CHAPTER 2024-130

Committee Substitute for
Committee Substitute for House Bill No. 1181

An act relating to juvenile justice; amending s. 790.115, F.S.; removing a provision requiring specified treatment of minors charged with possessing or discharging a firearm on school property; amending s. 790.22, F.S.; revising penalties for minors committing specified firearms violations; removing provisions concerning minors charged with or convicted of certain firearms offenses; amending 901.15; adding possession of a firearm by a minor to the list of crimes for which a warrant is not needed for arrest; amending s. 985.101, F.S.; conforming provisions to changes made by the act; amending s. 985.12, F.S.; redesignating civil citation programs as prearrest delinquency citation programs; revising program requirements; providing that certain existing programs meeting certain requirements shall be deemed authorized; amending s. 985.125, F.S.; conforming provisions to changes made by the act; amending s. 985.126, F.S.; requiring the Department of Juvenile Justice to publish a quarterly report concerning entities using delinquency citations for less than a specified amount of eligible offenses; amending s. 985.245, F.S.; conforming provisions to changes made by the act; amending s. 985.25, F.S.; requiring that youths who are arrested for certain electronic monitoring violations be placed in secure detention until a detention hearing; requiring that a child on probation for an underlying felony firearm offense who is taken into custody be placed in secure detention; providing for renewal of secure detention periods in certain circumstances; amending s. 985.255, F.S.; providing that when there is probable cause that a child committed one of a specified list of offenses that he or she is presumed to be a risk to public safety and danger to the community and must be held in secure a detention before an adjudicatory hearing; providing requirements for release of such a child despite the presumption; revising language concerning the use of risk assessments; amending s. 985.26, F.S.; revising requirements for holding a child in secure detention for more than 21 days; amending s. 985.433, F.S.; requiring conditional release conditions for children released after confinement for specified firearms offenses; requiring specified sanctions for certain children adjudicated for certain firearms offenses who are not committed to a residential program; providing that children who previously have had adjudication withheld for certain offenses my not have adjudication withheld for specified offenses; amending s. 985.435, F.S.; conforming provisions to changes made by the act; creating s. 985.438, F.S.; requiring the Department of Juvenile Justice to create and administer a graduated response matrix to hold youths accountable to the terms of their court ordered probation and the terms of their conditional release; providing requirements for the matrix; amending s. 985.439, F.S.; requiring a state attorney to file a probation violation within a specified period or inform the court and the Department of Juvenile Justice why such violation is not

filed; removing provisions concerning an alternative consequence program; allowing placement of electronic monitoring for probation violations in certain circumstances; amending s. 985.441, F.S.; adding an exception to the prohibition against committing certain children to a residential program; amending s. 985.455, F.S.; authorizing a court to make an exception to an order of revocation or suspension of driving privileges in certain circumstances; amending s. 985.46, F.S.; revising legislative intent concerning conditional release; revising the conditions of conditional release; providing for assessment of conditional release violations and possible recommitment of violators; amending ss. 985.48 and 985.4815, F.S.; conforming provisions to changes made by the act; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to establish a specified class for firearms offenders; amending s. 985.711, F.S.; revising provisions concerning introduction of contraband into department facilities; authorizing department staff to use canine units on the grounds of juvenile detention facilities and commitment programs for specified purposes; revising criminal penalties for violations; amending s. 1002.221, F.S.; revising provisions concerning educational records for certain purposes; amending ss. 943.051, 985.11, and 1006.07, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

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

1. At least 16 years of age; or

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

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

1. At least 16 years of age; or

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

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

(5)(a) A minor who violates subsection (3):

1. For a first offense, commits a misdemeanor of the first degree~~; for a first offense~~, shall ~~may~~ serve a period of detention of up to 5 days in a secure detention facility, with credit for time served in secure detention prior to disposition, and~~; and, in addition to any other penalty provided by law,~~ shall be required to perform 100 hours of community service or paid work as determined by the department.~~; and:~~

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

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

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

2.~~(b)~~ For a second or subsequent offense, ~~a minor who violates subsection (3)~~ commits a felony of the third degree. For a second offense, the minor ~~and~~

shall serve a period of detention of up to 21 days in a secure detention facility, with credit for time served in secure detention prior to disposition, and shall be required to perform not less than 100 nor more than 250 hours of community service or paid work as determined by the department. For a third or subsequent offense, the minor shall be adjudicated delinquent and committed to a residential program. A withhold of adjudication of delinquency shall be considered a prior offense for the purpose of determining a second, third, or subsequent offense., ~~and:~~

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

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

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

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

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

~~(8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor is charged with an offense that involves the use or possession of a firearm, including a violation of subsection (3), or is charged for any offense during the commission of which the minor possessed a firearm, the minor shall be detained in secure detention, unless the state attorney authorizes the release of the minor, and shall be given a 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 in accordance with the applicable time periods specified in s. 985.26(1)-(5), if the court finds that the minor meets the criteria specified in s. 985.255, or if the court finds by clear and convincing evidence that the minor is a clear and present danger to himself or herself or the community. The Department of Juvenile Justice shall prepare a form for all minors charged under this subsection which states the period of detention and the relevant demographic information, including, but not limited to, the gender, age, and race of the minor; whether or not the~~

~~minor was represented by private counsel or a public defender; the current offense; and the minor's complete prior record, including any pending cases. The form shall be provided to the judge for determining whether the minor should be continued in secure detention under this subsection. An order placing a minor in secure detention because the minor is a clear and present danger to himself or herself or the community must be in writing, must specify the need for detention and the benefits derived by the minor or the community by placing the minor in secure detention, and must include a copy of the form provided by the department.~~

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

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

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

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

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

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

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

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

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

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

~~1. If the minor is eligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor~~

~~Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 1 year.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

985.101 Taking a child into custody.—

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

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

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

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

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

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

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

(a) A prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program for misdemeanor offenses shall be established in each judicial circuit in the state. The state attorney and public defender of each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program and develop its policies and procedures. In developing the program's policies and procedures, input from other interested stakeholders may be solicited. The department shall annually develop and provide guidelines on best

practice models for prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ programs to the judicial circuits as a resource.

