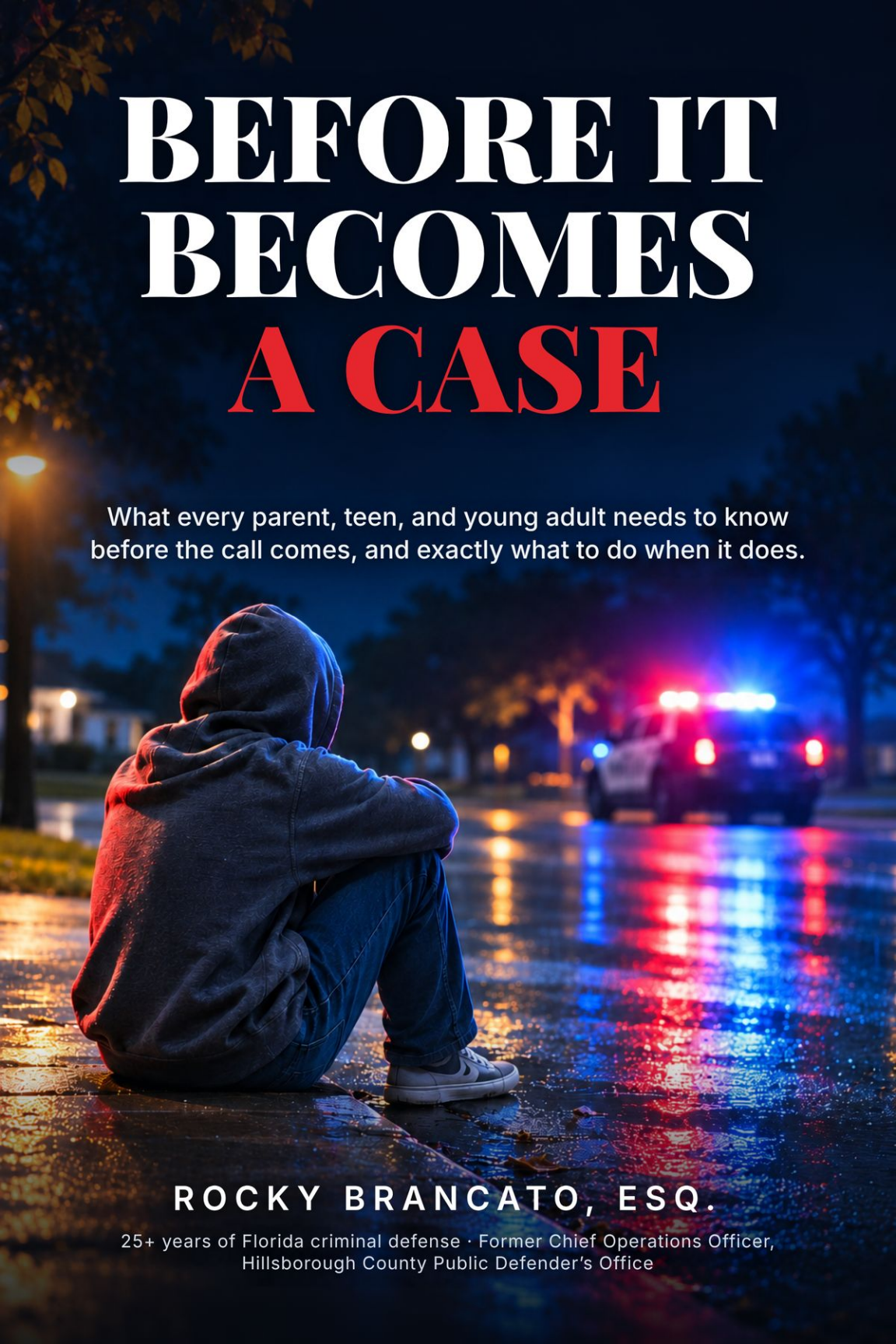
BEFORE IT BECOMES A CASE

What every parent, teen, and young adult needs to know before the call comes, and exactly what to do when it does.



ROCKY BRANCATO, ESQ.

25+ years of Florida criminal defense · Former Chief Operations Officer, Hillsborough County Public Defender's Office

BEFORE IT BECOMES A CASE

A Florida Defense Lawyer's Prevention Guide for Parents, Teens, and Young Adults

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Before It Becomes a Case: A Florida Defense Lawyer's Prevention Guide for Parents, Teens, and Young Adults

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This book provides general information about Florida law and related federal rules as of November 2026. It is not legal advice, and reading it does not create an attorney-client relationship. Laws, court decisions, and school and college policies change, and the right answer in any situation depends on its specific facts. If you or your child face a legal problem, consult a lawyer about your situation.

The people and events described in the examples in this book are composites and illustrations. Names and identifying details are invented. Any resemblance to actual persons is coincidental.

Past results do not guarantee future outcomes. No lawyer can promise a particular result in any case.

If someone is in immediate danger, call 911. For a mental health crisis, call or text 988.

For Kaia

I have spent my life standing beside other people's children
on the worst days of their lives.

Every one of them was somebody's whole world.
You are mine.

May you never need a single page of this book.
And if you ever do, remember the last one:
call me. I will always answer with help.

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A Note Before You Begin

I have spent more than twenty-five years in Florida courtrooms. I started as an assistant public defender in Escambia County, in Pensacola, and then moved to the Hillsborough County Public Defender's Office in Tampa. Over the years I worked as a line attorney, a division chief, the office's training director, a bureau chief, and finally as Chief Operations Officer, overseeing a staff of over 100 attorneys. Today I run my own firm in downtown Tampa. Along the way I have handled thousands of felony cases, and my practice has run from DUI to the death penalty.

That is not why I wrote this book.

I wrote it because of a pattern I have watched repeat itself for my entire career. A good kid from a good family makes one decision in thirty seconds. A text. A screenshot. A shove in a hallway. A ride with the wrong driver. A pill passed across a table at a party. Then the adults around that young person make a second round of decisions in the next thirty minutes, usually with the best of intentions and almost no information. That second round is often what decides how the story ends.

I have seen a joke in a group chat become a felony arrest. I have seen a fifteen-year-old explain everything to a detective because he thought cooperating would make it go away. I have seen parents march their child into a school office to "get it all out in the open," only to learn later that the school had already called the police and everything the child said was in a report. I have also seen the opposite. I have seen families who knew what to do, who stayed calm, who called the right people in the right order, and whose children walked away with nothing more than a hard lesson.

What separated those families was information. Money and luck had little to do with it.

This book is meant to give you that information. It is a prevention guide first. It is meant to be read before anything happens, on a quiet night, by a parent and a teenager together, or by a young adult who is out on their own for the first time and has no one at the kitchen table to ask. It is also a field manual for the day something does happen, when you need to know who is asking the questions, what process is starting, and what you should and should not do in the first hour.

A word about who I am in this conversation

I have stood on every side of these cases. As a public defender I represented children in juvenile court and teenagers who had been charged as adults. As the office's training director I designed the programs, including trial skills programs, that hundreds of Tampa Bay attorneys went through. Some of the lawyers I trained are judges now. I taught criminal procedure, criminal law, and courtroom testimony at the police academy, so I know how officers are taught to think about interviews and evidence.

I also served for years on Hillsborough County's juvenile civil citation committee, where we worked to develop and expand the use of civil citations so that a child's first mistake did not have to become a child's first arrest. I chaired the Thirteenth Judicial Circuit's Juvenile Justice Advisory Board from 2022 to 2024, and I served on the circuit's Problem-Solving Courts Oversight Committee from 2012 to 2023. I sat on the board of the Pace Center for Girls. And from 2015 to 2024 I served as vice chair of the youth and gun violence committee of Safe and Sound Hillsborough, a community violence collaborative that approaches violence as a public health problem. For that work I designed a mock trial scenario that we staged in community centers, public schools, and the courthouse itself for hundreds of at-risk teenagers across Hillsborough County. I watched those young people sit in a real courtroom and see, for the first time, how one decision made in a few seconds is taken apart, piece by piece, in front of a judge and jury. Many of them had never thought about it that way. This book is my attempt to give every family that same view before they ever need it. I mention all of this because when I tell you what the system does to

young people, and what it can do for them when it works, I am speaking from inside the rooms where those decisions get made.

I am also a parent. I know what it feels like to want to fix everything immediately. I know the instinct to demand the whole story right now. This book will ask you to slow that instinct down, not because your child does not owe you the truth, but because the order in which things happen matters a great deal.

What this book is, and what it is not

This book explains Florida law and the federal rules that most often come into play when a young person gets into trouble at school, online, at a party, behind the wheel, or on a college campus. Where the law matters, I cite it. The footnotes give you the statute or the case so you, your lawyer, or your school can read the source for yourselves. The law in these notes is current as of November 2026. Laws change, and school and college policies change even faster, so check the current version when you need it.

This book is not legal advice for your situation. Every case turns on its own facts, and a small fact can change everything. The stories in these pages are composites and illustrations with invented names, but every pattern in them is one I have seen in real cases.

This book is also not only for teenagers. Some of the hardest cases I have handled involved young adults between 18 and 25: a college freshman arrested outside a bar, a nineteen-year-old accused of sexual assault after a party, a twenty-year-old who drove the car the night a friend decided to rob someone. At 18, the law treats a person as an adult. Judgment does not arrive on a birthday. The young adult in college or in a first job faces adult charges, adult records, and adult consequences, often while living hours away from anyone who can help. I wrote this book for them, too.

This book is not written for one kind of reader. A student may pick it up because someone hurt them, because they saw something happen, or because someone has accused them of something. Those situations call

for very different kinds of help, and I try to speak to each of them. What they share is simple. A young person should be able to go to a trusted adult, tell the truth about what happened, and get help without having to solve everything alone in the middle of the night.

How to use it

If you are reading this before anything has happened, start at the beginning. Part One is about the conversations every family should have and the plan every young person should carry on their phone. Parts Two through Four cover the situations that most often turn into cases: phones and the internet, the zero-tolerance climate at schools and colleges, police and school questioning, parties, cars, fights, weapons, felony murder, hazing, domestic violence, the everyday arrests like shoplifting and suspended licenses, and relationships, including the alcohol-and-consent situation that destroys more young adult futures than almost anything else. Part Five explains the systems that take over after a report, including a chapter on the adult criminal system for anyone 18 or older.

If something has already happened, go to the page titled “Start Here” that follows this note. It will point you to the right chapter. Then go to the back of the book. The First-Hour Checklist and the Incident Log are there for exactly this moment.

The title of this book is a promise and a warning. Most of what decides how a young person’s case ends happens before it ever becomes a case: before a charge is filed, a statement is signed, or a screenshot is forwarded. Families have the most power in that window, and I want you to be ready for it.

Rocky Brancato

Tampa, Florida

November 2026

Start Here

If someone is hurt, in danger, or may be overdosing. Call 911 now. Give the exact location and describe what you see. Follow the dispatcher's instructions. Nothing in this book is more important than that call. Florida law gives specific protections to people who call for help in an overdose, and Chapter 11 explains them, but do not stop to read about them first.

If a police officer or detective wants to talk to you or your child. Read Chapter 8 before anyone answers a single question. Then read Chapter 10.

If the school called and wants a meeting. Read Chapters 9 and 10, then Chapter 24.

If an image, a threat, or a rumor is spreading online. Read Chapters 4, 5, and 7. Do not forward anything. Do not screenshot an explicit image of anyone who may be under 18, not even to report it.

If your child has been taken into custody. Read Chapter 22. Find out where your child is and when the detention hearing will be held. In Florida that hearing generally happens within 24 hours.

If you are 18 or older and were arrested, or your adult child was. Read Chapter 23, then Chapter 8. If still in custody, the arrested person must generally be brought before a judge within 24 hours. Say nothing about the facts there.

If a young adult has been accused of sexual assault, or someone was harmed after a night of drinking. Read Chapter 18 today. Do not text, call, or apologize to the other person. Then read Chapters 25 and 26.

If someone died or was seriously hurt during something a group of friends did together. Read Chapter 15 and call a lawyer before anyone speaks to the police.

If a college student received a conduct notice, a Title IX notice, or a no-contact directive. Read Chapters 25 and 26.

If the incident involved a fight, a weapon, alcohol or drugs, a car, an initiation, a dating relationship, a fight at home, or a theft. Chapters 11 through 20 cover each of those.

If the case is over and you are worried about the record. Read Chapter 27.

If you want to prevent all of this. Read Chapters 1 through 3 together as a family, then fill out the Family Plan at the back of the book.

PART ONE

Before Anything Happens

CHAPTER 1

Thirty Seconds and the Long Tail

Every case I have ever handled had a beginning. Most people think the beginning is the arrest, or the phone call from the school, or the knock on the door. It is not. The beginning is almost always a short window of time, often less than a minute, when a young person did something without thinking about what came next.

That is not a moral failing. It is how teenagers are built. The parts of the brain that weigh long-term consequences and control impulses are still developing well into a person's twenties. The United States Supreme Court has said as much in a line of cases recognizing that children are different from adults in ways the law has to account for.[1] Our juvenile justice system exists, at least in theory, because of that difference.

The problem is that the consequences do not develop more slowly to match. A message sent in thirty seconds can be a felony on the thirty-first. A photograph forwarded in a group chat can follow a child for years. And once a report is made, a set of institutions starts moving, each with its own rules, its own timelines, and its own reasons for wanting to know what happened.

The long tail

I use the phrase "the long tail" with families because it captures what most people do not see coming. The incident is short, and the consequences are long.

[1] *Roper v. Simmons*, 543 U.S. 551, 569-70 (2005) (juveniles' lack of maturity and underdeveloped sense of responsibility); *Graham v. Florida*, 560 U.S. 48, 68 (2010) (developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds); *J.D.B. v. North Carolina*, 564 U.S. 261, 272-73 (2011) (a child's age affects how a reasonable person in the child's position would perceive questioning by police).

Consider what can flow from a single bad night for a sixteen-year-old in Florida:

- A juvenile arrest record maintained by the Florida Department of Law Enforcement.
- A school discipline record, possibly including a suspension, an expulsion, or an assignment to an alternative school.
- A notice from law enforcement to the school superintendent. Florida law requires the arresting agency to notify the superintendent immediately when a child is taken into custody for an act that would be a felony if committed by an adult, or for a crime of violence. The superintendent must pass that information to appropriate school personnel within 48 hours, and the principal must immediately notify the child's teachers.[2]
- A public record. Many parents believe juvenile records are always confidential. They are not. In Florida, the name, photograph, address, and arrest report of a child taken into custody for an act that would be a felony if committed by an adult are not confidential solely because of the child's age.[3]
- A driver license consequence. A person under 18 found guilty of or delinquent for a drug offense under chapter 893 loses, or has delayed, driving privileges for six months.[4]
- A threat assessment file. Beginning in 2026, Florida law requires certain behavioral records, including threat assessment reports and psychological evaluations kept by school staff, to follow a student from a public K-12 school to a Florida College System institution or state university when the student enrolls.[5]

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[2]Fla. Stat. § 985.101(4) (2026). The same subsection prohibits placing the arrest information in the student's permanent record and requires its removal from school records no later than nine months after the arrest.

[3]Fla. Stat. § 985.04(2)(a) (2026).

[4]Fla. Stat. § 322.056(1) (2026).

[5]Ch. 2026-80, Laws of Fla. (CS/CS/HB 757) (2026) (school safety; transfer of verified reports of serious or recurrent behavior patterns, including threat assessment reports, to Florida College System institutions and state universities).

- Questions on applications for college, scholarships, the military, professional licenses, apartments, and jobs, each asking something slightly different and each requiring a careful, truthful answer.

For a young adult, the tail is longer still. A nineteen-year-old's arrest is an adult arrest, with a booking photograph and a public court file that does not disappear at 21. It can follow that young person into a scholarship review, a college conduct hearing, a nursing or teaching license application, a law school character and fitness inquiry, a security clearance, and an immigration interview. Chapter 23 explains the adult system in detail.

None of that is meant to frighten you. I tell families about the long tail because it is the best argument I know for taking the first hour seriously. Most of those consequences can be prevented, reduced, or managed if the right steps are taken early. Very few of them can be undone after the fact.

Prevention is not a lecture

When I talk to parent groups, someone always asks some version of the same question: "What should I tell my kid so this never happens?"

My honest answer is that telling is the weakest tool you have. Teenagers have heard "don't drink and drive" and "don't send pictures" since elementary school. They know the rules. What they usually lack is a plan for the moment when following the rule feels socially impossible, and a clear sense that calling home will make things better, not worse.

Prevention, the way I mean it in this book, has three parts:

- **Knowledge.** Young people need to know where the real lines are. Not the rumors, not what a friend's cousin said, but what Florida law actually says about images, threats, fights, alcohol, cars, and consent.
- **A plan.** They need to know exactly what they will do and who they will call when something goes wrong. A plan made in

advance is a decision that does not have to be made under pressure.

- **A safe landing.** They need to believe, because you have shown them, that the first response to a call for help will be help.

The rest of this book supplies the knowledge. The next two chapters are about the plan and the landing.

The three questions that matter most

If you remember nothing else from this chapter, remember these three questions. They apply to almost every situation in this book.

Is anyone in danger right now? Safety comes first, always. If someone is hurt, threatened, or may have overdosed, call 911. Florida's Good Samaritan laws exist precisely so that young people will make that call.[6]

Who is asking, and why? A principal, a school resource officer, a detective, a college conduct officer, and a Title IX investigator may all want to talk to the same student about the same incident. They are not the same person, they do not have the same job, and what a student says to one may end up in the hands of another. Chapter 21 explains how one incident can launch several proceedings at once.

What happens next, and when? Every process has a next step: a meeting, a hearing, a deadline, a restriction. Find out what it is, get it in writing, and write it down. The Incident Log in the back of this book is built for exactly this.

[6] Fla. Stat. §§ 562.112, 893.21 (2026) (alcohol-related and drug-related overdose; medical assistance; immunity from arrest, charge, prosecution, and penalization for specified offenses when evidence is obtained as a result of seeking medical help in good faith). The protections have conditions and limits; see Chapter 11.

CHAPTER 2

The Conversations to Have Now

On a Tuesday night, a mother asks her seventh grader what he would do if a friend sent him a nude picture of a girl from school.

He thinks about it and says, “I’d tell you. But you’d take my phone.”

That answer is worth more than any lecture she could have given. In one sentence, he told her the exact thing standing between him and asking for help. He did not say he would keep the picture or forward it. He was afraid of losing his phone, and now she knows what to fix.

I want you to have that conversation, and a dozen like it, before anything happens. This chapter gives you a way to do it.

Why “what would you do” works better than “don’t”

Rules tell a young person what not to do. Scenarios teach them what to do instead. When you ask “what would you do if,” three useful things happen. You learn what your child actually knows. You learn what they are afraid of. And they rehearse a decision before they ever have to make it under pressure.

Keep the scenarios concrete. “What would you do if someone at a party offered you something?” is too vague. “What would you do if you were at Jordan’s house, his parents weren’t home, and someone handed you a pill and said it was just Adderall?” is a real question with a real answer.

