

26 | presumption in favor of release on nonmonetary conditions for
27 | any person who is granted pretrial release unless such person is
28 | charged with a dangerous crime as defined in subsection (5) ~~(4)~~.
29 | Such person shall be released on monetary conditions if it is
30 | determined that such monetary conditions are necessary to assure
31 | the presence of the person at trial or at other proceedings, to
32 | protect the community from risk of physical harm to persons, to
33 | assure the presence of the accused at trial, or to assure the
34 | integrity of the judicial process.

35 | (4) SPECIAL CONDITIONS FOR CERTAIN OFFENSES INVOLVING
36 | SCHOOLS OR STUDENTS.-

37 | (a) As used in this subsection, the term "school" has the
38 | same meaning as provided in s. 1003.01(2) and includes a private
39 | school as defined in s. 1002.01, a developmental research school
40 | as described in s. 1002.32, a charter school as described in s.
41 | 1002.33, a voluntary kindergarten education program as described
42 | in s. 1002.53(3), early learning programs, a public school as
43 | described in s. 402.3025(1), and the Florida School for the Deaf
44 | and the Blind.

45 | (b) When a person is charged with a crime under s.
46 | 790.115, s. 790.161, s. 790.1615, s. 790.162, s. 790.163, s.
47 | 790.164, s. 790.165, s. 790.166, s. 810.095, or s. 836.10,
48 | alleged to have been committed at or against a school or against
49 | a student while he or she is in attendance at school, the court
50 | must consider whether conditions of electronic monitoring and a

51 prohibition from being within 1,000 feet of any school are
52 appropriate to protect the community from risk of physical harm
53 to persons.

54 Section 2. Section 948.301, Florida Statutes, is created
55 to read:

56 948.301 Electronic monitoring as a condition of probation
57 or community control for certain offenders.-

58 (1) As used in this section, the term "school" has the
59 same meaning as provided in s. 1003.01(2) and includes a private
60 school as defined in s. 1002.01, a developmental research school
61 as described in s. 1002.32, a charter school as described in s.
62 1002.33, a voluntary kindergarten education program as described
63 in s. 1002.53(3), early learning programs, a public school as
64 described in s. 402.3025(1), and the Florida School for the Deaf
65 and the Blind.

66 (2) Effective for any probationer or community controllee
67 whose crime was committed on or after October 1, 2023, and who
68 is placed under supervision for a violation of s. 790.115, s.
69 790.161, s. 790.1615, s. 790.162, s. 790.163, s. 790.164, s.
70 790.165, s. 790.166, s. 810.095, or s. 836.10, committed at or
71 against a school or against a student while he or she is in
72 attendance at school, the court must consider whether conditions
73 of electronic monitoring and a prohibition from being within
74 1,000 feet of any school are appropriate for the offender.

75 Section 3. Paragraph (c) of subsection (2) of section

76 | 790.065, Florida Statutes, is amended to read:

77 | 790.065 Sale and delivery of firearms.—

78 | (2) Upon receipt of a request for a criminal history
79 | record check, the Department of Law Enforcement shall, during
80 | the licensee's call or by return call, forthwith:

81 | (c)1. Review any records available to it to determine
82 | whether the potential buyer or transferee has been indicted or
83 | has had an information filed against her or him for an offense
84 | that is a felony under either state or federal law, or, as
85 | mandated by federal law, has had an injunction for protection
86 | against domestic violence entered against the potential buyer or
87 | transferee under s. 741.30, has had an injunction for protection
88 | against repeat violence entered against the potential buyer or
89 | transferee under s. 784.046, or has been arrested for a
90 | dangerous crime as specified in s. 907.041(5)(a) ~~s.~~

91 | ~~907.041(4)(a)~~ or for any of the following enumerated offenses:

- 92 | a. Criminal anarchy under ss. 876.01 and 876.02.
- 93 | b. Extortion under s. 836.05.
- 94 | c. Explosives violations under s. 552.22(1) and (2).
- 95 | d. Controlled substances violations under chapter 893.
- 96 | e. Resisting an officer with violence under s. 843.01.
- 97 | f. Weapons and firearms violations under this chapter.
- 98 | g. Treason under s. 876.32.
- 99 | h. Assisting self-murder under s. 782.08.
- 100 | i. Sabotage under s. 876.38.

101 j. Stalking or aggravated stalking under s. 784.048.

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103 If the review indicates any such indictment, information, or
 104 arrest, the department shall provide to the licensee a
 105 conditional nonapproval number.

106 2. Within 24 working hours, the department shall determine
 107 the disposition of the indictment, information, or arrest and
 108 inform the licensee as to whether the potential buyer is
 109 prohibited from receiving or possessing a firearm. For purposes
 110 of this paragraph, "working hours" means the hours from 8 a.m.
 111 to 5 p.m. Monday through Friday, excluding legal holidays.

112 3. The office of the clerk of court, at no charge to the
 113 department, shall respond to any department request for data on
 114 the disposition of the indictment, information, or arrest as
 115 soon as possible, but in no event later than 8 working hours.

116 4. The department shall determine as quickly as possible
 117 within the allotted time period whether the potential buyer is
 118 prohibited from receiving or possessing a firearm.

119 5. If the potential buyer is not so prohibited, or if the
 120 department cannot determine the disposition information within
 121 the allotted time period, the department shall provide the
 122 licensee with a conditional approval number.

123 6. If the buyer is so prohibited, the conditional
 124 nonapproval number shall become a nonapproval number.

125 7. The department shall continue its attempts to obtain

126 | the disposition information and may retain a record of all
127 | approval numbers granted without sufficient disposition
128 | information. If the department later obtains disposition
129 | information which indicates:

130 | a. That the potential buyer is not prohibited from owning
131 | a firearm, it shall treat the record of the transaction in
132 | accordance with this section; or

133 | b. That the potential buyer is prohibited from owning a
134 | firearm, it shall immediately revoke the conditional approval
135 | number and notify local law enforcement.

136 | 8. During the time that disposition of the indictment,
137 | information, or arrest is pending and until the department is
138 | notified by the potential buyer that there has been a final
139 | disposition of the indictment, information, or arrest, the
140 | conditional nonapproval number shall remain in effect.

141 | Section 4. This act shall take effect October 1, 2023.