7. Open carrying of a weapon, as defined in s. 790.053.

1154 8. Exposure of sexual organs, as defined in s. 800.03.

1155 9. Unlawful possession of a firearm, as defined in s.
1156 790.22(5).

1157 10. Petit theft, as defined in s. 812.014(3).

1158 11. Cruelty to animals, as defined in s. 828.12(1).

1159 12. Arson, as defined in s. 806.031(1).

1160 13. Unlawful possession or discharge of a weapon or firearm

594-03649-24

20241274c2

1161 at a school-sponsored event or on school property, as provided
1162 in s. 790.115.

1163 Section 23. Paragraph (b) of subsection (1) of section
1164 985.11, Florida Statutes, is amended to read:

1165 985.11 Fingerprinting and photographing.—

1166 (1)

1167 (b) Unless the child is issued a prearrest delinquency
1168 ~~civil citation or is participating in a similar diversion~~
1169 ~~program~~ pursuant to s. 985.12, a child who is charged with or
1170 found to have committed one of the following offenses shall be
1171 fingerprinted, and the fingerprints shall be submitted to the
1172 Department of Law Enforcement as provided in s. 943.051(3)(b):

1173 1. Assault, as defined in s. 784.011.

1174 2. Battery, as defined in s. 784.03.

1175 3. Carrying a concealed weapon, as defined in s. 790.01(2).

1176 4. Unlawful use of destructive devices or bombs, as defined
1177 in s. 790.1615(1).

1178 5. Neglect of a child, as defined in s. 827.03(1)(e).

1179 6. Assault on a law enforcement officer, a firefighter, or
1180 other specified officers, as defined in s. 784.07(2)(a).

1181 7. Open carrying of a weapon, as defined in s. 790.053.

1182 8. Exposure of sexual organs, as defined in s. 800.03.

1183 9. Unlawful possession of a firearm, as defined in s.
1184 790.22(5).

1185 10. Petit theft, as defined in s. 812.014.

1186 11. Cruelty to animals, as defined in s. 828.12(1).

1187 12. Arson, resulting in bodily harm to a firefighter, as
1188 defined in s. 806.031(1).

1189 13. Unlawful possession or discharge of a weapon or firearm

594-03649-24

20241274c2

1190 at a school-sponsored event or on school property as defined in
1191 s. 790.115.

1192

1193 A law enforcement agency may fingerprint and photograph a child
1194 taken into custody upon probable cause that such child has
1195 committed any other violation of law, as the agency deems
1196 appropriate. Such fingerprint records and photographs shall be
1197 retained by the law enforcement agency in a separate file, and
1198 these records and all copies thereof must be marked "Juvenile
1199 Confidential." These records are not available for public
1200 disclosure and inspection under s. 119.07(1) except as provided
1201 in ss. 943.053 and 985.04(2), but shall be available to other
1202 law enforcement agencies, criminal justice agencies, state
1203 attorneys, the courts, the child, the parents or legal
1204 custodians of the child, their attorneys, and any other person
1205 authorized by the court to have access to such records. In
1206 addition, such records may be submitted to the Department of Law
1207 Enforcement for inclusion in the state criminal history records
1208 and used by criminal justice agencies for criminal justice
1209 purposes. These records may, in the discretion of the court, be
1210 open to inspection by anyone upon a showing of cause. The
1211 fingerprint and photograph records shall be produced in the
1212 court whenever directed by the court. Any photograph taken
1213 pursuant to this section may be shown by a law enforcement
1214 officer to any victim or witness of a crime for the purpose of
1215 identifying the person who committed such crime.

1216 Section 24. Paragraph (n) of subsection (2) of section
1217 1006.07, Florida Statutes, is amended to read:

1218 1006.07 District school board duties relating to student

594-03649-24

20241274c2

1219 discipline and school safety.—The district school board shall
1220 provide for the proper accounting for all students, for the
1221 attendance and control of students at school, and for proper
1222 attention to health, safety, and other matters relating to the
1223 welfare of students, including:

1224 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
1225 conduct for elementary schools and a code of student conduct for
1226 middle and high schools and distribute the appropriate code to
1227 all teachers, school personnel, students, and parents, at the
1228 beginning of every school year. Each code shall be organized and
1229 written in language that is understandable to students and
1230 parents and shall be discussed at the beginning of every school
1231 year in student classes, school advisory council meetings, and
1232 parent and teacher association or organization meetings. Each
1233 code shall be based on the rules governing student conduct and
1234 discipline adopted by the district school board and shall be
1235 made available in the student handbook or similar publication.
1236 Each code shall include, but is not limited to:

1237 (n) Criteria for recommending to law enforcement that a
1238 student who commits a criminal offense be allowed to participate
1239 in a prearrest delinquency citation ~~civil citation or similar~~
1240 ~~prearrest diversion~~ program as an alternative to expulsion or
1241 arrest. All prearrest delinquency citation ~~civil citation or~~
1242 ~~similar prearrest diversion~~ programs must comply with s. 985.12.

1243 Section 25. This act shall take effect July 1, 2024.