Listen more than you talk. If the answer worries you, resist the urge to correct it on the spot. Ask a follow-up instead. “What would make that hard?” is often the most important question in the conversation.

Middle school

Middle school is where most children first encounter group chats, phones in the hands of every classmate, and the social pressure that

makes bad decisions feel normal. It is also where many of the cases I have seen first take root, because the consequences feel so far away.

Start with the people. The first call is always home. Make sure your child knows that, whatever has happened, you are the person they tell first. Then ask them to name one adult at school they could go to if they were in danger during the school day: a counselor, a coach, a teacher they like. Be clear about the difference. A school adult is for safety in the moment. Teachers, coaches, and counselors are often required by law or school policy to pass along what they hear, so the full story belongs at home first.

Practice the words. Many young people do not ask for help because they do not know how to start the sentence. Give them a script to use with you:

> *"Something came to my phone and I don't know what to do. Can you help me without making it a big deal yet?"*

Talk through these scenarios:

- Someone sends a picture of a classmate without clothes. What do you do with your phone? Who do you tell?
- A group is gathering after school to watch a fight. Where do you go? What do you say to your friends?
- Someone posts that they are going to "shoot up" the school, and everyone says it's a joke. Do you tell anyone?
- An older student asks you to hold something in your backpack.

Then make a promise, and mean it. The first response will be to understand what happened and to help. Be honest about the limits of that promise, too. There are times when an adult must involve someone else to keep people safe. A child who understands that in advance will trust you more, not less.

High school

High school raises the stakes. Teenagers drive. They go to parties. They date. They have more independence and more access to alcohol, cannabis, vapes, and pills, some of which are not what they appear to be. They also live a significant part of their lives on platforms where a message can reach hundreds of people in seconds.

Talk through the decision points:

- You are at a party and a friend cannot wake up. Who calls 911? Who meets the ambulance at the door? What address do you give?
- The person who drove you has been drinking. How do you get home? Who do you call if your first call does not answer?
- Someone in the team group chat posts something threatening about another student. What do you do?
- Your boyfriend or girlfriend asks for a picture. What do you say?
- A police officer stops the car you are riding in and asks everyone where they were tonight. What do you say?
- An assistant principal pulls you out of class to ask about a fight you saw. What do you say?

Practice saying a location out loud, clearly, as if to a dispatcher. Practice the exact words a young person can use with police, which I give you in Chapter 8. These are skills, and they get better with rehearsal.

Before college, and for young adults on their own

College, or a first apartment, or a first job, changes everything about who is in charge. When your child turns 18 or enrolls in college, the federal privacy law that governs education records gives the rights to the student, not the parent.[7] You may not hear about a conduct case, a Title IX complaint, or a residence hall incident until your child decides to tell you.

[7] Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g(d); 34 C.F.R. § 99.5(a) (rights transfer to the student at age 18 or upon attendance at a postsecondary institution).

So have the conversation before move-in day:

- Find the campus student conduct office, the Title IX coordinator, the campus police department, and a confidential counseling or advocacy resource. Put the numbers in your student's phone.
- Read the residence hall policy and the medical amnesty policy together, once. Most students never read either until they need it.
- Ask: "If you got an email from the conduct office, would you call me before you answered it?" Agree that the answer is yes.
- Talk about initiation activities. Ask how your student would leave an event that suddenly felt unsafe, and who would help if leaving had consequences inside the group.
- Talk about consent in plain words a young adult can actually use. "Do you want to keep going?" and "Let's stop" are ordinary sentences. They should feel ordinary.
- Decide together whether your student wants to sign a records release so the college can talk to you. Some will. Some will not. Either way, know where the form is.
- Talk about the night that ends young adult lives: a party, a lot of alcohol, and a hookup that one person remembers differently the next day. Chapter 18 is written for exactly that conversation. Read it together, or at least make sure your son or daughter reads it.
- Talk about the friend with the bad plan. The car break-in, the "lick," the drive to settle a score. Chapter 15 explains why the driver and the lookout can be charged with murder if someone dies. Every young adult needs to know that before they get in the car.
- Make sure they know that conduct at 18 or older ordinarily falls under the adult criminal system. The police generally are not required to call you. Your young adult has to call you, and has to know the words in Chapter 8 by heart.

The mistake I see most often

The most common mistake I see is a parent who had the talk once, years ago, and assumed it stuck.

These conversations work best in small pieces, repeated. A news story, a friend's trouble, or a long car ride can open the door. What you need is a habit, and a family meeting is rarely the way to build one.

CHAPTER 3

The Plan and the Landing

A plan is a decision you make once, in calm, so you do not have to make it in chaos. Every young person should carry one. This chapter helps you build it, and helps you, the parent, prepare for the hardest part: what you say when the call actually comes.

Two names, two numbers

Start with people. Every young person needs two adults they can call at any hour: a first call and a backup. The first call is usually a parent. The backup should be someone who will actually answer at two in the morning and who your child will actually call. For some families that is an aunt or uncle, an older sibling, a godparent, or a family friend. Every family's support network looks different. Write down the people who will pick up.

Then add a school or campus contact, and agree on what happens if the first call does not answer. "Call twice, then call the backup" is a plan. "Try to reach someone" is not.

A way to ask without explaining

Teenagers often will not call for help if calling means explaining everything first, in front of their friends. Solve that problem in advance.

Some families use a code word or a code text. A single emoji. A phrase like "Did you feed the dog?" The agreement is simple: when the parent gets that message, the parent calls back and says, loudly enough to be overheard, that the child has to come home now. The child gets to leave with a reason that is not their fault. The questions wait until the car ride, or until the next morning.

It sounds small, but I have represented young people who stayed in a dangerous situation, or got into a car with a driver they knew was

impaired, because they could not think of a way to leave that would not cost them socially. Give your child the way out before they need it.

The landing

Here is the hardest part of this book for most parents.

When the call comes, your first words will determine whether there is a second call, next month or next year. If the first response to "I need help" is anger, punishment, or a demand for every detail right now, a young person learns that calling home makes things worse. The next time, they will try to handle it alone. That is when the worst outcomes happen.

So practice your first words, too. Try these:

> *"I'm glad you called. Where are you? Are you safe? What do you need from me right now?"*

That is the whole script. Everything else can wait until everyone is safe and the immediate decisions have been made. You can be furious tomorrow, and consequences at home can come later. The safe landing cannot wait.

Do not become the interrogator

This next point surprises almost every parent I meet, so I want to be direct about it.

Florida does not recognize a parent-child privilege. The parent-child relationship alone does not protect a conversation from being used in court. If your child tells you what happened, you can be subpoenaed and asked, under oath, what your child said.[8]

[8] Florida's evidentiary privileges are found principally in Fla. Stat. §§ 90.501-90.510 (2026). They include the lawyer-client privilege, § 90.502, and the spousal privilege, § 90.504, among others. None protects communications between a parent and a child. See Fla. Stat. § 90.501 (2026) (except as provided by the Evidence Code, another statute, or the federal or state constitution, no person has a privilege to refuse to be a witness or to disclose any matter).

That does not mean you should not talk to your child. Of course you should. Your child needs to know you love them and that you are on their side. But when your child may be facing a criminal allegation, there is an important difference between asking "Are you safe? What do you need?" and sitting your child down at the kitchen table to get "the whole truth" about what they did.

The conversation that can be protected is the conversation between your child and your child's lawyer. The lawyer-client privilege belongs to the client, who in a juvenile case is the child.[9] Talk to the lawyer early about how to handle family conversations, and about whether, and when, a parent should be in the room for the lawyer's meeting with the child. Those are judgment calls that depend on the case.

The same caution applies to the rest of the family. A group conversation in the kitchen, with three adults asking the same question in three different ways, can also change what a young person remembers and how they tell it later. Memory is rebuilt a little each time a person tells a story, so protect it.

What to do with what you know

If your child tells you something serious, write down the practical facts you need for safety and for the next deadline: where, when, who was there, who contacted you, what was said about meetings or interviews. Separate what your child told you from what you heard from others. Keep any written notices. Do not try to investigate the incident yourself by calling other students or their parents. Chapter 10 walks you through the first hour step by step.

Put it on the phone

At the back of this book is a one-page Family Plan. Fill it out together. Take a picture of it and put it in your child's phone, in a note or a saved photo they can find without a signal. Revisit it when something changes: a new school, a driver's license, a move to a college campus. The plan only works if it is current.

[9] Fla. Stat. § 90.502 (2026).

The goal of Part One is that when something goes wrong, and at some point something will, your child knows who to call and what to say, and knows that the first thing to come back will be help.

PART TWO

Phones, Messages, and the Internet

CHAPTER 4

Images: Sexting, Sextortion, and Deepfakes

Nora's phone lights up during dinner. Someone from school has sent her a picture she never asked for: a girl from her grade, without her shirt. A friend texts a minute later. "Forward it to me so we can figure out who it is."

Across town, a sixteen-year-old boy is staring at a message from an account he thought belonged to a girl his age. The account has a picture he sent her an hour ago. The new message says he has until midnight to send $500, or the picture goes to every follower on his list, starting with his mother.

For both of these young people, the next few minutes matter more than almost anything else in this book.

The law treats images of minors more seriously than almost anything else

I want to be precise here, because this is an area where the rumors are dangerous in both directions. Some teenagers think nothing will happen because "everyone does it." Some parents think any image means a child pornography charge and sex offender registration. Neither is accurate. The truth depends on what the image shows, how old everyone is, how the image was made, and what each person did with it.

Florida has several different laws that can apply:

The minor-sexting statute. Florida created a specific law for minors who send or possess nude images of other minors. A minor commits sexting by knowingly using a phone or computer to send another minor a photo or video of any person that depicts nudity and is harmful to minors, or by knowingly possessing such an image that was sent by another minor. The first violation is a noncriminal violation. The minor

must sign a citation promising to appear in juvenile court, and the penalty can include community service, a civil penalty, and a cyber-safety program. A second violation is a first-degree misdemeanor. A third is a third-degree felony.[10]

The statute also contains an important protection for the child who receives an image they did not ask for. Possession is not a violation if the minor did not solicit the image, took reasonable steps to report it to a legal guardian, a school official, or a law enforcement official, and did not send it to anyone else.[11] That protection is real, but the reporting piece is where families get hurt. A report to a school official or an officer is a statement, and it is often the first time anyone hears the child's account. The safe first step is to tell a parent. A parent should consider calling a lawyer before anyone goes to the school or the police.

The child sexual abuse material laws. The sexting statute is a narrow exception. When an image of a minor goes beyond nudity and depicts sexual conduct, or when an adult is involved, Florida's child sexual abuse material statute can apply, and those are serious felonies.[12] An eighteen-year-old high school senior who receives and keeps an explicit image of a sixteen-year-old classmate is not a minor under the sexting statute. That is one of the most dangerous gaps I see, because the senior and the classmate may sit in the same classroom and think of themselves as peers, but the law does not see them that way.

AI-generated images. Since 2024, Florida has separately criminalized "generated child sexual abuse material," which includes images created or altered by computer to depict a fictitious person that a reasonable person would regard as a real child under 18 engaged in sexual conduct. Knowingly possessing or intentionally viewing such material is a third-

[10]Fla. Stat. § 847.0141(1), (3) (2026). Subsection (4) preserves prosecution under other laws when the image also depicts sexual conduct or sexual excitement.

[11]Fla. Stat. § 847.0141(1)(b) (2026).

[12]Fla. Stat. § 827.071 (2026) (sexual performance by a child; child sexual abuse material). Florida renamed the offense from "child pornography" to "child sexual abuse material" in recent legislation, and the current statute uses that term.

degree felony. Creating it or transmitting it is a second-degree felony.[13] No real child needs to be depicted.

Deepfakes of real people. Florida also makes it a third-degree felony to generate, solicit, or willfully and maliciously promote an "altered sexual depiction" of an identifiable person without that person's consent. A label or disclaimer saying the image is fake is not a defense.[14] "It's just AI" does not work as an excuse. Neither does "I didn't make it, I only shared it."

Real images shared without consent. Willfully and maliciously publishing or electronically sending a sexually explicit image of a person, with identifying information, without that person's consent and in violation of their reasonable expectation of privacy, is sexual cyberharassment. Ordinarily, the first offense is a first-degree misdemeanor, and an offense after a prior conviction is a third-degree felony. An offense committed for financial gain is a third-degree felony on the first violation and a second-degree felony on a later violation. The law says specifically that sending an image to one person does not, by itself, end the sender's expectation of privacy.[15] Permission to send a picture to one person is not permission for that person to share it with anyone else.

If an image arrives

Here is the sequence I want every young person in Florida to know by heart:

- **Stop.** Do not forward it. Not to a friend, not to "figure out who it is," not to a parent, not even to prove what happened. Every new copy is a new problem for the person in the picture and a potential new offense for the person who sent it.
- **Do not screenshot or download it.** A screenshot is a copy.

[13]Fla. Stat. § 827.072 (2026). The section was created by ch. 2024-118, Laws of Fla., and amended in 2026.

[14]Fla. Stat. § 836.13(2)-(6) (2026).

[15]Fla. Stat. § 784.049 (2026).

- **Tell your parent promptly.** The statute protects a minor who takes reasonable steps to report the image to a legal guardian, a school official, or a law enforcement officer. Telling your parent or guardian satisfies that. Start at home, not in the principal's office.
- **Describe it instead of showing it.** Tell the adult who sent it, when, on what platform, and the account name. The adult does not need to see the image to help you.
- **Let your parent decide whether to call a lawyer first.** Do not make new copies, and do not delete things on your own. Do not go to the school or the police on your own. A lawyer can tell your family whether, how, and to whom the image should be reported, and can make that report in a way that protects you.

For parents, the hardest part of this is the instinct to see the image yourself. Resist it. You can say, "I believe you that this needs attention. Tell me how it came to you." Then consider calling a lawyer before you call the school or the police. What looks like a simple report can turn into questions about who else saw it, who kept it, and what your child sent back. A lawyer can decide with you whether a report is needed and handle it without your child becoming a link in the chain.

If you are the person in the picture

If you are the person in the image, you deserve help. That is true whether you took the picture yourself and sent it to someone you trusted, or whether someone took it without your knowledge, or whether it was created with an app and is not really you at all.

There are tools built for this. The National Center for Missing & Exploited Children runs a service called Take It Down that helps remove or limit the spread of nude or sexual images taken before a person turned 18 on participating platforms. Its instructions say to use the file already on your device; never download or request a new copy to use the service. For altered images, Florida law now requires covered online platforms to provide a process for a depicted person to request removal, and to remove the image within 48 hours of a valid request and make

reasonable efforts to remove identical copies.[16] A federal law also requires covered platforms to remove nonconsensual intimate images, including digital forgeries, within 48 hours of a valid request.[17]

You can also ask the school for help with privacy, safety, and the practical problem of walking into class when you know people have seen something. A school counselor or advocate can help you decide whom to tell and what support to ask for.

Sextortion

Sextortion is a threat to release an intimate image, or to send it to family or friends, unless the victim pays money, sends more images, or does something else. It often begins with a stranger pretending to be another teenager. Many of these schemes are run by organized groups overseas, and the financial schemes most often target teenage boys. The pressure is designed to be overwhelming, and the deadline is always short.

Here is what I need every young person to know: you are the victim. You are not in trouble for being targeted. Under Florida law, threatening to expose someone's secrets or disgrace them to force them to pay or act against their will is extortion, a second-degree felony.[18] The person committing a crime is the one making the threat.

What to do:

- **Tell a parent immediately.** This is the single most important step. The scheme depends on isolation and panic.
- **Do not pay.** Payment does not guarantee it will stop and often leads to further demands.
- **Do not send more images, and do not negotiate.**

[16] Fla. Stat. § 836.13(8) (2026) (added by ch. 2025-133, Laws of Fla., known as "Brooke's Law"). A platform's failure to reasonably comply is treated as an unfair or deceptive trade practice.

[17] TAKE IT DOWN Act, Pub. L. No. 119-12, 139 Stat. 55 (2025).

[18] Fla. Stat. § 836.05 (2026).

- **Preserve the threat, not the image.** Save the account name, the messages that contain the demand, any payment instructions, and the dates. Do not reproduce any explicit image.
- **Report the account** to the platform. A parent can report the exploitation to the NCMEC CyberTipline or the FBI. If there is more to the story, such as images sent to other people, a parent should talk to a lawyer before making that report. If you are in danger, call 911.

I have spoken with parents who learned about sextortion only after the worst possible outcome. These schemes have been linked to suicides of teenagers who believed their lives were over. They were not. If your child is reading this: nothing in a picture is worth your life, and there are adults whose entire job is to help you get through this. Tell someone tonight.

For the parent whose child sent the picture

Sometimes the call is about a child who sent an image, forwarded one, or kept one.

Stop the circulation first. Make sure your child is not sending anything further. Then get advice before your child explains the details to the school or to an officer. The difference between a noncriminal sexting citation and a felony can turn on facts that a fourteen-year-old does not know are important: whether the image was solicited, what exactly it depicts, how old each person was, how many people received it, and whether it was ever deleted. Those questions should be answered with a lawyer, not in a hallway.

The decision that matters

If a friend asks you to forward an image so the group can figure out who it is, the answer is no. Tell your parent how the image reached you. That one decision protects the person in the picture, and it protects you.

CHAPTER 5

The Group Chat: Threats, Jokes, and Bullying

Late Sunday night, a sophomore named Mateo sees a post in his team's group chat. One of his teammates, angry after a fight with another player at Friday's practice, has written that Monday is going to be "the last practice for some people" and added a picture of a gun from a video game. Two people respond with laughing emojis. One says "bro chill." Mateo takes a screenshot and sends it to his coach.

By Monday morning, an administrator is running a threat assessment, a sheriff's deputy is asking who wrote the message, and the teammate's parents are wondering how a joke became a police matter overnight.

I have seen versions of this case more times than I can count, and they have become far more common since 2018. They are some of the most heartbreaking cases I handle, because the young person charged often truly meant nothing by it, and the law often does not care as much as you would expect about what they meant.

What Florida law prohibits

Florida makes it a crime to send or post a written or electronic threat to kill or do bodily harm to another person, or to make, post, or transmit a threat to conduct a mass shooting or an act of terrorism in a way that allows another person to see it.[19] These are second-degree felonies in most circumstances. After the 2018 shooting at Marjory Stoneman Douglas High School in Parkland, the Legislature broadened the statute specifically so that posts on social media, visible to anyone, are covered even if they were not sent directly to the person threatened.

Florida also makes it a felony to make a false report, with intent to deceive or mislead, about planting a bomb or using firearms in a violent

[19] Fla. Stat. § 836.10 (2026).

manner.[20] That is the statute used for the "there's a gun in the bathroom" message, the prank call, and the anonymous post about a shooting that never existed.

In school, these cases carry a second weight. Florida's zero-tolerance law requires that a student found to have made a threat or false report under those firearm and bomb statutes, involving school property, school transportation, or a school-sponsored activity, be expelled for at least one full year and referred to the criminal or juvenile justice system, though the superintendent may ask the school board to modify that requirement case by case.[21] Chapter 24 explains how that works.

"I was only joking"

This is the defense every teenager reaches for first, and I understand why. To them, it was obviously a joke. Their friends knew it was a joke. They added an emoji.