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

1. The misdemeanor offenses that qualify a juvenile for participation in the program. Offenses involving the use or possession of a firearm do not qualify for a prearrest delinquency citation program.~~;~~

2. The eligibility criteria for the program.~~;~~

3. The program's implementation and operation.~~;~~

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

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

(c) The state attorney of each circuit shall operate a prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program in each circuit. A sheriff, police department, county, municipality, locally authorized entity, or public or private educational institution may ~~continue to~~ operate an independent prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program ~~that is in operation as of October 1, 2018,~~ if the independent program is reviewed by the state attorney of the applicable circuit and he or she determines that the independent program is substantially similar to the prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program developed by the circuit. If the state attorney determines that the independent program is not substantially similar to the prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program developed by the circuit, the operator of the independent ~~diversion~~ program may revise the program and the state attorney may conduct an additional review of the independent program. A civil citation or similar prearrest diversion program existing before July 1, 2024, shall be deemed a delinquency citation program authorized by this section if the civil citation or similar prearrest diversion program has been approved by the state attorney of the circuit in which it operates and it complies with the requirements in paragraph (2)(b).

~~(d) A judicial circuit may model an existing sheriff's, police department's, county's, municipality's, locally authorized entity's, or public or private educational institution's independent civil citation or similar prearrest~~

~~diversion program in developing the civil citation or similar prearrest diversion program for the circuit.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ~~Beginning October 1, 2018,~~ Each law enforcement agency shall submit to the department data for every minor charged for the first-time, who is charged with a misdemeanor, and who was ~~that identifies for each minor who was eligible for a diversion program, but was instead~~ referred to the department, provided a notice to appear, or arrested:

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

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

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

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

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

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

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

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

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

985.245 Risk assessment instrument.—

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

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

985.25 Detention intake.—

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

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

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

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

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

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

(f) Notwithstanding any other provision of law, a child on probation for an underlying felony firearm offense in chapter 790 and who is taken into custody under s. 985.101 for violating conditions of probation not involving a new law violation shall be held in secure detention to allow the state attorney to review the violation. If, within 21 days, the state attorney notifies the court that commitment will be sought, then the child shall remain in secure detention pending proceedings under s. 985.439 until the initial 21-day period of secure detention has expired. Upon motion of the state attorney, the child may be held for an additional 21-day period if the court finds that the totality of the circumstances, including the preservation of public safety, warrants such extension. Any release from secure detention shall result in the child being held on supervised release with electronic monitoring pending proceedings under s. 985.439.

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

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

985.255 Detention criteria; detention hearing.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

985.26 Length of detention.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) After appropriate sanctions for the offense are determined, including any minimum sanctions required by this section, the court shall develop, approve, and order a plan of probation that will contain rules, requirements, conditions, and rehabilitative programs, including the option of a day-treatment probation program, that are designed to encourage responsible

and acceptable behavior and to promote both the rehabilitation of the child and the protection of the community.

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

985.435 Probation ~~and postcommitment probation~~; community service.

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

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

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

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

985.438 Graduated response matrix.—

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

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

(a) Increased contacts.

(b) Increased drug tests.

(c) Curfew reductions.

(d) Increased community service.

(e) Additional evaluations.

(f) Addition of electronic monitoring.

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

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

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

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

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

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

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

(3) If the child denies violating the conditions of probation ~~or post-commitment probation~~, the court shall, upon the child's request, appoint counsel to represent the child.

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

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

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

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

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

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

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

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

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

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

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

985.441 Commitment.—

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

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

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

(c) The child is before the court for disposition for a violation of s. 800.03, s. 806.031, or s. 828.12; or

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

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

985.455 Other dispositional issues.—

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

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

985.46 Conditional release.—

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

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

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

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

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

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

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

(b) A curfew.

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

(d) A prohibition on use of controlled substances.

(e) A prohibition on possession of firearms.

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

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

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

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

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

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

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

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

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

2. The sexual offender's most current address and place of permanent, temporary, or transient residence within the state or out of state, and address, location or description, and dates of any current or known future temporary residence within the state or out of state, while the sexual offender is in the care or custody or under the jurisdiction or supervision of the department in this state, including the name of the county or municipality in which the offender permanently or temporarily resides, or has a transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state; and, if known, the intended place of permanent, temporary, or transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state upon satisfaction of all sanctions.

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

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

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

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

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

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

985.601 Administering the juvenile justice continuum.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)

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

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

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

(3)

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

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

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

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

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

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

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

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

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

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

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

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

13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as provided in s. 790.115.

Section 25. Paragraph (b) of subsection (1) of section 985.11, Florida Statutes, is amended to read:

985.11 Fingerprinting and photographing.—

(1)

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

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

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

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

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

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

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

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

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

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

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

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

13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property as defined in s. 790.115.

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

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

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

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

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

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

Approved by the Governor April 26, 2024.

Filed in Office Secretary of State April 26, 2024.