

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 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

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;

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.;

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~~

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

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~~

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

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~~



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~~

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~~

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:~~

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.

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

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.—

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

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



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

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

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

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

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).

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

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

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



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

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.

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,

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

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

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

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).

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



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

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

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~~

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~~

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.

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

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

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



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

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

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,

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

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

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

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

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



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):

- 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

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

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.