Here is the problem. Schools, police, and courts do not read a message the way the sender's friends did. They read it the way a stranger would, with the benefit of hindsight and the weight of every school shooting they have ever heard about. They look at the words, the audience, the timing, any history between the people involved, and whether the sender had any access to weapons. An emoji, a deleted post, or a later message saying "lol jk" are part of that picture. They rarely end it.

The Constitution does matter here. The First Amendment protects a great deal of ugly, angry, and offensive speech. In 2023, the United States Supreme Court held that to convict someone of making a "true threat," the government must prove at least that the speaker was reckless about the threatening nature of what they said: that they consciously disregarded a substantial risk that their words would be viewed as threatening violence.[22] That is a real protection, and in the right case it can be the difference between a conviction and an acquittal. It does not require proof that the speaker actually intended to hurt

[20] Fla. Stat. § 790.163 (2026).

[21] Fla. Stat. § 1006.13(3)(a)-(b) (2026).

[22] *Counterman v. Colorado*, 600 U.S. 66, 79-80 (2023).

anyone. A teenager who posts something he knows could sound like a threat, and posts it anyway because he thinks it is funny, may be exactly the person the Court described.

Schools have even more room to act. In 2021, the Supreme Court held that a public school's authority over off-campus speech is reduced, but not eliminated, and specifically identified serious or severe bullying, harassment, and threats aimed at teachers or other students as areas where a school may still have a significant interest.[23] A Saturday night post from a bedroom can still lead to Monday morning discipline.

Bullying and cyberbullying

Not every harmful message is a threat. Florida law requires every public school district to prohibit bullying and harassment, including cyberbullying, which covers bullying through electronic communication and impersonating another person online. Off-campus cyberbullying using a personal device is covered when it substantially interferes with a student's ability to benefit from school or substantially disrupts the school. When bullying is reported, districts must notify the parents of both the victim and the alleged perpetrator, and must notify local agencies where criminal charges may be pursued.[24]

Some repeated online conduct can also cross into crime. Florida's stalking statute includes cyberstalking: a course of conduct using electronic communication, directed at a specific person, that causes substantial emotional distress and serves no legitimate purpose.[25] Persistent harassment through fake accounts, after someone has asked you to stop, can be the beginning of a criminal case.

If you see it

If a message looks like an immediate threat, call 911. Tell the dispatcher exactly what you saw, the account that posted it, and when.

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[23] *Mahanoy Area School District v. B.L.*, 594 U.S. 180, 188-90 (2021).

[24] Fla. Stat. § 1006.147 (2026).

[25] Fla. Stat. § 784.048 (2026).

For everything else, tell a trusted adult or use the school's reporting system promptly. Florida's FortifyFL app is built for this. It lets students and parents report threats and suspicious activity, anonymously if they choose, and routes the report to law enforcement and school officials.

When you report, keep the context. A screenshot of the whole conversation is more useful than a cropped one. And be clear about what you personally saw versus what someone else showed you. "I saw the post at 10:40 on Sunday in the team chat" is evidence. "Somebody told me he said he was going to bring a gun" is a rumor that may have changed three times before it reached you.

Do not repost the threat to warn everyone. I understand the impulse. But reposting spreads panic, can make an investigation harder, and puts your name on the message.

If you are Mateo, the student who reported, you may face blowback from teammates who think you got someone in trouble. You did the right thing. Ask the school who will handle any retaliation and where you should go if someone confronts you. You are entitled to feel safe at practice, too.

If you posted it

If you are the person who wrote the message, stop. Do not add another post explaining it. Do not delete the thread in a panic. Do not message the people in the chat asking them what they are going to say. Each of those things can create a new problem.

Tell your parents what is happening, and get legal advice before you explain the message to a school administrator or a police officer. I know that sounds backwards. You want to explain. You want everyone to understand it was a joke. But your explanation, given without advice, in a room where you do not know who is listening, is often the strongest evidence the state will ever have. Chapter 8 explains why.

If someone else used your account, say so to your lawyer or your parents right away, and preserve any records that show who had access to your phone or your login.

For parents: take it seriously, and take it slowly

A threat case moves fast. Administrators are under enormous pressure to act within hours, and law enforcement often responds the same day. Parents feel that pressure, too, and the natural instinct is to rush to the school and fix it.

Take it seriously. Chapter 7 explains why schools and colleges now act within hours, and why a risk protection order can follow. Search your home for weapons and secure any firearms. Cooperate with safety measures. And take it slowly when it comes to your child's statements. Find out whether law enforcement is involved before your child sits down for any interview. Ask what process the school is using. Get advice. In my experience, a calm, prepared family gets better results from a threat assessment team than a frantic one, and a young person who did not mean what he wrote has the best chance of showing that when the first words come through counsel.

Read it like a stranger would

Here is the habit I want every teenager to build: before you hit send on anything angry, read it as if you were a stranger who knows nothing about you, nothing about the argument, and has just heard about another school shooting on the news. If that stranger would be scared, do not send it.

CHAPTER 6

Your Phone and Your Privacy

A teenager's phone is a diary, a photo album, a message history, a location log, and a list of everyone they know. In a criminal investigation, it is also frequently the most important piece of evidence in the case. That is why young people need to understand who can look at it, when, and what their rights are.

Police and phones

In 2014, the United States Supreme Court held that police generally need a warrant before searching the digital contents of a cell phone, even a phone taken from a person who has just been arrested. The Court recognized that a modern phone holds "the privacies of life," far more than anything a person could carry in a pocket.[26]

That is a strong rule, but it has exceptions. The biggest one is consent. If you agree to let an officer look through your phone, or unlock it and hand it over, you have likely given up the protection of the warrant requirement for a search within the scope of your consent. Officers are trained to ask in a way that sounds routine. "You don't mind if I take a look, do you?" is a request, and you are allowed to decline it.

What to say:

> *"I don't consent to a search of my phone. I'd like to talk to a lawyer."*

Say it calmly. Do not physically resist, grab the phone back, or try to delete anything. If an officer takes the phone anyway, let them. A lawyer can challenge an unlawful search later. No one can undo an obstruction charge or a destroyed-evidence charge.

[26] *Riley v. California*, 573 U.S. 373, 386, 403 (2014).

Passcodes and Face ID

What happens if police have a warrant for your phone but cannot unlock it? Can they force you to give them the passcode?

In Florida, the honest answer is that the courts have disagreed. The Second District Court of Appeal, which covers Hillsborough and Pinellas Counties among others, held in 2016 that compelling a suspect to provide a passcode was not testimonial and could be ordered in that case.[27] The Fourth District reached the opposite conclusion two years later in a case involving a minor, holding that forcing a juvenile to reveal his passcode would violate his Fifth Amendment privilege against self-incrimination.[28] The Fifth District sided with the Fourth District.[29] The Florida Supreme Court took up the issue in 2022 but decided the case on procedural grounds without settling the constitutional question.

The practical lesson is the same regardless of which court you are in. Do not volunteer your passcode. If you are asked for it, say you want to speak to a lawyer. Your lawyer can decide what the law in your jurisdiction requires.

Biometric unlocking, like a fingerprint or face scan, raises separate questions, and courts around the country have treated it differently from a memorized passcode. If a young person is in a situation where police may seize their phone, it is worth knowing how to quickly disable biometric unlocking. On most phones, pressing certain buttons together brings up an emergency screen and requires the passcode to unlock.

Phones at school

Schools play by different rules. A public school official, acting on the school's own authority, can search a student's belongings if the search is justified at its inception and reasonable in scope. That is a lower

[27] *State v. Stahl*, 206 So. 3d 124 (Fla. 2d DCA 2016).

[28] *G.A.Q.L. v. State*, 257 So. 3d 1058 (Fla. 4th DCA 2018).

[29] *Garcia v. State*, 302 So. 3d 1051 (Fla. 5th DCA 2020), *quashed on other grounds*, *State v. Garcia*, 346 So. 3d 581 (Fla. 2022). The Florida Supreme Court quashed the Fifth District's decision because the district court lacked certiorari jurisdiction, and did not resolve the Fifth Amendment question.

standard than the probable cause police usually need.[30] But it is not unlimited. A search that is excessively intrusive for the suspected violation can be unconstitutional even at school.[31] And a reason to look inside a backpack for a vape does not automatically justify reading every message on a phone. The more intrusive the search, the stronger the reason must be.

The Supreme Court has never decided exactly how the school-search standard applies when a school official searches at the direction of, or together with, a police officer. If a school resource officer is in the room and the search is really a police search, a lawyer may argue that the higher police standard applies. That is one more reason to write down exactly who was in the room and who did what.

Florida law also restricts phone use at school directly. Since July 2025, students in elementary and middle school may not use a wireless communications device during the school day, and high school students may not use one during instructional time unless a teacher authorizes it for an educational purpose, with exceptions for medical needs and certain plans.[32] A student who violates the device policy may face school discipline, and the phone may be confiscated. Confiscating a phone, however, is not the same as searching it.

Florida law separately allows school principals and their designees to search lockers and other school storage areas on reasonable suspicion, with notice posted in advance, and to search a student's personal belongings discreetly.[33] Check your school district's device agreement. School-issued laptops and school email accounts usually come with very little expectation of privacy, because the school owns them and says so in writing.

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[30] *New Jersey v. T.L.O.*, 469 U.S. 325, 341-42 (1985).

[31] *Safford Unified School District No. 1 v. Redding*, 557 U.S. 364, 375-77 (2009) (strip search of a 13-year-old student for ibuprofen was unreasonable).

[32] Fla. Stat. § 1006.07(2)(f) (2026) (as amended by ch. 2025-109, Laws of Fla. (CS/CS/CS/HB 1105)).

[33] Fla. Stat. § 1006.09(9)-(10) (2026).

Your digital trail

Here is something young people do not always understand: deleting a message does not make it disappear. The person you sent it to has it, the platform may have it, and screenshots and cloud backups may hold copies. Phones can be forensically examined, and in many of the cases I handle, the phone extraction report runs to thousands of pages.

That cuts both ways. Messages that help you can also be recovered, and sometimes a phone holds the very context that proves a “threat” was a song lyric or a “confession” was sarcasm. If you are involved in an incident, do not delete anything. Preserve the full conversation. Let a lawyer decide what matters.

What a parent should write down

If your child tells you a phone or bag was searched, write down who did the search, whether a police officer was present, what your child was told, whether your child was asked for consent and what they said, what was taken, and whether a receipt was given. Keep a copy of the school’s device policy as it existed on the date of the search. Those details will help a lawyer evaluate the search far more than a family argument about whether it felt fair.

CHAPTER 7

Zero Margin: Why Schools and Campuses Act First

A generation ago, a student who said something alarming in a hallway might have been sent to the guidance office. A college sophomore who posted something dark at two in the morning might have gotten a call from a resident assistant. Today, either one may be met by a threat assessment team, a sworn officer, and in some cases a court order taking away every firearm in the family home, before anyone has finished figuring out what the words were supposed to mean.

Every parent and every young person needs to understand why that change happened, because it explains almost everything about how schools and colleges respond today.

Why the margin disappeared

On February 14, 2018, a former student killed seventeen people at Marjory Stoneman Douglas High School in Parkland. In the investigation that followed, it became clear that many people had seen warning signs and that the information had never come together in one place. Florida's Legislature responded within weeks with the Marjory Stoneman Douglas High School Public Safety Act, and it has added to that framework almost every year since.[34]

The result is a system designed around one idea: act first, sort it out later. Schools and campuses are no longer asking only "did this student break a rule?" They are asking "could this student hurt someone?" and they are required to ask it quickly, with law enforcement at the table.

I want to be fair about this. The people who run these systems have seen the same news footage the rest of us have. Many of them knew someone at Parkland, or at another school where it happened. They are not

[34] Ch. 2018-3, Laws of Fla. (Marjory Stoneman Douglas High School Public Safety Act).

looking for reasons to punish children. But the system they operate is built to err on the side of caution, and a young person who does not understand that can walk straight into it.

The machinery in a Florida K-12 school

Every Florida public school must have a threat management team that includes people with expertise in counseling, instruction, school administration, and law enforcement. When a student's behavior may pose a threat, the team must assess it using a statewide behavioral threat assessment instrument and decide what interventions are needed.[35] The team can recommend counseling, a safety plan, discipline, a referral to law enforcement, or a mental health evaluation. Its records are kept in a statewide threat management portal.

Every public school must also have a safe-school officer on campus.[36] Florida law requires school districts to report certain incidents to law enforcement and requires expulsion and referral for threats and false reports involving school property under the bomb and firearm statutes, as Chapter 24 explains.[37]

And since 2026, a threat assessment report from a student's public high school can follow that student to a Florida College System institution or state university when the student enrolls.[38] A ninth grader's bad week can now be part of a nineteen-year-old's college file.

The machinery on a college campus

College students often assume they have more room than they did in high school. In most ways they do. On threats, they have less.

Under the 2026 school safety law, Florida's public colleges and universities must establish threat management teams using the state's behavioral threat assessment instrument or another comparable tool

[35]Fla. Stat. § 1006.07(7) (2026).

[36]Fla. Stat. § 1006.12 (2026).

[37]Fla. Stat. § 1006.13(3)-(4) (2026).

[38]Ch. 2026-80, Laws of Fla. (CS/CS/HB 757) (2026).

deemed appropriate for postsecondary institutions, and adopt active assailant response plans. Institutions without an existing public safety reporting app as of July 1, 2026, must also promote FortifyFL.[39] Most private colleges have similar teams. A college can impose an interim suspension, bar a student from campus, or remove a student from housing within hours of a report, and it does not need a criminal charge to do it.

College students are also adults. A statement that gets a fifteen-year-old a juvenile referral gets a nineteen-year-old an adult arrest, a booking photo, and a public court file.

Risk protection orders

Since 2018, Florida law has allowed a law enforcement officer or agency to petition a court for a risk protection order against a person who poses a significant danger of causing personal injury to themselves or others by having a firearm or ammunition. A temporary order can be issued without notice to the person. A final order, which requires clear and convincing evidence, can last up to 12 months and can be extended. The person must immediately surrender all firearms and ammunition, and violating the order is a third-degree felony.[40]

The statute sets no minimum age. These orders are regularly sought after statements made by students and young adults, including statements made online. And because the order runs against the person, not just a particular gun, it can mean that firearms leave a family home. A young person who posts something that sounds like a threat may find that the consequence lands on the whole household.

The Baker Act

Florida's mental health law, commonly called the Baker Act, allows a law enforcement officer, a court, or certain professionals to initiate an involuntary examination of a person who appears to have a mental illness and, because of it, poses a substantial likelihood of serious harm

[39] Ch. 2026-80, Laws of Fla. (CS/CS/HB 757) (2026).

[40] Fla. Stat. § 790.401 (2026).

to themselves or others in the near future, among other criteria.[41] Students, including young children, are taken for these examinations from schools every year. A statement about self-harm, or a dark post that looks like a threat, can lead to one.

An involuntary examination is not an arrest and is not a criminal charge. But it is a serious event, it can last up to 72 hours, and it can have consequences, including for a person's later ability to purchase firearms in some circumstances. If your child is taken for an examination, ask where they are being taken, ask to speak with them, and ask for the facility's patient rights information. If a young person you love is struggling, the better path is always to get help early, voluntarily, before a crisis brings in the officers. The 988 Suicide and Crisis Lifeline is available by call or text at any hour.

What "zero margin" means for a young person

In plain words, this is what it adds up to:

- **Words are treated as conduct.** A message, a post, a drawing, or a comment in class about shooting, bombing, or killing will be treated as a potential threat, regardless of tone, emojis, or what friends understood.
- **The assessment comes before the explanation.** A team will act to protect people before anyone has heard the student's side.
- **Several systems move at once.** The threat team, school discipline, law enforcement, and sometimes a court for a risk protection order or a Baker Act examination may all be involved in the first day.
- **The record travels.** Threat assessment records are kept in a statewide portal and can now follow a student to college.
- **Adults get adult consequences.** For a young adult, the same words that brought a high school referral can bring an arrest.

[41] Fla. Stat. § 394.463(1)-(2) (2026).

What a family can do

Teach the rule before it is needed: never joke about shooting, bombing, killing, or hurting people, in person or online, ever. That includes song lyrics, memes, and video game talk in a public post.

If your child is the subject of a threat assessment, cooperate with safety measures. Secure every firearm in the home immediately and be ready to say you have done so. Ask what process the school is using and who is on the team. Ask whether law enforcement is involved and whether your child will be interviewed. Get legal advice before your child gives a detailed account to an officer, for all the reasons in Chapter 8.

Bring information that helps the team see your child accurately: school records, a counselor or therapist who knows your child, coaches and teachers who can speak to who your child is. Threat assessment is supposed to be about the actual risk a particular student poses. A calm, prepared family helps the team answer that question correctly.

And if your child is the one who reported something, tell them they did the right thing. Every one of these systems depends on someone being willing to speak up.

PART THREE

When Someone Wants to Ask Questions

CHAPTER 8

When the Police Want to Talk

If you read only one chapter of this book, read this one.

In more than twenty-five years of criminal defense, the single most common thing I see in a young person's case file is a statement. A written statement on a school form. A recorded interview at the sheriff's office. A text to a friend. A conversation in the back of a patrol car that the young person did not realize was being recorded. Very often, that statement is the strongest evidence the state has. Sometimes it is the only evidence.

I taught criminal procedure and courtroom testimony at the police academy. I have the greatest respect for good officers, and most of them are good officers. But I want you to understand something about the job. When a detective sits down to interview a suspect, the detective's purpose is to gather evidence. I do not say that as a criticism; it is the job. The detective is there to find out what happened and document it, not to help your child reach the best outcome or to judge whether charges are fair, and anything your child says becomes part of that documentation.

"If you didn't do anything wrong, you have nothing to hide"

Parents say this to me more than almost anything else. It comes from a good place. We teach children to tell the truth and to respect police. Those are good lessons.

But innocent people say harmful things in interviews all the time. They guess at details they do not remember. They agree with suggestions to end an uncomfortable conversation. They exaggerate to sound tough or minimize to sound innocent, and later the inconsistency is used against them. They admit to things that are true but that they do not realize are crimes: that they were there, that they held the bag, that they knew about the plan, that they forwarded the picture.

Teenagers are especially vulnerable. Research and court decisions alike recognize that young people are more likely to comply with authority, more likely to give in to pressure, and more likely to make decisions based on getting out of the room right now rather than on what happens next month. The United States Supreme Court has said exactly that.[42]

There is one more fact families should know. Under longstanding federal law, police are allowed to use deception during an interview. An officer may say a friend already confessed, or that there is video, when neither is true.[43] Courts look at deception as part of the totality of the circumstances, but it is not automatically forbidden. A sixteen-year-old who is told "we already know everything, we just need your side" often believes it.

The rights every young person has

Every person in the United States, including every child, has the right to remain silent and the right to a lawyer when being questioned by police in custody. Police must give the familiar warnings before a custodial interrogation.[44] Miranda custody generally means a formal arrest or a restraint on freedom comparable to formal arrest. Courts consider whether a reasonable person in that situation would have felt free to end the questioning and leave, and for a child, the child's age is part of that analysis when the officer knew it or should have.[45]

Here is what most people do not know about those rights: they do not protect you automatically. You have to use them, and you have to use them clearly.

The Supreme Court has held that a suspect who wants to stop an interview must say so unambiguously. Simply sitting silently is not

[42] *J.D.B. v. North Carolina*, 564 U.S. 261, 272-73 (2011) (recognizing that children "often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them" and are more vulnerable to outside pressures).

[43] *Frazier v. Cupp*, 394 U.S. 731, 739 (1969) (misrepresentation that a co-defendant had confessed did not by itself render a confession involuntary).

[44] *Miranda v. Arizona*, 384 U.S. 436, 444-45, 478-79 (1966).

[45] *J.D.B. v. North Carolina*, 564 U.S. 261, 277 (2011).

enough to invoke the right to remain silent.[46] Saying "maybe I should talk to a lawyer" is not enough to invoke the right to counsel.[47] And in a case involving a sixteen-year-old, the Court held that asking for his probation officer was not the same as asking for a lawyer.[48]

That last case matters enormously for families. Many teenagers, when they get scared, ask for their mom or dad. That is a natural thing to do. But under federal law, asking for a parent is not asking for a lawyer, and it does not require police to stop.

Florida's courts do take a child's circumstances seriously. When a juvenile waives Miranda rights, Florida courts look at the totality of the circumstances, including the manner in which the rights were explained, the child's age, experience, background, and intelligence, whether the child's parents were contacted and given an opportunity to consult with the child before questioning, whether the questioning took place at the police station, and whether the waiver was in writing.[49] Those factors can make a real difference when a lawyer challenges a statement later. But "later" is the problem. It is far better never to have to challenge the statement at all.

What to say

I want every young person in Florida to memorize these words:

> *"I want to remain silent. I want a lawyer. I want to call my parents."*

Say all three, clearly, and then stop talking about the incident.

Be polite. Give your name if asked. Do not run, do not resist, do not argue. Do not lie. Knowingly and willfully giving false information to an officer investigating a felony or a missing person, with intent to mislead

[46] *Berghuis v. Thompkins*, 560 U.S. 370, 381-82 (2010).

[47] *Davis v. United States*, 512 U.S. 452, 459, 462 (1994).

[48] *Fare v. Michael C.*, 442 U.S. 707, 723-24 (1979).

[49] *Ramirez v. State*, 739 So. 2d 568, 576 (Fla. 1999).

the officer or impede the investigation, is its own crime in Florida.[50] Declining to answer is a right. Lying to the officer can become a separate charge.

If the officer keeps asking questions, repeat the words. If the officer says things will be easier if you just explain, repeat the words. If the officer says your friend already told them everything, repeat the words.

Parents, if you get a call that an officer wants to "just ask your son a few questions," you can say:

> *"Thank you for calling. We want to cooperate appropriately. Our lawyer will be in touch with you. Please don't question my child without counsel."*

A parent's request does not itself invoke the child's Miranda rights, so the child should still use the words above. Then call a lawyer.

Silence before arrest

There is one more legal wrinkle worth knowing. Under federal law, the Supreme Court has allowed prosecutors to use a person's silence in a voluntary, pre-arrest interview against them when the person simply stopped answering without expressly invoking the Fifth Amendment.[51] Florida provides more protection. The Florida Supreme Court has held that a defendant's pre-arrest, pre-Miranda silence cannot be used as substantive evidence of guilt in Florida courts.[52] Even so, the safest course everywhere is the same: invoke your rights out loud.

"Just come down and give a statement"

Many cases do not start with an arrest. They start with a phone call or a business card left in the door. A detective would like your son to come

[50] Fla. Stat. § 837.055 (2026).

[51] *Salinas v. Texas*, 570 U.S. 178, 183-86 (2013) (plurality opinion).

[52] *State v. Horwitz*, 191 So. 3d 429 (Fla. 2016).

to the station “to clear a few things up.” A deputy would like your daughter to give a statement about what she saw at the party.

That moment, before anyone has been charged, is one of the most important moments in any case. It is where the title of this book comes from.

Prefile representation is a staple of my practice. When a lawyer becomes involved before charges are filed, the lawyer can find out what the investigation is about, protect the young person from an interview that would only build the state’s case, and decide strategically, case by case, what information to provide to the detective or the prosecutor and in what form. Sometimes that means providing evidence or witness information that shows the investigation is pointed in the wrong direction. Sometimes it means providing nothing at all. Nearly every month, I see cases that are never filed because of advocacy done at the front end, before the state ever made its charging decision.

That work becomes much harder once the young person has already sat down alone and told the story, but it is not too late to get help.

If your child is a witness or a victim, not a suspect, the calculation is different, and cooperation may be exactly right. But even then, you are allowed to ask questions first. Who is the detective? What is the case about? Is my child a witness or a suspect? Can I be present? A good detective will answer those questions. If the answers are vague, that tells you something.

Traffic stops and street encounters

Not every police contact is an interrogation. At a traffic stop, a driver must provide a license, registration, and proof of insurance. Passengers and drivers should keep their hands visible, follow lawful instructions, and stay calm. Chapter 12 covers what happens if alcohol testing is requested.

What you do not have to do is answer questions about where you were, what you were doing, or what is in the car. “Where are you coming from tonight?” is a question, not a command. A polite “I’d rather not answer

questions" is lawful. And you do not have to consent to a search of the car or your belongings. "I don't consent to searches, and I'd like to talk to a lawyer" is all you need to say. If an officer searches anyway, do not resist. Let a lawyer sort it out later.

What parents can do right now

Teach the words. Practice them. Put them in the Family Plan at the back of this book. Tell your child, in so many words, that using these rights will never get them in trouble with you. Many teenagers talk to police because they think their parents would want them to. Tell them you would not.

CHAPTER 9

School Meetings, Resource Officers, and Searches at School

A dean walks into Tessa's English class and asks her to come to the office. When she gets there, a school resource officer is sitting in the corner. The dean closes the door and asks who started the argument in the cafeteria at lunch. The officer asks Tessa to unlock her phone so they can see the messages.

To Tessa, this feels like one conversation with adults she has been taught all her life to obey. Legally, it may be two very different conversations happening in the same room.

Who is in the room

Florida law requires every public school to have at least one safe-school officer, which can be a sworn school resource officer, a school safety officer, a guardian, or a school security guard, depending on the district's choices.[53] A sworn school resource officer is a law enforcement officer. Whatever the officer's friendly title, and however well the officer may know the students, the officer can investigate crimes, make arrests, and write reports that go to prosecutors.

A school administrator has a different job. The principal or dean investigates violations of the school code and decides on school discipline. But administrators also have reporting duties. Florida requires school districts to have agreements with local law enforcement about which acts that threaten school safety must be reported to police, and requires school personnel to consult with school resource officers about delinquent acts and crimes.[54] An administrator who learns about a crime during a school interview may be required to pass it on.

[53] Fla. Stat. § 1006.12 (2026).

[54] Fla. Stat. § 1006.13(4) (2026).

That is why the first question in any school meeting should be: who is asking, and for what purpose?

Is this a school meeting or a police interview?

The law here is not as clean as families would like. When a school administrator questions a student about a school rule violation, Miranda warnings are generally not required, because the administrator is not law enforcement. When a police officer questions a student in custody, Miranda generally applies. When the administrator is asking questions at the officer's direction, or the officer is sitting in the room and participating, courts have to sort out which kind of interview it really was.

The factors that matter are practical ones. Who asked the questions? Was the door closed? Was the student told they could leave? What did the adults say would happen if the student stopped talking? Was the administrator relaying questions from the officer? How old was the student? The Supreme Court's decision in *J.D.B.* involved exactly this situation: a thirteen-year-old pulled from a middle school classroom and questioned by a police investigator and school officials in a closed conference room. The Court held that the child's age had to be considered in deciding whether he was in custody.[55]

A student can ask:

> *"Am I free to go back to class? Is this a school meeting or a police interview? I'd like to call my parents and talk to a lawyer before I answer questions."*

If an officer is asking the questions, the words from Chapter 8 apply in full: "I want to remain silent. I want a lawyer. I want to call my parents."

[55] *J.D.B. v. North Carolina*, 564 U.S. 261, 265-66, 277 (2011).

Written statements

Schools often ask students to write a statement on a form. Students almost always do, because they think they have to. A written statement can be the most damaging document in a case, because it is in the student's own handwriting, it was written without advice, and it is often written in the heat of the moment. Schools can, and often do, provide those statements to law enforcement.

A parent can ask the school, in advance, whether the student will be asked to write a statement, who will receive it, and whether the student can have a copy. If the incident could involve a crime, get advice before the student writes anything.

This does not mean a student who is a witness should refuse to help. A student who saw something and wants to tell the truth about it may be doing exactly the right thing. But the student should know the difference between what they saw and what they assumed. "I saw two people running and I did not see who went through the door first" is honest and useful. A guess dressed up as a fact is neither. If an adult asks a leading question that puts words in your mouth, answer in your own words. If you learned something later from a friend, say so.

Searches at school

Chapter 6 explained the school search standard. A public school official acting on the school's own authority can search when the search is justified at its inception and reasonable in scope.[56] That standard is lower than the probable cause police normally need. It still has limits, and the more intrusive the search, the stronger the justification has to be.[57]

If a student is asked to consent to a search, the student can say, calmly and respectfully, "I don't consent to a search. I'd like to call my parents and talk to a lawyer." The student should never physically resist. If the search happens anyway, the student should pay attention to who did

[56] *New Jersey v. T.L.O.*, 469 U.S. 325, 341-42 (1985).

[57] *Safford Unified School District No. 1 v. Redding*, 557 U.S. 364, 375-77 (2009).

the searching, whether a police officer directed it, what was taken, and what was said.

What a parent can ask before a school meeting

Before you walk into the school, call and ask:

- What is the meeting about? Is my child accused of something, or a witness?
- Is a school resource officer or any law enforcement agency involved?
- Has my child already been questioned or asked to write a statement?
- What rule of the student code of conduct is at issue?
- Is any action already in effect, like a suspension?
- Who will be at the meeting, and may I bring someone with me?

Ask for the answers in writing if you can. Bring the code of conduct to the meeting. Chapter 24 explains the school discipline process in detail.

The kindest thing a school can do

I have worked with many dedicated school administrators. The best of them understand that a student facing possible criminal exposure should talk to a lawyer before giving a detailed account, and they will adjust the school's process to allow that. The school still has a job to do, and it can do that job while respecting the student's rights. If you ask for that time politely and in writing, many schools will give it.

CHAPTER 10

The First Hour

At 2:15 on a Wednesday, a parent gets a call from an assistant principal. “There was an incident at lunch. We need you to come in.” In another family, a college sophomore opens an email asking her to meet with a student conduct officer the next afternoon. At a third house, a deputy’s business card is wedged in the front door with “please call” written on the back.

Every one of these families wants to know what happened. And in every one of them, the person who called or wrote or left the card may know only part of the story.

This chapter is about the first hour. What you do in that hour will not decide everything, but it can decide a great deal.

First, safety

Begin with safety. Is your child physically safe? Is anyone injured, missing, threatened, or in need of medical attention? If something dangerous is happening now, call 911.

If your child tells you someone hurt them, especially sexually, offer immediate access to medical care and an advocate. They do not have to decide every question about reporting before they get help. A sexual assault center or a hospital can explain options, including evidence collection, without forcing an immediate decision about police involvement. When a minor may have been sexually abused, however, Florida’s mandatory reporting law applies, and adults cannot promise that the disclosure will stay private.[58]

[58] Fla. Stat. § 39.201(1)(a) (2026).

Second, find out who is calling

Get the name, title, office, and a callback number for the person contacting you. Verify unfamiliar callers or emails through the institution's published phone number. Scammers do impersonate schools and law enforcement, and a real official will not object to you calling back through the main line.

Then ask the three questions that matter:

- What is my child's role? Witness, person who reported harm, person accused, or more than one?
- Is law enforcement involved? Has an officer already spoken with my child?
- What do you need from us today, and what is required versus requested?

That last question is the most useful one I know. "What do you need from us today?" may turn out to be as simple as picking up a child who has been sent home. It may include a meeting, a temporary suspension, or a deadline. Ask which parts are required, and where those requirements are written.

If the school says your child must leave campus, ask when and where to pick them up and when they may return. If a college tells your student to stay away from a person or a place, ask for the exact terms in writing and the name of the office that can answer questions about them.

Third, slow the conversation down

When you see your child, lead with care. "I'm glad you're okay. Are you safe? Is anyone else in danger?" Listen.

Then, as Chapter 3 explained, resist the urge to conduct a full interrogation at the kitchen table. Write down the facts you need for safety and the next deadline. Save the detailed account of what happened for a conversation with a lawyer if there is any chance of criminal exposure.

If your child may be facing criminal allegations, they should get advice before explaining the event to a school administrator or a police officer. If your child is reporting harm, they can ask about an advocate, a support person, and what the person receiving the report is required to share before they give details.

Fourth, preserve, do not create

Keep the original notice and any written instructions. Write down the time, place, and source of everything you learn. Separate what you personally saw from what someone told you.

Preserve relevant ordinary messages in their full context. Do not delete anything. If an explicit image may depict someone under 18, follow Chapter 4: do not copy, screenshot, or forward it, even to a lawyer or a school official.

If the school has security video, or messages on a school platform, ask in writing that the school preserve that material. Video systems often overwrite themselves on a schedule. A written request made on day one can save evidence that would be gone by day thirty.

Fifth, keep it private

Family group texts and neighborhood social media spread partial stories fast. Keep identifying information private. Do not post about the incident. Do not contact other students to ask what they saw or what they plan to say, and do not ask their parents to “settle this” by text. Well-meant contact can look like witness tampering, and it can turn a simple case into a complicated one.

If there is a no-contact directive, follow it exactly, including any rule about indirect contact through friends or social media. If the students share a class, a bus, a team, or a job, ask the office that issued the directive how to handle it, and get the answer in writing.

Sixth, write it down

Start the Incident Log in the back of this book. Make an entry for every office that contacts you: the person, the process, the next date, and any restriction. A criminal court date, a school appeal deadline, and a campus hearing can all land in the same week. When a date changes, ask the office that controls it to confirm the change in writing, and keep the old date on your calendar until you get it.

Seventh, get the right help

Many school incidents do not require a lawyer. Some do, and the time to find out which kind you have is early. Chapter 28 explains how to tell the difference and what to look for in a lawyer.

The questions to keep on your phone

Copy these into your phone today:

- Where is my child, and does anyone need help right now?
- Who is handling this, and what is my child's role?
- Has a meeting, interview, suspension, restriction, or deadline been set?
- Is an officer involved? Has my child already been questioned?
- What written notice or policy applies, and whom do we contact next?

A family can be cooperative and still take the time to understand these questions. In my experience, the families who take that time get better outcomes.

PART FOUR

Parties, Cars, Fights, and Peer Pressure

CHAPTER 11

Alcohol, Vapes, Cannabis, and Pills

At a party on a Saturday night, Jalen realizes his friend Marcus will not wake up. Marcus took something an hour ago. Someone says it was a Percocet. Someone else says it was a Xanax. The host is panicking about his parents. One of the older kids says they should wait a few minutes and see if Marcus sleeps it off, because if they call 911 everybody is going to get arrested.

That older kid is wrong in almost every way that matters. This chapter explains why. But I want to start with the most important sentence in it.

Call 911

Call 911 when someone is unresponsive, struggling to breathe, turning blue or gray, or may have overdosed. Give the exact address. Tell the dispatcher what you saw and what the person may have taken. Follow the instructions. If an opioid overdose is suspected and naloxone (Narcan) is available, give it promptly according to its directions, but do not delay the 911 call. Follow the dispatcher's instructions for CPR or rescue breathing if needed. If it is safe, stay with the person and send someone outside to meet the responders.

Do not wait to "see if they sleep it off." Do not drive the person somewhere yourself unless the dispatcher tells you to. Do not put them in a cold shower. Do not worry about who brought what. The only thing that matters in that moment is the call.

The pills going around parties today are not the pills of a generation ago. Counterfeit pills made to look exactly like prescription Percocet, Xanax, or Adderall often contain fentanyl. A pill's color, shape, and markings do not tell you what is inside it. The Drug Enforcement Administration

warns that as little as two milligrams of fentanyl, an amount that can fit on the tip of a pencil, can be lethal.[59] That is why the call cannot wait.

Florida protects people who call for help

Florida has two Good Samaritan laws that exist precisely for this moment.

The drug overdose law protects a person who, in good faith, seeks medical help for someone experiencing or believed to be experiencing an alcohol-related or drug-related overdose. It also protects the person who is overdosing. Neither may be arrested, charged, prosecuted, or penalized for possession of a controlled substance and certain related offenses if the evidence was obtained as a result of seeking medical help.[60]

The alcohol law gives similar protection for underage possession and consumption of alcohol to a person under 21 who seeks medical help in good faith for someone experiencing an alcohol-related overdose, and to the person who needs help.[61]

These laws have limits. They protect against specific possession-type offenses. They do not protect someone who sold or delivered the drug, and they do not protect against unrelated charges. But they mean that the kid at the party who says "we'll all get arrested if we call" is wrong about the person who calls in good faith and wrong about the friend on the floor.

Colleges and universities have their own medical amnesty policies, which usually protect students from campus discipline when they call for help in an emergency. Those policies vary. Read your student's policy before move-in day. In an emergency, do not read anything. Call.

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[59] U.S. Drug Enforcement Administration, *Facts About Fentanyl* (dea.gov).

[60] Fla. Stat. § 893.21 (2026). The protection covers specified offenses, including possession under § 893.13(6) other than paragraph (c), § 893.147(1), and § 893.132, and also protects against penalties for certain violations of probation, parole, or pretrial release. It does not bar the use of evidence in other prosecutions.

[61] Fla. Stat. § 562.112 (2026).

Alcohol

In Florida it is generally unlawful for a person under 21 to possess alcohol. A first violation is a second-degree misdemeanor, and a later violation is a first-degree misdemeanor.[62] Selling, giving, or serving alcohol to a person under 21 is a separate offense.[63]

Parents should know about Florida's open house party law. An adult who has control of a home, apartment, or other residence commits a crime if the adult allows a party there, knows that a minor is possessing or consuming alcohol or drugs, and fails to take reasonable steps to stop it. A first violation is a second-degree misdemeanor. If a minor who drank or used at the party is seriously injured or killed, or seriously injures or kills someone else, the violation is a first-degree misdemeanor.[64] "At least they're drinking at home where it's safe" is not a legal defense, and the civil exposure for a parent who hosts can be far greater than the criminal penalty.

Minor-in-possession cases are often good candidates for diversion. Hillsborough County, for example, has offered a diversion track for these cases, and a juvenile may be eligible for a prearrest delinquency citation instead of an arrest in the first place. Chapter 22 explains how those programs work. The point for now is that an alcohol case handled well, early, often ends without a conviction. An alcohol case handled badly, with a long statement and no advice, sometimes turns into something worse.

A word about fake IDs. Many teenagers think of a fake ID as a minor thing. Florida law does not. Knowingly possessing or displaying a counterfeit or altered driver license or identification card is a third-degree felony.[65] Misrepresenting your age to buy alcohol is a separate offense.[66] Prosecutors frequently resolve these cases far below the

[62] Fla. Stat. § 562.111(1) (2026).

[63] Fla. Stat. § 562.11 (2026).

[64] Fla. Stat. § 856.015 (2026).

[65] Fla. Stat. § 322.212(1)(a) (2026).

[66] Fla. Stat. § 562.11(2) (2026).

felony level, but the starting point is a felony charge, and that is not a risk worth taking for a drink.

Vapes and nicotine

It is unlawful in Florida for a person under 21 to possess nicotine products, including vapes. A violation is noncriminal. The penalty for a first violation is 16 hours of community service or a $25 fine, plus attendance at a school-approved anti-tobacco and anti-nicotine program if one is available. Failing to complete the penalty can lead a court to suspend or withhold the young person's driver license for 30 days, and failing to pay a later fine can lead to a 45-day suspension.[67]

The bigger risk with vapes is the cartridge that turns out to contain THC. A vape is just a delivery device. What it contains determines which law applies, and a THC cartridge can be charged as possession of cannabis or, depending on the product, as a controlled substance. At school, a vape of any kind can bring discipline under the district's code.

Cannabis

Recreational marijuana is not legal in Florida. Possession of 20 grams or less of cannabis is a first-degree misdemeanor. Possession of more than 20 grams is a third-degree felony.[68] Florida's medical marijuana program does not protect a teenager who borrows a parent's or friend's product.

Hemp-derived THC products sold in gas stations and smoke shops raise their own questions. Florida bars the sale of hemp extract intended for ingestion to people under 21.[69] And some products sold as "hemp" test as cannabis. A teenager has no way to know the difference by looking.

For a young person under 18, there is one more consequence. A finding of guilt or delinquency for any drug offense under chapter 893 means

[67] Fla. Stat. § 569.42 (2026). Possession of tobacco products by persons under 21 is addressed separately in § 569.11, with parallel penalties.

[68] Fla. Stat. § 893.13(6)(a)-(b) (2026).

[69] Fla. Stat. § 581.217 (2026).

the court must direct the state to revoke or withhold the young person's driver license for six months, or extend an existing suspension.[70] For a sixteen-year-old who just got a license, that is often the consequence that hurts most.

Pills, and the difference between sharing and selling

This is the section I most want older teenagers and college students to read.

Many young people think there is a meaningful legal difference between selling a pill and giving one to a friend. In Florida, there often is not. The law prohibits the "sale, manufacture, or delivery" of controlled substances, and delivery includes simply handing a pill to someone else, with or without money changing hands.[71] Giving a friend one of your prescribed Adderall pills before an exam can be charged as delivery of a controlled substance, a felony.

It gets more serious. Under Florida's murder statute, the unlawful distribution of fentanyl and certain other drugs by a person 18 or older, when the drug is proven to be the proximate cause of the user's death, is first-degree murder.[72] That law was written for drug dealers. It has been applied to friends. An eighteen-year-old who buys pills for a group and passes one to a friend who dies may face a murder charge.

I do not tell young people this to frighten them. I tell them because it is the truth, and because I have seen what happens when they do not know it. The pill that looks like it came from a pharmacy may have come from a lab that pressed fentanyl into it. The friend who passes it along may not know. The law may not care.

The safest rule for a young person is simple. Take medication only as prescribed to you. Never share it. Never take a pill someone else hands you.

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[70] Fla. Stat. § 322.056(1) (2026). The court may issue a license restricted to business or employment purposes for a compelling circumstance.

[71] Fla. Stat. §§ 893.02 (definition of "deliver"), 893.13(1)(a) (2026).

[72] Fla. Stat. § 782.04(1)(a)3. (2026).

Shared spaces and "whose is it?"

Many drug and alcohol cases involving teenagers come down to a single question: whose was it? A bag in a car with four people. A vape on a dorm room desk shared by two roommates. A bottle in a backpack that three friends had been passing around.

Florida law recognizes both actual possession, meaning something on your person or in your hand, and constructive possession, meaning something you knew about and had the ability to control even though it was not on you. Being present in a place where drugs are found is not enough by itself. The state must prove knowledge of the item and the ability to control it.[73] Those cases turn on details: where the item was, who owned the car or the bag, whose fingerprints or DNA are on it, and, all too often, what someone said to the officer.

That last point brings us back to Chapter 8. When an officer finds a bag in a car and asks "whose is this?" the young person who says "it's not mine, it's his" or "I knew it was there but I didn't touch it" may have just supplied the missing element of the state's case against themselves or a friend. The words from Chapter 8 apply.

Make the conversation possible

Tell your teenager, clearly and more than once, that calling for help comes first, and that you will deal with everything else afterward. Ask them where they would send an ambulance if a party were at an address they did not know. Ask who would meet responders at the door. Agree among friends, in advance, that if someone is hard to wake or having trouble breathing, someone calls 911, no debate.

That conversation is easy to have on a Tuesday night. It is almost impossible to have when a friend is on the floor.

[73] *Brown v. State*, 428 So. 2d 250, 252 (Fla. 1983) (where premises are jointly occupied, knowledge and ability to maintain control cannot be inferred from ownership or possession of the premises alone and must be established by independent proof).

CHAPTER 12

Driving, Riding, and Getting Home

Carla's friend offers her a ride home from a party. The friend has been drinking but says it was hours ago and she is fine. Another friend suggests Carla drive the car instead, even though she has had a couple of drinks herself. Carla's phone is at eight percent.

Carla does not need to estimate anyone's blood alcohol level to make the right decision. She needs to have a plan that does not involve that car.

The two DUI rules every Florida teenager needs to know

The first rule is the criminal one. In Florida, a person commits DUI by driving or being in actual physical control of a vehicle while under the influence of alcohol or certain drugs to the extent that their normal faculties are impaired, or with a blood or breath alcohol level of 0.08 or higher.[74] Notice two things. First, a person can be guilty of DUI below 0.08 if their faculties are impaired, and drugs, including cannabis and some prescription medications, count. Second, "actual physical control" means a person can be charged even if no one saw the car move. Sitting behind the wheel with the keys, especially with the engine running, can be enough.

That is why even having Carla "just sit in the driver's seat" while they figure things out is a bad idea. If an officer walks up, the question will be who was in control of the car.

The second rule applies only to drivers under 21. Florida has a zero-tolerance administrative rule: a driver under 21 with a breath or blood alcohol level of 0.02 or higher will have their license suspended for six months for a first violation and one year for a later one. A driver under 21 who refuses a breath test faces a one-year suspension, or 18 months

[74] Fla. Stat. § 316.193(1) (2026).

if the license was previously suspended for a refusal.[75] Even one drink can put a driver at or above 0.02; the result varies by person, drink size, and timing. A driver under 21 should treat any alcohol at all as a reason not to drive.

The administrative suspension is separate from any criminal case. It can happen even if no criminal charge is ever filed. The driver has only 10 days from the notice of suspension to request a review hearing, and the temporary permit lasts only 10 days and does not take effect until 12 hours after it is issued.[76] Families who miss that 10-day window often lose options they did not know they had.

Under Florida's DUI implied-consent rules, which also apply to drivers under 21, a first refusal can lead to a one-year license suspension and a later refusal to an 18-month suspension. Since October 1, 2025, refusing a lawful breath or urine test after the required warnings is also a crime: a second-degree misdemeanor for a first refusal and a first-degree misdemeanor for a later one. Blood testing has separate rules.[77] Those rules are complicated, and the right decision depends on the circumstances. I do not tell anyone in a book whether to blow. I tell them to know the rules before they are ever in that position.

What a DUI arrest looks like

Most families have never seen the process, so here is what it typically looks like in the Tampa Bay area. In Hillsborough County, a person arrested for DUI by the Sheriff's Office or Tampa Police is usually taken to Central Breath Testing, where the breath test is requested. The person is booked into jail and generally sees a judge at first appearance or is released on a bond schedule. The criminal case proceeds in county court for a misdemeanor DUI. The administrative license case proceeds separately with the Department of Highway Safety and Motor Vehicles.

Hillsborough has a DUI diversion program for eligible first offenders, and in my experience a refusal alone does not disqualify someone from

[75] Fla. Stat. § 322.2616 (2026).

[76] Fla. Stat. § 322.2616 (2026).

[77] Fla. Stat. §§ 316.1932(1)(a), 316.1939(1) (2026) (as amended by ch. 2025-121, Laws of Fla.).

it. Other counties have their own programs. These programs can avoid a DUI conviction, but they are not automatic, and getting into one usually requires action early in the case.

Teen license restrictions

Florida's graduated license rules limit when teenagers can drive. A licensed driver under 17 may not drive between 11 p.m. and 6 a.m. unless accompanied by a licensed driver who is at least 21 or driving directly to or from work. A 17-year-old may not drive between 1 a.m. and 5 a.m. under the same conditions.[78] A violation is a moving violation, and points add up quickly on a young driver's record. Parents should know these hours, and teenagers should know their parents know them.

If you are stopped

Pull over safely. Turn on the interior light at night. Keep your hands where the officer can see them. Have your license, registration, and insurance ready. Follow lawful instructions. Be polite.

You do not have to answer questions about where you have been, whether you have been drinking, or what is in the car. "I'd prefer not to answer questions" is lawful. Chapter 8 explains how to say it. Field sobriety exercises, the walking and balancing tests done at the roadside, are a different question from a breath test after arrest, and the legal consequences of declining each are different. A young driver should know that there is a difference, and should get advice as soon as possible after any DUI-related stop.

Passengers have rights, too. A passenger is not required to answer questions about where the group has been or whose things are in the car.

If there is a crash

Stop. Make sure everyone is safe. Call 911 if anyone is hurt or if there is any danger. Florida law requires drivers involved in a crash to stop, to

[78] Fla. Stat. § 322.16(2)-(3) (2026).

give their name, address, and vehicle registration, to show their license on request, and to render reasonable assistance to anyone injured, including arranging transport for medical treatment if it is needed or requested.[79]

Leaving the scene of a crash that involves injury is a felony in Florida. If the crash involves serious bodily injury it is a second-degree felony, and if it involves a death it is a first-degree felony carrying a four-year minimum mandatory prison sentence.[80] I have seen young people who were not at fault for a crash panic, drive away, and turn a tragedy into a prison case. Stay.

The morning after

If there was a stop, an arrest, or a crash, gather every piece of paper. Put them in date order. A traffic citation, a DUI citation, a notice of suspension, and a court date can each have a different purpose and a different deadline. Ask which agency issued each one and what has to be done, and by when. Confirm whether the young person is allowed to drive in the meantime, and under what limits. Mark the 10-day administrative review deadline on the calendar in red.

If the incident happened on a school trip or during a school activity, the school may have its own process. Keep that paperwork with the rest so all the deadlines are visible in one place.

Agree on the ride home in advance

Choose two people the student can call for a ride at any hour, including one who will answer late. Agree on what happens if the phone dies: a friend's phone, a known number, a meeting place. Agree that the first conversation will be about getting home safely, and that everything else can wait until morning.

[79] Fla. Stat. § 316.062 (2026).

[80] Fla. Stat. § 316.027(2) (2026).

On a hard night, that agreement gives a young person a specific alternative to the car in front of them, which works far better than willpower.

CHAPTER 13

Fights, Self-Defense, and the Crowd

The video is nine seconds long. It begins with Eli throwing a punch. By lunchtime it has been shared in four group chats and posted to two accounts.

What the video does not show is everything that happened before it started. Two classmates say the argument began at the lockers. One remembers a shove that happened off camera. Another says the two boys separated for a moment before Eli stepped forward again. An assistant principal has the nine-second clip and needs to decide what to do before the end of the school day.

Fight cases are some of the most common cases involving young people, and some of the most misunderstood. The law cares a great deal about sequence, about who did what first and what each person reasonably believed at the moment they acted. A short video almost never tells that whole story.

What the law calls it

In Florida, an assault is an intentional, unlawful threat by word or act to do violence, coupled with an apparent ability to carry it out, that creates a well-founded fear that violence is about to happen. Simple assault is a second-degree misdemeanor.[81] A battery is actually and intentionally touching or striking another person against their will, or intentionally causing bodily harm. Simple battery is a first-degree misdemeanor.[82] A shove can be a battery even if nobody needs a hospital.

The charges climb quickly. Battery that intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement is aggravated battery, a second-degree felony, and so is

[81] Fla. Stat. § 784.011 (2026).

[82] Fla. Stat. § 784.03 (2026).

battery with a deadly weapon.[83] A battery that causes great bodily harm without that intent can still be felony battery.[84] A single punch that knocks someone down, where their head strikes concrete, can become a felony case in a moment. I have handled those cases. They are among the saddest I know, because neither young person intended what happened.

At school, there is another layer. Assault or battery on a school employee is reclassified to a higher degree of crime,[85] and Florida's zero-tolerance law requires that a student found to have committed one of those offenses be expelled or placed in an alternative school setting, and be removed from class immediately upon being charged.[86] A student who shoves a teacher who is trying to break up a fight has made one of the most consequential mistakes a student can make.

Fighting in a public place can also be charged as an affray,[87] and disrupting a school function is a separate misdemeanor.[88]

Self-defense is about the moment

Florida law allows a person to use or threaten nondeadly force when and to the extent the person reasonably believes it is necessary to defend themselves or someone else against another's imminent use of unlawful force. A person using or threatening justified nondeadly force under this rule has no duty to retreat.[89] Deadly force has a higher threshold: a reasonable belief that it is necessary to prevent imminent death or great bodily harm, or the imminent commission of a forcible felony. For deadly force, the no-duty-to-retreat rule also requires that

[83] Fla. Stat. § 784.045 (2026).

[84] Fla. Stat. § 784.041 (2026).

[85] Fla. Stat. § 784.081 (2026).

[86] Fla. Stat. § 1006.13(5) (2026).

[87] Fla. Stat. § 870.01(1) (2026).

[88] Fla. Stat. § 877.13 (2026).

[89] Fla. Stat. § 776.012(1) (2026).

the person not be engaged in criminal activity and be in a place they have a right to be.[90]

There are important limits. A person who starts a fight, or provokes the use of force against themselves, generally cannot claim self-defense unless the force used against them escalates to the point where they reasonably believe they are in imminent danger of death or great bodily harm and they have exhausted every reasonable means of escape, or unless they withdraw in good faith and clearly communicate that withdrawal.[91]

Florida also gives a person who used justified force immunity from criminal prosecution, and provides for a pretrial hearing at which, once the defense raises a prima facie claim, the state must overcome the immunity by clear and convincing evidence.[92]

In a school fight, all of this comes down to timing. Was the other student about to hit Eli when he swung? Had the two separated? Was someone trying to walk away? Did the danger end, and then someone came back? A single school incident can include two or three separate encounters, and a person can be the defender in the first and the aggressor in the second.

There is one more provision every student should know. Florida's school safety law says that, in a school disciplinary action, a student who intervenes to stop a violent act using only the force necessary to do so is presumed to have acted to maintain the safety of others.[93] A student who pulls a friend off someone, or steps between two people, should say so clearly, and the family should ask the school to apply that presumption.

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[90]Fla. Stat. § 776.012(2) (2026).

[91]Fla. Stat. § 776.041 (2026).

[92]Fla. Stat. § 776.032(1), (4) (2026).

[93]Fla. Stat. § 1006.13(2)(d) (2026).

The crowd

Crowds change fights. A circle of students closes off the exits. Someone dares one of the fighters. Someone shouts directions. Someone follows the losing student down the hall to start it again. And twenty people pull out their phones.

The law distinguishes between someone who merely watches and someone who participates. Under Florida's principal statute, a person who helps, encourages, or advises another to commit a crime, intending that the crime be committed, can be charged as if they committed it themselves.[94] Planning the fight, luring someone to the location, or holding someone down crosses that line. Standing and watching, by itself, generally does not. But "I was just there" is a description that police and administrators will want to test, and a student who says it should be able to explain exactly where they were and what they did.

Then there is the video. Recording can preserve evidence, and sometimes the recording made by a bystander is what clears the right person. Posting is different. Posting a fight humiliates the person who lost it, can lead to a second confrontation, and can draw school discipline of its own. If you have a recording, keep the original file. Do not edit, trim, or post it. Tell your parents it exists. If you were part of the crowd, or the video shows a friend, a lawyer should decide what happens to it before anyone hands it to the school or the police.

If a fight is about to happen

Get an adult. If the danger is serious, call 911. Do not join the crowd. Move away, keep exits clear, and tell an adult exactly where it is happening and whether anyone is hurt. Afterward, help get care for anyone who is injured. If your friend wants to go back and finish it, help them get to an adult or a safe place instead.

[94] Fla. Stat. § 777.011 (2026).

What a parent can do

Ask for the written allegations and the specific section of the code of conduct. Ask what the school reviewed before reaching its conclusion and whether it considered what happened before the video started. Ask the school, in writing, to preserve all video, including footage from before and after the clip and from every camera that might have captured the hallway, the cafeteria, and the bus loop. Give the school the names of students who may have seen the beginning or the moment the fighters separated.

If police are involved or could be, get advice before your child gives a detailed account to anyone. You can address the immediate practical problems, like attendance and safety, while you arrange that advice. Chapters 8, 9, and 24 cover the rest.

CHAPTER 14

Guns, Weapons, and the Decision to Carry

For several years I served on the youth and gun violence committee of Safe and Sound Hillsborough, a community violence collaborative that treats violence the way public health treats any epidemic: reach people before the moment of exposure, not after. My part of that work was a mock trial. I wrote the case, and we staged it in community centers, in public schools, and in a real courtroom at the courthouse, for hundreds of at-risk teenagers across Hillsborough County.

The case was simple, and that was the point. A high school student is well on his way to a football scholarship at a top college program. One afternoon he and a friend are riding their bikes through the neighborhood. He is carrying a gun. He does not plan to use it. He carries it, like many young people tell me they do, because it makes him feel safe.

They cross paths with some boys from another neighborhood. Words are exchanged. A fight starts. During the struggle, the gun falls out. In the scramble that follows, it goes off, and another boy is shot.

The teenagers in the audience tried that case themselves. Young people played the young people. Young people played the judge, the prosecutor, the defense lawyer, the jurors, the bailiff, and the clerk of court. They sat in the witness chair, made the objections, deliberated in the jury room, and announced the verdict.

The University of South Florida worked with us and surveyed the participants before and after each mock trial to measure how their perceptions changed. In almost every one of those trials, they did. Teenagers who walked in thinking a gun was protection walked out understanding what it actually was: the one fact that turned an ordinary fight between boys into a case that ended a young life and ruined

another. The football scholarship was gone the moment he decided to put the gun in his waistband. He just did not know it yet.

This chapter is about that decision, the one made before anyone leaves the house: not bringing a weapon at all.

Why young people carry

Ask young people why they carry a gun or a knife, and the answers are almost always the same. Protection. Fear of someone from another neighborhood or another school. A friend who was jumped. A feeling that everyone else is carrying, so they should too. Sometimes it is status, or a picture for social media.

I understand the fear. Some of it is real. But here is what twenty-five years in courtrooms has taught me: the weapon a young person carries for protection is far more likely to become the center of their own criminal case than to save them. A fight without a weapon is usually a misdemeanor and a school suspension. The same fight with a weapon present can become an aggravated battery, an attempted murder, a manslaughter, or a murder. The weapon changes what kind of case it is.

What Florida law says

Minors and firearms. Florida law generally prohibits a person under 18 from possessing a firearm, with narrow exceptions for an unloaded firearm at home and for supervised hunting and target shooting. A first violation is a first-degree misdemeanor with mandatory consequences, including up to five days in secure detention, 100 hours of community service, and possible loss or delay of driving privileges for up to a year.[95]

Young adults and carrying. Florida now allows some people to carry a concealed firearm without a license, but only if they meet the statutory eligibility requirements, including being at least 21. Qualifying servicemembers and veterans may obtain a license before 21.[96] An 18-, 19-, or 20-year-old who carries a concealed firearm without

[95] Fla. Stat. § 790.22 (2026).

[96] Fla. Stat. §§ 790.01(1), 790.06(2)(b) (2026).

authorization commits a third-degree felony. Carrying a concealed weapon other than a firearm without authorization, such as a knife that does not qualify as a common pocketknife, is a first-degree misdemeanor.[97]

School property. Possessing a firearm, an electric weapon, a destructive device, or any other weapon, including a razor blade or box cutter, at a school-sponsored event, on school property, on a school bus, or at a bus stop is generally a third-degree felony, subject to limited exceptions such as an approved firearms program and certain firearms kept in a vehicle. For a person authorized to carry concealed, the offense is a second-degree misdemeanor. Exhibiting any weapon, even a common pocketknife, in a careless or threatening manner on school property or within 1,000 feet of a school during school hours can also be a third-degree felony, subject to exceptions for lawful self-defense and certain conduct on private property.[98] Florida defines "school" to include everything from preschools to colleges and universities, public and private. As of October 1, 2026, discharging a weapon within 1,000 feet of a school during school hours or a school activity is a second-degree felony, subject to exceptions for lawful defense, other lawful purposes, and specified conduct on private property, and a person arrested for it must be held until brought before a judge.[99]

Zero tolerance. Florida's school safety law requires that a student who brings a firearm or weapon to school, a school function, or school transportation be expelled for at least one full year and referred to the criminal or juvenile justice system.[100] Chapter 24 explains the limited ways that requirement can be modified. For a high school athlete or honor student, that one year can be the end of the path they were on.

Adult court. For a fourteen- or fifteen-year-old, possessing or discharging a weapon or firearm on school property, and carrying or using a firearm during a felony, are among the specific offenses that

[97]Fla. Stat. § 790.01 (2026).

[98]Fla. Stat. § 790.115(1)-(2) (2026).

[99]Fla. Stat. § 790.115(2)(d), (4) (2026), as amended by ch. 2026-80, Laws of Fla.

[100]Fla. Stat. § 1006.13(3)(a) (2026).

allow the State Attorney to file the case directly in adult court.[101] For a sixteen- or seventeen-year-old, any felony can be direct filed.

Minimum mandatory prison. For adults, Florida's 10-20-Life law sets minimum mandatory prison sentences when a firearm is involved in certain serious felonies, including robbery, burglary, and aggravated battery: generally 10 years for possessing a firearm during the crime, 20 years if it is discharged, and 25 years to life if someone is killed or seriously injured.[102] The possession minimum applies even when the gun is never fired.

The long tail of a gun case

Even when no one is hurt, a weapons case follows a young person for a long time. A felony conviction generally ends the right to possess a firearm under both Florida and federal law, usually for life.[103] It can close the door to military service, law enforcement careers, many professional licenses, and college athletics. A weapon-related school expulsion appears in the student's records and, under Florida's 2026 school safety law, a related threat assessment can follow the student to a Florida college or university.

And if someone is hurt, everything in Chapter 15 applies. The young man in our mock trial did not set out to rob anyone, but a fight that turns into a shooting can still produce charges that end in prison, whether the gun was fired on purpose or not.

The adults' responsibility

Many of the guns that end up in the hands of children come from home, or from the home of a friend or relative. Florida law puts responsibility on the adults.

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[101] Fla. Stat. § 985.557(1)(a) (2026).

[102] Fla. Stat. § 775.087(2)(a) (2026). Aggravated assault was removed from the list in 2016. The possession minimum is three years for burglary of a conveyance and for possession of a firearm by a felon. See § 775.087(2)(a)1.

[103] Fla. Stat. § 790.23 (2026); 18 U.S.C. § 922(g)(1).

A person who keeps a loaded firearm where they know or should know a child under 16 is likely to gain access to it must keep it in a securely locked box or container, in a location a reasonable person would believe is secure, or with a trigger lock, unless the person is carrying it. If a child gains access and possesses or exhibits it improperly, the adult commits a misdemeanor.[104] Storing or leaving a loaded firearm within reach of a minor who then takes it onto school property is a separate misdemeanor.[105] A parent or guardian who knowingly and willfully allows a minor to possess a firearm unlawfully commits a third-degree felony.[106] And if a child uses a negligently stored firearm to injure or kill someone, the adult can face felony charges for culpable negligence.[107]

Beyond the law, every locked gun is one fewer chance for a terrible afternoon.

What families can do

Lock every firearm in the home, every time. Know which other homes your child spends time in and ask, politely and directly, whether there are guns there and how they are stored. Many parents find that question awkward. It is far less awkward than the alternative.

Talk to your teenager about why young people carry, and listen to the answer. If your child is afraid of someone, that fear deserves attention from adults, not a weapon. If your child's friends carry, talk about what that means for your child when they are standing next to them.

And tell your son or daughter the story of the football player on the bike. He was not a bad kid. He was a scared kid who made one decision before he left the house. Everything that happened after that was out of his hands.

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[104] Fla. Stat. § 790.174 (2026).

[105] Fla. Stat. § 790.115(2)(c)2. (2026).

[106] Fla. Stat. § 790.22 (2026).

[107] Fla. Stat. § 784.05(3) (2026).

CHAPTER 15

When Someone Dies: Felony Murder and the Friends Who Were There

Three seventeen-year-olds are bored on a Saturday night. One of them says he knows a guy selling weed out of his apartment who always has cash on him. They will set up a buy and just take it. Nobody is going to get hurt. One of them has his older cousin's gun "just to scare him." The second one will drive. The third, the quiet one, does not want to go but does not want to be left out, so he agrees to stand by the door and watch for anyone coming.

Inside the apartment, something goes wrong. There is shouting. The gun goes off. The young man selling the weed is dead.

The driver never left the car. The quiet one never went past the door. Neither of them touched the gun. Neither of them wanted anyone to die. Both of them are about to be charged with first-degree murder.

I have represented young people in cases like this. I have sat with their parents. Almost without exception, the family's first words are some version of the same sentence: "But he didn't kill anyone." Under Florida law, that may not matter.

This is the chapter I most want teenagers and young adults to read twice.

What felony murder means

Most people think murder requires an intent to kill. For premeditated murder, it does. But Florida, like most states, also has a doctrine called felony murder. Under it, a killing that happens while a person is committing or attempting certain serious felonies is murder, even if no

one intended for anyone to die.[108] The intent to commit the felony stands in for the intent to kill.

In Florida, a killing committed by a person engaged in any of the following felonies is first-degree murder, a capital felony:

- Drug trafficking
- Arson
- Sexual battery
- Robbery
- Burglary
- Kidnapping
- Escape
- Aggravated child abuse
- Aggravated abuse of an elderly person or disabled adult
- Aircraft piracy
- Unlawful throwing, placing, or discharging of a destructive device or bomb
- Carjacking
- Home-invasion robbery
- Aggravated stalking
- Murder of another person
- Resisting an officer with violence
- Aggravated fleeing or eluding with serious bodily injury or death
- A felony that is an act of terrorism

Look at that list the way a teenager's life actually looks. Robbery includes the "lick," the plan to set up a buy and take the drugs or the money. Burglary includes going into someone's garage, or into an unlocked car to look for something to take. Florida defines burglary to

[108] Fla. Stat. § 782.04(1)(a)2. (2026).

include entering a dwelling, a structure, or a conveyance, which includes a car, with the intent to commit an offense inside.[109] Carjacking is taking a car from a person by force, violence, assault, or putting them in fear, and it can start with an impulsive grab for someone's keys.[110] Aggravated fleeing includes the driver who panics and runs from a traffic stop at high speed.

"But he wasn't the one who did it"

Here is the part that young people almost never understand until it is too late.

Florida's principal statute says that a person who helps, encourages, or advises another to commit a crime, and intends that the crime be committed, is guilty as a principal, just as if they had committed it themselves.[111] When the principal statute combines with the felony murder rule, the Florida Supreme Court has explained, a person who joins in a felony is generally responsible for the lethal acts of a co-felon.[112]

Put those two rules together and you get the Saturday night above. The driver agreed to the robbery and drove the car. The lookout agreed to the robbery and stood at the door. Each of them helped commit a robbery. A person died during that robbery. Each of them can be charged with first-degree murder, regardless of who pulled the trigger and regardless of whether anyone wanted the shot to be fired.

When the person who dies is one of your friends

It gets worse, and this is the version that blindsides families most.

Florida law also provides that when a person is killed during one of those listed felonies by someone other than the people committing it,

[109] Fla. Stat. § 810.02(1) (2026).

[110] Fla. Stat. § 812.133(1) (2026).

[111] Fla. Stat. § 777.011 (2026).

[112] *Adams v. State*, 341 So. 2d 765, 768-69 (Fla. 1976).

every person engaged in the felony commits second-degree murder, a first-degree felony punishable by up to life in prison.[113]

Imagine four teenagers breaking into cars in a neighborhood late at night. A homeowner hears them, comes out with a gun, and shoots. One of the teenagers dies. The homeowner may never be charged; Florida's self-defense laws may protect him. But the three surviving teenagers can be charged with the second-degree murder of their own friend, because his death happened during a burglary they were committing together. The Florida Supreme Court upheld a second-degree felony murder conviction in a case where the person killed was one of the defendant's own co-perpetrators.[114]

Say it to your teenager in those terms: you can be charged with the murder of your best friend because of a decision the two of you made together.

The getaway counts too

Young people often think that once they are out of the house, out of the store, or back in the car, the crime is over. Florida law does not see it that way. A felony continues during the escape, and courts look at whether there was a break in the chain of events, including whether the people fleeing had reached a place of temporary safety.[115]

That is how a crash during a police chase, miles from the scene and minutes after a car burglary, can become a felony murder case. The driver who runs from the police in a stolen car and kills someone in an intersection, and every passenger who was part of the original felony, may be facing murder charges for a death none of them intended and none of them saw coming.

Florida also has a third-degree version of felony murder for unintended killings during other felonies not on the list, which is itself a second-

[113] Fla. Stat. § 782.04(3) (2026).

[114] *Mikenas v. State*, 367 So. 2d 606 (Fla. 1978).

[115] *Parker v. State*, 641 So. 2d 369, 376 (Fla. 1994).

degree felony.[116] And as Chapter 11 explained, an adult who distributes fentanyl or certain other drugs that cause a user's death can be charged with first-degree murder.[117]

What the sentence can be

First-degree murder is a capital felony. For an adult, the penalties are death or life in prison without the possibility of parole.[118] The United States Supreme Court has held that the death penalty may not be imposed on a felony murder defendant who did not kill, attempt to kill, or intend that a killing take place.[119] That case, *Enmund*, came from Florida, and it involved the driver of a getaway car. But the Court later held in *Tison* that a major participant in the felony who acts with reckless indifference to human life can be eligible for the death penalty even without an intent to kill. Life without parole also remains on the table for an adult.

For a person who was under 18 at the time of the offense, the Constitution forbids the death penalty and a mandatory sentence of life without parole.[120] Florida now requires a special sentencing hearing for juveniles convicted of murder. A juvenile who did not actually kill, intend to kill, or attempt to kill can still receive a sentence of life or a term of years, with a right to a sentence review after 15 years.[121] Those cases are filed in adult court; a child charged with an offense punishable by death or life can be indicted and tried as an adult.[122]

Even the "best" outcome in one of these cases, a plea to a lesser charge, usually means years in prison for a young person who walked into an

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[116] Fla. Stat. § 782.04(4) (2026).

[117] Fla. Stat. § 782.04(1)(a)3. (2026).

[118] Fla. Stat. §§ 775.082(1)(a), 782.04(1)(b) (2026).

[119] *Enmund v. Florida*, 458 U.S. 782, 797-801 (1982). The Court later allowed the death penalty for a defendant whose participation in the felony was major and who acted with reckless indifference to human life. *Tison v. Arizona*, 481 U.S. 137, 158 (1987).

[120] *Miller v. Alabama*, 567 U.S. 460, 479 (2012); *Roper v. Simmons*, 543 U.S. 551, 578 (2005) (no death penalty for an offense committed before age 18).

[121] Fla. Stat. §§ 775.082(1)(b)2., 921.1401, 921.1402 (2026).

[122] Fla. Stat. § 985.56 (2026).

apartment building thinking the worst that could happen was getting caught with some stolen weed.

Why this happens to good kids

I want to be clear about something. The young people I have seen caught in felony murder cases are not, for the most part, hardened criminals. They are often followers. They went along. They were the driver because they had a license, or the lookout because they were the one who did not want to go inside. They did not think of themselves as robbers. They thought of it as a stupid plan that would probably work.

The law does not grade on intentions in these cases. It grades on the decision to join the felony. That is why prevention here has to be blunt.

When I served on the youth and gun violence committee of Safe and Sound Hillsborough, our approach was to treat violence the way public health treats any epidemic: reach young people before the moment of exposure, not after. The mock trials we staged for at-risk teenagers in community centers, schools, and the courthouse were built on that idea. Nothing I said in a lecture landed the way it did when a teenager sat in the jury box and watched the law work through a case. This chapter is meant to do the same thing on paper.

What to tell your teenager

Say it plainly, and say it more than once:

- **If anyone brings a gun, leave.** Not “be careful.” Leave. The presence of a weapon turns a bad idea into a possible murder case for everyone there.
- **There is no such thing as “just” a lick.** Setting up a buy to rob someone is armed robbery waiting to happen, and robbery is on the felony murder list.
- **Do not get in the car.** The driver is a principal. “I just drove” is not a defense.

- **Do not stand lookout.** The lookout is a principal. “I didn’t even go inside” is not a defense.
- **Breaking into cars is burglary.** And burglary is on the list.
- **Never run from the police in a car.** Fleeing can turn a traffic stop into a felony, and a crash into a homicide.
- **If a plan starts to form, get out early and call home.** The code word from Chapter 3 exists for exactly this moment.

The best time to leave is before anyone gets in the car. If that moment has passed, leave now.

If it has already happened

If your child was present when someone died, or was involved in a felony where someone was hurt, call a lawyer immediately, before your child speaks to anyone else. Do not let your child “come down and explain” that they were only the driver or only the lookout. In a felony murder case, that explanation is very often a confession to every element the state needs. Chapter 8 explains what to say. In a case like this, it is the most important page in the book.

CHAPTER 16

Hazing, Traditions, and Initiation

New members of a college club are invited to an off-campus house on a Friday night. They are told the evening is voluntary. When they arrive, an older member tells them that anyone who leaves will not be "one of us." Bottles come out. Someone has a timer. One of the new members becomes visibly ill. A few of the others argue about whether to call for help, because the organization could get in trouble.

Florida has seen what happens next. Several of the state's hazing laws carry the names of young men who died.

What counts as hazing

Under Florida law, hazing at a college or university is any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including initiation into, admission into, affiliation with, or perpetuating a tradition of an organization operating under the sanction of the institution. The definition specifically includes pressuring or coercing someone into violating the law, brutality, exposure to the elements, forced consumption of food, liquor, or drugs, sleep deprivation, forced isolation, and activities that adversely affect a person's mental health or dignity.[123]

A separate statute addresses hazing at schools with any of grades 6 through 12, with a similar definition.[124]

The crimes

At the college level, hazing that results in permanent injury, serious bodily injury, or death is a third-degree felony. Hazing that creates a substantial risk of physical injury or death is a first-degree

[123] Fla. Stat. § 1006.63(1) (2026).

[124] Fla. Stat. § 1006.135(1) (2026).

misdemeanor. A person can commit hazing by doing it, by soliciting someone else to do it, or by being actively involved in planning it.[125]

At the K-12 level, the criminal penalties apply to students in grades 9 through 12: a third-degree felony when the student knew or should have known the act would cause serious bodily injury or death and it does, and a first-degree misdemeanor when the student knew or should have known the act would create a potential risk of physical injury or death and the act creates that risk, even if no one is hurt.[126]

The defenses that do not exist

This is the part of the hazing laws that surprises young people most. Under both statutes, the following are not defenses:

- The person being hazed agreed to it.
- The conduct was not part of an official organizational event or was not sanctioned by the organization.
- The conduct was not done as a condition of membership.[127]

So "they wanted to do it," "it wasn't an official event," and "nobody had to do it to join" do not work. An off-campus address does not work either.

Andrew's Law: calling for help

Florida's college hazing law includes two provisions that every college student should know.

First, a person who is present at a hazing event and is the first to call 911 or campus security, gives their name and the location, describes the medical issue, and stays with the person and cooperates with responders until help arrives, may not be prosecuted for hazing.[128]

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[125]Fla. Stat. § 1006.63(2)-(3) (2026).

[126]Fla. Stat. § 1006.135(3) (2026).

[127]Fla. Stat. §§ 1006.63(5), 1006.135(3)(c) (2026).

[128]Fla. Stat. § 1006.63(11) (2026).

Second, a person who, in good faith, renders aid to the hazing victim before medical help arrives, such as performing CPR, clearing an airway, or using a defibrillator, is immune from prosecution for hazing.[129]

Put simply, the person who calls first and stays is protected, and the person who walks away to protect the group is not.

Federal law now adds another layer. The Stop Campus Hazing Act, signed in December 2024, requires colleges to report hazing statistics and publish information about hazing violations by student organizations.[130] An organization's hazing history is becoming public in ways it never was before.

Different roles, different exposure

In a hazing investigation, the person who designed the activity, the person who ordered others to participate, the person who supplied the alcohol, and the new member who was pressured into going along all stand in different places. Investigators look at group chats, invitations, schedules, and instructions. They look at whether anyone tried to stop it. A college will also look at the organization itself, and organizations can lose recognition.

A young person who was hazed, and who later is asked to participate in hazing the next class, may feel trapped. Tell them now: you can say no, and you can always call home.

For parents

Ask your student about the groups they plan to join, and ask specific questions. What happens during the new member period? Are there events at off-campus houses? Has anyone ever been told they would be out if they did not do something? Students often know a tradition is changing, or turning dangerous, before any adult does. A sophomore

[129] Fla. Stat. § 1006.63(12) (2026).

[130] Stop Campus Hazing Act, Pub. L. No. 118-173 (2024) (amending the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f)).

who notices it in September may prevent the call that would otherwise come in October.

If your student wants to report hazing, slow down first. If your student took part in any of it, even as a new member who was pressured to drink or to haze the next class, talk to a lawyer before the report is made. Andrew's Law protects the person who calls 911 during the emergency, not a student who reports weeks later. If your student was only a target, help them find the right office: student affairs, the dean of students, campus police, or the school's hazing reporting line. Many universities allow anonymous reports. Save ordinary messages that show what the group asked people to do. Keep other students' personal information private.

CHAPTER 17

Dating, Consent, and Age

Two high school students are dating. She is 17. He just turned 18. A friend jokes that he could be arrested. They laugh about it. They should not, because the answer depends on facts neither of them has thought about.

At a college party, a student notices a friend who can barely stand being steered by someone toward a bedroom.

Both situations benefit from clarity before anyone makes a decision that cannot be undone.

Consent

Florida's sexual battery statute defines consent as intelligent, knowing, and voluntary consent. It does not include coerced submission. And it says specifically that consent does not mean the failure of the alleged victim to offer physical resistance.[131]

In plain language for young people:

- Silence is not consent. Not resisting is not consent.
- Consent to one thing is not consent to everything.
- Consent last week, or last time, is not consent tonight.
- Consent can be withdrawn. If someone says stop, stop.
- If someone is asleep, unconscious, or so intoxicated that they cannot understand what is happening or communicate a choice, they cannot consent. Stop, and check on their safety.

Florida law treats sexual activity with a person who is physically helpless or mentally incapacitated, including incapacitated by an intoxicating substance administered without their consent, as an

[131] Fla. Stat. § 794.011(1)(a) (2026).

aggravated form of sexual battery.[132] A college's policy will define incapacitation in its own terms, and that definition may be broader than the criminal statute.

Teach young people to use ordinary words: "Do you want to keep going?" "Is this okay?" "Let's stop." The goal is for those sentences to feel normal, not awkward.

Age

Age is a separate question, and it is where teenagers get the law wrong most often.

Florida has no single "age of consent" rule that answers every situation. Instead, several statutes apply depending on the ages involved and the conduct. Two of the most important:

Under 16. Florida's lewd and lascivious statute criminalizes sexual activity and other lewd conduct with a person under 16. For purposes of that statute, the victim's consent is not a defense, and neither is the defendant's belief about the victim's age.[133] The penalties depend on the specific conduct and on the ages of both people, and the statute treats some offenses committed by younger offenders less severely than those committed by adults. But the core rule is clear: sexual activity with someone under 16 can be a felony.

16 and 17. A person 24 or older who engages in sexual activity with a person 16 or 17 commits a second-degree felony.[134]

Where young adults get it wrong

The 794.05 line is drawn at an exact birthday, and young adults need to know precisely where it falls. A 23-year-old who has a sexual relationship with a 16- or 17-year-old is not violating section 794.05. The day that same person turns 24, the identical relationship becomes a second-degree felony that carries up to 15 years in prison and lifetime

[132] Fla. Stat. § 794.011(1), (4)-(5) (2026).

[133] Fla. Stat. § 800.04(2)-(3) (2026).

[134] Fla. Stat. § 794.05(1) (2026).

sex offender registration.[135] The younger person's consent, and the fact that the relationship began a year earlier, do not change that.

Here is the full picture for a young adult, as plainly as I can put it:

- **Partner under 16:** Sexual activity or lewd conduct can be a felony under section 800.04, for an adult of any age. Consent is not a defense. A mistake about age is not a defense.
- **Partner 16 or 17, you are 24 or older:** A second-degree felony under section 794.05.
- **Partner 16 or 17, you are 18 to 23:** Section 794.05 does not apply. But that is not the end of the analysis. If you are in a position of authority, such as a teacher, a coach, or a school employee, separate laws can apply. And the images are a different story entirely.
- **Explicit photos or videos, partner under 18:** A photo or video of a 16- or 17-year-old that depicts sexual conduct, which under Florida law includes a lewd exhibition of the genitals, can be child sexual abuse material, no matter how old the person who has it is and no matter that the relationship itself is lawful.[136] The minor-sexting statute in Chapter 4 protects only minors. A 19-year-old who keeps a nude photo his 17-year-old girlfriend sent him can be charged with a separate felony for each image.
- **Sending explicit material to a person under 18:** An adult who knowingly sends material that meets the legal definition of "harmful to minors" to a specific person the adult knows or believes is under 18 can commit a third-degree felony.[137] A 20-year-old who sends a sexually explicit photo of himself to his 17-year-old girlfriend can face that charge even though the relationship is legal. When the sender is under 18, the minor-sexting law in Chapter 4 applies instead.

[135]Fla. Stat. §§ 794.05(1), 943.0435(1)(h)1.a.(I) (2026).

[136]Fla. Stat. § 827.071 (2026).

[137]Fla. Stat. § 847.0138 (2026).

Many of these offenses, including the image offenses, carry sex offender registration.[138] A relationship that is legal can still produce a lifetime registration case if it moves to the phone.

When ages or circumstances are uncertain, do not rely on what friends say. Get specific advice.

Sex offender registration

Some sexual offenses carry sex offender registration, and in Florida registration can follow a person for life. Juveniles are not automatically exempt. A juvenile 14 or older who is adjudicated delinquent for certain of the most serious sexual offenses must register.[139] Florida also provides a limited path to relief from registration for certain young people in consensual relationships with a small age difference, sometimes called the "Romeo and Juliet" provision.[140] Its requirements are narrow and technical.

I raise registration because it is one of the clearest examples of a consequence that lasts far longer than the incident. It is the reason that any allegation of sexual misconduct involving a young person, whether the young person is the accuser or the accused, should involve experienced advice from the very beginning.

When someone tells you they were harmed

Start with the person's safety and their choices. "Thank you for telling me. What do you need right now?" is the right first sentence. Offer to help them reach medical care or an advocate. Medical care can address injuries and health concerns, and can include evidence collection, which is time-sensitive. A sexual assault center can explain options without forcing an immediate decision about police. If the person harmed is a minor, however, Florida's mandatory child-abuse reporting law applies, as Chapter 10 explains.

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[138] Fla. Stat. § 943.0435(1)(h)1.a.(I) (2026) (listing, among other qualifying offenses, §§ 794.05, 827.071, and 847.0138).

[139] Fla. Stat. § 943.0435(1)(h)1.d. (2026).

[140] Fla. Stat. § 943.04354 (2026).

If they are in immediate danger, call 911. Help them think about safe transportation, where they will sleep, and how they will get to class or work. On a college campus, the Title IX office can provide supportive measures, like changes to class schedules or housing, whether or not a formal complaint is filed. Chapter 26 explains that process.

Do not press for every detail. Do not confront the other person. Do not post about it. Let the person who was harmed make the decisions that belong to them.

When someone is accused

A young person who receives an allegation of sexual misconduct, from a school, a college, or the police, should read every notice carefully for deadlines and restrictions, follow any no-contact directive exactly, preserve ordinary communications in their full context, and get legal advice before submitting any written or oral account. These cases often involve a criminal investigation and a school or campus proceeding at the same time, and what is said in one can be used in the other.

Do not contact the other person to “talk it through.” Do not ask mutual friends to pass messages. Do not delete anything.

What a bystander can do

If you see something that looks wrong, you do not have to be a hero, but you do have to do something. Check on the person. Create a distraction. Bring a friend, a trusted adult, event staff, or a resident assistant. Call 911 if anyone is in danger. When you report, describe what you saw and when. Do not promise secrecy you cannot keep, and do not start your own investigation.

A student who gets a friend safely out of a risky situation has already done something important.

CHAPTER 18

The Morning After: Alcohol, Sex, and the Accusation

It is a Friday night at a fraternity house near campus. Jake, a nineteen-year-old sophomore, has been talking to a girl from his chemistry class most of the night. They have both been drinking. Around one in the morning she says she is tired and wants to lie down. He walks her upstairs. They start kissing. Things go further. To Jake, everything feels mutual. Nobody says no.

On Sunday afternoon she tells her roommate she does not remember most of the night. She woke up in a room she did not recognize, with pain in her vaginal area, and she says she would never have agreed to what happened. On Monday, she talks to a campus advocate. By Wednesday, Jake has an email from the Title IX office and a voicemail from a detective.

Jake's enrollment, his scholarship, his future career, and his freedom are now on the table. And the word that is going to follow him into every one of those rooms is a word he never imagined would be attached to his name.

I have seen this exact story many times, from both sides, and I want to tell young adults the truth about it plainly. This chapter is written mostly to young men, because in my experience they are the ones most often accused in this situation and the ones least prepared for what follows. But the law applies to everyone: women can be accused, men can be victims, and same-sex encounters raise the same issues. And the young woman in this story deserves care and respect, which is part of what this chapter is about.

What the law says about alcohol and consent

Florida law defines consent for sexual battery as "intelligent, knowing, and voluntary consent," and says it does not include coerced submission. It also says that a failure to resist is not consent.[141] Read those words with alcohol in mind. "Intelligent" and "knowing" are the words that matter. A person who is drunk enough may not be capable of the intelligent, knowing consent the law requires, even if they are awake, even if they are participating, even if they never say no.

There is a second rule that applies when someone is past that point. Florida treats sexual battery on a person who is "physically helpless" as an aggravated, first-degree felony. Physically helpless means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.[142] A person who has passed out, or who is drifting in and out, or who is too drunk to speak clearly, may fall within that definition.

The penalties are severe. Sexual battery on an adult without consent, without force likely to cause serious injury, is a second-degree felony punishable by up to 15 years in prison. Sexual battery on a physically helpless adult is a first-degree felony punishable by up to 30 years.[143]

And then there is the consequence that lasts longest. An adult convicted of sexual battery in Florida must register as a sexual offender. That registration is for life. For most registration offenses, Florida allows a person to petition for removal after 25 years without a new arrest. For an adult conviction under the sexual battery statute, that path is not available.[144] Registration affects where a person can live and work, requires regular in-person reporting, and puts the person's name, photograph, and address on a public website.

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[141] Fla. Stat. § 794.011(1)(a) (2026).

[142] Fla. Stat. § 794.011(1), (4)(b), (4)(e)1. (2026).

[143] Fla. Stat. §§ 794.011(4)(b), (5)(b), 775.082(3) (2026).

[144] Fla. Stat. § 943.0435(1)(h)1.a.(I), (11) (2026).

Why “it felt consensual” is not enough

Young people often say, and believe, that a situation was mutual because nobody objected and both people seemed into it. I understand why it feels that way in the moment. But consider how these cases actually look afterward:

- **Both people were drinking.** Alcohol affects memory as well as judgment. One or both people may remember the night in fragments, or not at all. An alcohol blackout is not the same as being unconscious, and a gap in memory does not by itself prove either that consent was missing or that it was given. But a person who cannot remember the night may sincerely believe they never agreed.
- **The question is capacity, not just words.** Investigators will ask whether she was capable of intelligent, knowing consent at the time, along with whether she said yes. Criminal statutes and campus policies do not define incapacity, or what the other person had to know about it, in identical ways.
- **The evidence is everywhere.** Rideshare receipts, bar tabs, door cameras, party photos, group chats, witnesses who saw her stumbling or saw him help her up the stairs. Investigators will collect it. A witness who says “she could barely walk” can decide a case.
- **His own words are often the strongest evidence.** We will get to that in a moment.

None of this is about whether Jake is a bad person. Most of the young men I have represented in these cases did not think of themselves as having done anything wrong at the time. The law asks a different question than the one they were asking themselves.

The rule that protects everyone

Here is the simplest rule I know, and I want every young adult to adopt it:

> *If they have been drinking enough that you have to wonder, the answer is not tonight.*

That rule protects the other person, and it protects you. Nothing that could happen in that room tonight is worth what the next year of your life could look like. If it is real, it will still be real tomorrow, when you are both sober.

A few more rules that follow from it:

- **Do not be the one who walks a drunk person to a bedroom.** Walk them to their friends, to a cab, to their own room with their roommate.
- **Use words.** "Do you want to do this?" "Are you okay?" If the answer is unclear, slurred, or silent, stop.
- **Watch out for your friends.** If your friend is about to make this mistake, interrupt it. If someone who can barely stand is being steered upstairs, step in. Chapter 17 covers what a bystander can do.
- **Never record anything.** Recording a sexual encounter without the other person's knowledge and consent can be the felony of video voyeurism, and sharing it is a separate crime.[145]

The phone call you must not make

Here is the trap I have watched catch young men more than any other.

A few days after the party, Jake gets a text from the young woman. "I need to understand what happened Friday. Why did you do that when I was so drunk?" Or she calls him, upset, and asks him to explain.

Jake feels terrible that she is upset. He wants to make it right. So he says he is sorry, that he was drunk too, that he thought she wanted to, that he should have stopped.

[145] Fla. Stat. §§ 810.145, 784.049 (2026).

What Jake does not know is that a detective may be sitting next to her, listening and recording. Florida is generally an all-party consent state for recording conversations, but the law makes an exception that allows law enforcement to intercept a call when one party consents and the interception is for the purpose of obtaining evidence of a crime.[146] These are often called controlled calls or pretext calls, and they are one of the most common investigative tools in sexual battery cases.

An apology, offered sincerely by a young man who is upset that someone he cares about is hurt, can be presented to a jury as a confession.

So if you are ever in Jake's position: do not respond to the substance of the incident by text, phone, social media, or through friends. Do not apologize. Do not explain. Do not argue. Do not delete anything either. Call a lawyer. Chapter 8 tells you what to say to the police.

Two systems, two different standards

Jake will likely face two processes at once.

The criminal case requires proof beyond a reasonable doubt, and it may take months for the State Attorney to decide whether to file charges. Those charges can come long after the night itself.

The campus case moves faster and uses a lower standard. Under the federal Title IX rules, sexual assault is covered, and the college must decide responsibility using either a preponderance of the evidence standard (more likely than not) or a clear and convincing standard.[147] College policies often define incapacitation more broadly than the criminal statute, and many say expressly that a person who is incapacitated by alcohol cannot consent, whether or not someone else gave them the alcohol. A student can be expelled after a campus hearing even if prosecutors never file charges.

[146] Fla. Stat. § 934.03(2)(c) (2026).

[147] 34 C.F.R. §§ 106.30(a), 106.45(b)(1)(vii) (2026).

What Jake says in one process can be used in the other. As Chapter 26 explains, a statement given to a Title IX investigator can now be considered even if the student never testifies at the hearing. This is a situation that requires a lawyer who understands both systems from the first day.

If you are the one who was harmed

If you woke up not knowing what happened, or knowing that something happened you did not want, you deserve care.

You do not have to decide everything right away. You can get medical care, including a forensic examination, without deciding whether to report to police. That examination is time-sensitive, generally most useful within a few days. Florida's certified rape crisis centers can send an advocate to be with you, explain your options, and help you with the next steps. On campus, the Title IX office can arrange supportive measures, like changes to classes or housing, whether or not you file a formal complaint.

Save what you have: texts, photos, rideshare receipts. Write down what you remember, and when you remember it. Tell someone you trust.

For parents of college students

Have this conversation before your son or daughter leaves for school. It is awkward. Have it anyway. Tell your son the rule above. Tell your daughter that if anything ever happens to her, she can call you and you will help, without blame. Tell both of them about the phone call they must not make, and that if they ever get an email from a Title IX office or a call from a detective, the first call is to you and the second is to a lawyer.

Most of all, help them understand that the decision that matters is the one made at one in the morning, at the bottom of the stairs.

CHAPTER 19

Fights at Home and Between Partners: Domestic Violence and Injunctions

A sixteen-year-old girl and her mother are arguing about a phone at eleven at night. The argument gets loud. The mother grabs the phone. The daughter pushes her away and the mother stumbles into a doorframe. A neighbor calls the police. Twenty minutes later, the daughter is in the back of a patrol car charged with domestic battery, and her mother, who never wanted any of this, is standing in the driveway asking the deputy how to make it stop.

In another apartment, two college juniors who have lived together for a year are breaking up. He grabs her wrist to keep her from leaving with his laptop. She scratches his face pulling away. When officers arrive, they see red marks on both of them and have to decide who to arrest.

Domestic violence cases are among the most common ways young people enter the criminal justice system, and among the least understood. Families think of these as private arguments. Florida law treats them as something very different.

What makes it “domestic”

Under Florida law, domestic violence is any assault, battery, sexual assault, stalking, kidnapping, false imprisonment, or other criminal offense resulting in physical injury or death, committed by one family or household member against another. Family or household members include spouses and former spouses, people related by blood or marriage, people who live together or have lived together as a family, and parents of a child in common.[148]

That definition can cover a teenager and a parent, two siblings, and partners who live or have lived together as a family. Except for parents

[148] Fla. Stat. § 741.28(2)-(3) (2026).

of a child in common, the people must live or have lived in the same home. Ordinary roommates who just share a rental are not automatically covered. A boyfriend and girlfriend who have never lived together and do not have a child in common generally fall outside the domestic violence definition, but they are covered by Florida's separate dating violence laws, discussed below.

The underlying charge is usually the same assault or battery described in Chapter 13. A push, a grab, or a slap can be a battery. What changes when the case is "domestic" is almost everything that happens next.

What happens after a domestic arrest

No release on the bond schedule. A person arrested for an act of domestic violence must be held in custody until brought before a judge.[149] For an adult, that usually means a night in jail and a first appearance the next day, where the judge will almost always order no contact with the alleged victim. For a young adult who lives with the alleged victim, that order can mean they cannot go home.

Juveniles. A child charged with a domestic violence offense whose risk assessment does not call for secure detention may be held in secure detention only if the court finds that respite care is not available and detention is necessary to protect the victim, and generally only for 48 hours.[150] In practice, many juvenile domestic cases involving a parent end with the child placed in a respite or shelter setting for a cooling-off period. Families are often shocked to learn that their child cannot come home that night.

The alleged victim does not control the case. This is the fact families find hardest to accept. Florida requires every State Attorney's Office to adopt a pro-prosecution policy for domestic violence, and says that the decision to file, not file, or divert a case is made by specialized prosecutors, over the objection of the victim if necessary.[151] The mother in the driveway cannot "drop the charges." Only the State Attorney can.

[149] Fla. Stat. § 741.2901(3) (2026).

[150] Fla. Stat. § 985.255 (2026).

[151] Fla. Stat. § 741.2901(2) (2026).

What the alleged victim can do is let the prosecutor know their wishes. In my experience, many domestic cases are never filed, and the odds are already relatively favorable before a lawyer is involved. Having an attorney on the case, and a written statement from the alleged victim explaining that they do not want the case to go forward, often improves those odds further. That statement should be prepared carefully and voluntarily, and never as the result of pressure from the accused or the accused's family. Pressuring a witness is a crime of its own.

Why a domestic conviction is different

A domestic violence case that ends badly carries consequences that an ordinary battery does not:

- **No sealing or expunction.** A battery or assault against a family or household member that ends in a guilty or no contest plea cannot be sealed or expunged in Florida, even if the judge withholds adjudication.[152] For a nineteen-year-old, that is a permanent public record from a single argument.
- **Firearms.** Federal law prohibits a person convicted of a qualifying misdemeanor crime of domestic violence from possessing firearms or ammunition, often for life. The federal definition differs from Florida's, and limited relief exists, including a five-year rule for certain first convictions involving dating partners.[153] A prohibition can bar military, law enforcement, and security work that requires a firearm.
- **Jail.** For an adult adjudicated guilty of a domestic violence crime who intentionally caused bodily harm, Florida requires at least ten days in county jail.[154]
- **Batterers' intervention.** Domestic violence sentences commonly include a long intervention program, and probation conditions can keep a young adult out of their own home.

[152] Fla. Stat. § 943.0584(1), (2)(f) (2026).

[153] 18 U.S.C. §§ 921(a)(33), 922(g)(9).

[154] Fla. Stat. § 741.283 (2026).

Dating violence and injunctions

Florida allows a person to petition a court for an injunction for protection against domestic violence, and separately against dating violence, repeat violence, sexual violence, and stalking.[155] Dating violence covers violence between people who have, or recently had, a continuing and significant relationship of a romantic or intimate nature. These injunctions are common on college campuses and among young adults who are breaking up.

A judge can enter a temporary injunction the same day a petition is filed, without the other person present, and set a hearing within a short time on a final injunction. The temporary injunction can order the respondent to stay away from the petitioner's home, school, and workplace, to have no contact of any kind, including through friends or social media, and to surrender firearms. Violating an injunction is a crime, and a person can be arrested for a single text message.

For a college student, an injunction can mean changing classes, moving out of a residence hall, leaving a job, or staying away from a fraternity house or a team facility. Colleges often adopt the terms of a court injunction into their own no-contact directives.

If you are served with an injunction while a criminal case is pending

This is one of the most important practical points in this chapter. An injunction hearing is a civil hearing, but it is held in a courtroom, under oath, and it is recorded. If the person served with the petition also has a pending criminal case, or could be charged, anything they say at the injunction hearing can be used against them in the criminal case.

When our firm represents a respondent who also has a criminal charge, we often agree to keep the temporary injunction in place for the time being and ask the judge to set a status date on the final injunction hearing. That gives us time to learn more about the criminal case, and it keeps our client from having to testify at the injunction hearing in a way

[155] Fla. Stat. §§ 741.30, 784.046, 784.0485 (2026).

that could hurt the criminal case. Judges typically grant that request. It is a decision that should be made with a lawyer, and never by a young person standing alone in front of a judge.

If you are served: read the papers immediately, follow every term exactly, including no contact through friends or social media, note the hearing date, and call a lawyer before the hearing.

If you are the one being hurt

If someone in your home or someone you are dating is hurting you, threatening you, or controlling where you go and whom you see, you deserve help. Call 911 if you are in danger. In Tampa Bay, The Spring of Tampa Bay provides shelter, advocacy, and help with injunctions for people experiencing domestic violence, and Florida's certified domestic violence centers serve all 67 counties. A school counselor or campus advocate can help you make a safety plan and can help with changes to classes or housing.

How to keep an argument from becoming a case

Most domestic cases involving young people start with an argument that nobody planned to turn physical. A few rules prevent a great many of them:

- **Walk away.** Go to another room, go outside, take a drive with a friend. Leaving an argument is not losing it.
- **Hands off.** Do not grab the phone, the keys, the laptop, or the arm. Grabbing is how most of these cases begin.
- **Do not block a doorway.** Keeping someone from leaving can turn a battery into a false imprisonment charge.
- **No property damage.** Breaking a phone or punching a wall in someone else's presence can be charged too.
- **No posting, no texting after.** Angry messages after the fact often become the state's best evidence, and messages that violate a no-contact order are new crimes.

Parents, if an argument with your teenager is getting physical, the best call is often to a trusted relative, a counselor, or a crisis line before it gets to the point where a neighbor calls 911. Once officers arrive and see a mark, the decision is out of your hands.

CHAPTER 20

The Everyday Arrests: Theft, Cars, Licenses, and Other Common Charges

Most young people who come into contact with the criminal justice system are not involved in anything dramatic. They took something from a store. They walked through unlocked cars. They drove on a suspended license they did not know was suspended. They gave a fake name to an officer. They had a few drinks on a boat.

These are the everyday arrests, and they are where many young people's records begin. None of them should end a future. All of them can, if they are handled badly or repeated.

Shoplifting and theft

Retail theft is one of the most common first arrests for teenagers and young adults. In Florida, theft of property worth less than $100 is a second-degree misdemeanor, and theft of property worth at least $100 but less than $750 is a first-degree misdemeanor. Theft of property worth at least $750 but less than $20,000 is generally third-degree grand theft, and higher values and certain kinds of property carry more serious classifications.[156] Prices add up quickly. A few pairs of headphones or a cart full of clothes can cross the felony line.

There is also a trap built into the theft statute. A person who has two prior theft convictions and commits a third petit theft, even a small one, can be charged with a felony.[157] Each small case matters more than it looks.

Stores also have their own remedies. Florida allows a merchant to demand a civil penalty from a person who shoplifts, separate from any criminal case, and many young people receive a letter demanding

[156] Fla. Stat. § 812.014 (2026).

[157] Fla. Stat. § 812.014(3)(c) (2026).

payment weeks after the incident.[158] Loss-prevention employees can detain a person they reasonably believe has shoplifted. They are not police officers, but what a young person tells them is often written down and handed to the police.

Retail theft is one of the offenses most often resolved through a juvenile prearrest citation or an adult diversion program, and a first theft case handled well usually ends without a conviction. The worst thing a young person can do is talk too much in the store's back office.

Car break-ins and car theft

Walking through a neighborhood at night checking for unlocked cars is common among teenagers, and many of them think of it as a minor thing because the cars were unlocked. Florida law does not. Entering a car with the intent to commit an offense inside it is burglary of a conveyance, a third-degree felony even when the car is unlocked and nothing is taken.[159] Taking the car is grand theft of a motor vehicle, also a third-degree felony.[160]

Car burglary is also on the felony murder list, as Chapter 15 explains. When a car owner confronts a group of teenagers at two in the morning, the situation can become deadly in seconds, and the law may hold every member of the group responsible for what happens next.

Driving on a suspended license

This is one of the most common charges I see among young adults, and one of the most preventable. Florida licenses are suspended for many reasons, some unrelated to how a person drives: an unpaid traffic ticket, a missed court date, a lapse in insurance, an unpaid child support obligation, or too many points on a young driver's record. Many young people do not know their license is suspended until they are stopped.

[158] Fla. Stat. §§ 772.11, 812.015 (2026).

[159] Fla. Stat. § 810.02(1), (4)(b) (2026).

[160] Fla. Stat. § 812.014(2)(c)6. (2026).

Driving while suspended without knowing it is a moving violation. Driving while suspended with knowledge is a second-degree misdemeanor for a first conviction and a first-degree misdemeanor for a second, and a third conviction can bring mandatory jail or a felony charge in certain circumstances. A person designated a habitual traffic offender who drives commits a third-degree felony.[161]

The prevention is simple. Pay every ticket or elect traffic school on time. Keep insurance current. Check your license status online with the Department of Highway Safety and Motor Vehicles after any ticket or court date, and before you drive if you have any doubt.

Giving a false name

When stopped by police, some young people give a friend's name or a made-up name, hoping to avoid a warrant or a suspended license. That is a crime in itself. Giving a false name or identity to a law enforcement officer after being lawfully detained or arrested is a first-degree misdemeanor, and using another real person's name can bring additional charges.[162] Knowingly giving false information during a felony or missing-person investigation, intending to mislead the officer, is a separate crime too.[163] Remember the rule from Chapter 8: you may remain silent, but you may not lie.

Resisting and running

Pulling away from an officer, refusing to put your hands behind your back, or running after being told to stop can be resisting an officer without violence, a first-degree misdemeanor.[164] Pushing, kicking, or striking an officer is resisting with violence, a third-degree felony, and battery on an officer is reclassified to a felony.[165] Running in a car is

[161] Fla. Stat. § 322.34 (2026).

[162] Fla. Stat. § 901.36 (2026).

[163] Fla. Stat. § 837.055 (2026).

[164] Fla. Stat. § 843.02 (2026).

[165] Fla. Stat. §§ 843.01, 784.07 (2026).

fleeing or eluding, a felony, and as Chapter 15 explains, a crash during that flight can become a homicide case.

I tell every young person the same thing. If you believe a stop or arrest is unfair, the place to fight it is in court, with a lawyer, not on the side of the road.

Street takeovers and racing

Street racing, drifting, and organized "takeovers" of intersections and parking lots have become common among young drivers, and Florida has steadily increased the penalties. Racing on a highway, or participating in or coordinating a takeover, is a crime that can carry jail, fines, and license revocation, and spectators can face charges too.[166] A car used in these events can also become evidence. A video posted online is often how these cases are made.

On the water

In the Tampa Bay area, many young people spend weekends on boats. Florida's boating under the influence law mirrors the DUI law: a person commits BUI by operating a vessel while impaired or with a blood or breath alcohol level of 0.08 or higher.[167] The person driving the boat should be as sober as the person driving the car.

Large public events

Gasparilla, spring break, concerts, and big games bring huge crowds, heavy police presence, and alcohol. Arrests at these events tend to involve the same handful of charges: underage possession of alcohol, open container, disorderly intoxication, trespass, battery, and resisting. Go with a plan, a sober friend, and a meeting place, and leave early if the crowd turns.

[166] Fla. Stat. § 316.191 (2026).

[167] Fla. Stat. § 327.35 (2026).

Warrants, court dates, and probation

Finally, the most avoidable problems of all. A young person who misses a court date can be arrested on a warrant, sometimes months later at a routine traffic stop. A young person on probation who misses a meeting, fails a drug test, or does not finish community service can be arrested for a violation, and the judge can impose any sentence that was available for the original offense.

Keep every court paper. Put every date in your phone with two reminders. Keep your address current with the court and your lawyer. If you cannot make a date, call your lawyer before the date, not after.

The pattern

Look at every charge in this chapter and you will see the same pattern. The first case is usually manageable. The trouble comes from the second and third cases, from the missed date, from the lie told to the officer, from running. A young person who gets one of these charges and handles it properly can often avoid a conviction, but an arrest record can remain even when charges are dropped. Chapter 27 explains how to deal with that record. A young person who treats the case as nothing makes it much harder to resolve.

PART FIVE

After a Report: The Systems That Take Over

CHAPTER 21

One Incident, Several Proceedings

Go back to Mateo and the group chat in Chapter 5. By Monday morning, at least three different processes had started over a single message. The school's threat management team was assessing whether anyone was in danger. An administrator was deciding whether the student who posted it violated the code of conduct. And a deputy was investigating whether a crime had been committed.

Families almost always experience these as one thing. "The school called the police on my son." In reality they are separate processes run by separate people, with different purposes, different rules, different standards of proof, and different outcomes. Once you see that, the rest of Part Five is much easier to follow.

What the school is deciding

A school may be making two separate decisions. The first is about safety. Florida requires every public school to have a threat management team that assesses and intervenes with students whose behavior may pose a threat to the safety of the school, staff, or students.[168] That team's question is not "did the student break a rule?" It is "is anyone in danger, and what will keep people safe?" It may act quickly and before everyone agrees about what a message meant.

The second decision is about discipline. Did the student violate the code of conduct, and what consequence does the code allow or require? A temporary removal while facts are checked is different from a final disciplinary finding. Ask which kind of action you are dealing with.

Chapter 24 covers the school process in detail.

[168] Fla. Stat. § 1006.07(7) (2026).

What the police and prosecutor are deciding

Police investigate whether a crime was committed and who committed it. They collect messages, interview witnesses, and try to establish who operated an account or what happened before a video started. An officer may arrest, or take a child into custody, if there is probable cause.

But in Florida, the officer does not decide whether a criminal case goes forward. The prosecutor does. The State Attorney's Office reviews the case and decides whether to file charges, what charges to file, and whether a juvenile case should be handled in juvenile court, diverted, or in some cases filed in adult court. That filing decision is separate from the arrest. It can come days or weeks later. As Chapter 8 explained, the period between the incident and the filing decision is often the most important window in the case.

If a case goes to trial, the state must prove each element of the crime beyond a reasonable doubt. That standard applies in juvenile delinquency cases as well as adult cases.[169]

What a college may be deciding

A college or university can apply its student code of conduct through its own process, separate from any criminal case. Some cases also raise issues for the Title IX office. A college can decide whether a policy was violated, set interim housing or class arrangements, and impose sanctions up to expulsion, all while a police investigation is open or after it has closed. Colleges usually decide responsibility using a much lower standard of proof than a criminal court, often whether something was more likely than not.

The University of South Florida's published conduct process, for example, says it may proceed before, during, or after a criminal or civil case. Other institutions say similar things in different words.

[169] *In re Winship*, 397 U.S. 358, 368 (1970).

Why the separation matters

Because each process is separate, the outcome in one does not control the others.

The criminal case can continue after the school sends a student back to class. A school or college can discipline a student after the prosecutor declines to file charges. A police officer may find no crime at all, and a school may still find a code violation. A student may be acquitted at trial and still be suspended from college.

What a student says in one process can also travel to another. A statement written for a school administrator can end up in a police report. Testimony at a college hearing can be subpoenaed in a criminal case. A Title IX investigator's interview notes can become evidence. That is why a young person who may face criminal exposure needs advice before giving a detailed account to anyone, even in a process that does not seem criminal.

When one office says it is finished

Suppose the deputy decides there is no basis for a charge over Mateo's teammate's message. The family hears that news on Tuesday. On Wednesday the school asks the student to come in for a conduct meeting.

The family can bring the news about the criminal investigation to the school meeting and ask how it affects the school's review. They should also ask what allegations remain open, what evidence the school plans to rely on, and when the student can respond. Going the other direction, a decision by the school to allow a student back to practice tells you what the school has decided. It tells you nothing about what the prosecutor will decide.

Now think about Mateo himself, the student who reported. The immediate danger has passed, but teammates are angry at him for going to the coach. His most pressing question may be where he can go at practice, or what to do if someone confronts him in the locker room. He

can ask the school who will handle those concerns. A safety plan can matter a great deal even when there is no criminal case at all.

One log for the whole family

The Incident Log at the back of this book is built for exactly this problem. Make one entry for every office that contacts you. Write down the contact person, the process, the next date, and any restriction. When a date changes or an outcome arrives, update it. If you need a date moved, ask the office that controls it and get the answer in writing.

CHAPTER 22

Juvenile Court and the Question of Adult Court

A fifteen-year-old is taken into custody after a fight at a bus stop that left another student with a broken jaw. His mother gets a call. Someone tells her he is being taken to the assessment center. She asks whether there will be a trial.

That question is a long way off. There are more immediate ones. Where is my child right now? Who is with him? When is the next hearing? Who is his lawyer? This chapter walks through the juvenile system in the order families actually experience it.

Before an arrest: citations and diversion

The best juvenile case is the one that never becomes a case. Florida law encourages that.

Every judicial circuit in Florida must have a prearrest delinquency citation program for misdemeanor offenses, which until recently was commonly called civil citation. Under these programs, an officer who encounters a child who has committed a qualifying misdemeanor may issue a citation instead of making an arrest. The child is referred to a program that may include community service, restitution, classes, and intervention services such as family counseling or substance abuse treatment, based on a needs assessment. Offenses involving the use or possession of a firearm do not qualify. Each circuit sets its own eligibility criteria.[170] Issuing a citation under one of these programs is not considered a referral to the Department of Juvenile Justice.

I served for many years on Hillsborough County's juvenile civil citation committee, working to develop and expand the use of civil citations in

[170] Fla. Stat. § 985.12 (2026). The 2024 Legislature renamed civil citation and similar prearrest diversion programs as "prearrest delinquency citation programs."

our county. I consider civil citation the gold standard. It has been remarkably successful at reducing recidivism. When I started that work, Hillsborough's juvenile caseload was roughly 12,000 cases a year. After civil citations took hold, it fell to about 2,000. In Hillsborough the program is known as the Juvenile Arrest Avoidance Program.

There is one thing families need to understand about prearrest citations: they are issued by the officer at the scene. Once an officer has decided to make an arrest, a lawyer generally cannot get the child into a prearrest program after the fact. That is one more reason the conversations in Part One matter. A child who stays calm, is respectful, and does not make the situation worse gives the officer every reason to choose the citation.

After an arrest, there are still diversion options. Florida law authorizes postarrest diversion programs, and many circuits operate teen court and other programs that can resolve a case without a delinquency adjudication.[171] A lawyer can often work to steer an eligible case toward diversion. Ask what the program requires, whether it requires any admission, what happens if the child does not finish, and what completion will mean for the child's record. A juvenile who successfully completes a diversion program may be able to have the arrest record expunged, which Chapter 27 explains.

Custody

When a child is taken into custody, the officer must try to notify the parent or guardian, and that effort continues until a parent is reached or the child is delivered to the Department of Juvenile Justice.[172] Taking a child into custody is not technically an "arrest" under Florida law, except for purposes of deciding whether it was lawful, but for families the difference is mostly vocabulary.

In many Florida counties, including Hillsborough, a child taken into custody is brought to a juvenile assessment center for screening. There,

[171] Fla. Stat. § 985.125 (2026).

[172] Fla. Stat. § 985.101 (2026).

staff use a risk assessment instrument to determine whether the child can be released to a parent or should be held in detention pending a hearing.[173]

Ask these questions:

- Where is my child, and can I see or speak with them?
- Is my child being released to me, or held for a detention hearing?
- When and where is the detention hearing?
- Has my child been questioned? Did anyone read my child their rights?

If your child has not yet been questioned, say clearly that you do not want your child questioned without a lawyer, and call one.

The detention hearing

A child who is held in detention must have a hearing within 24 hours of being taken into custody. At that hearing, a judge decides whether there is probable cause to believe the child committed the offense and whether continued detention is needed, considering the risk assessment and the criteria in the statute.[174] The judge can release the child to a parent, release the child on supervised release (sometimes with electronic monitoring), or continue secure detention.

For certain serious offenses, including several involving firearms, the law now presumes the child poses a risk to public safety and must be held in secure detention before adjudication unless the court finds, by clear and convincing evidence, that the child would not pose that risk.[175]

There are limits on how long a child can be held before trial. Generally, a child may not be held in secure detention for more than 21 days unless the adjudicatory hearing has begun, though for serious offenses the

[173]Fla. Stat. § 985.245 (2026).

[174]Fla. Stat. § 985.255(3) (2026).

[175]Fla. Stat. § 985.255 (2026) (as amended by chs. 2024-130 and 2024-133, Laws of Fla.).

court may extend detention in additional increments of up to 21 days for good cause.[176]

Parents can help at the detention hearing in practical ways. A parent who is present, who can describe a safe home, school attendance, and supervision, gives the judge a reason to release the child. Bring school records if you have them. Be ready to describe how you will make sure the child follows any conditions.

The right to a lawyer

A child charged with a delinquent act has a right to counsel at every stage of the proceedings. If the family cannot afford a lawyer, the court will appoint one, usually the Public Defender.[177] I spent a large part of my career in the Public Defender's Office. The lawyers there are dedicated and often extremely skilled. They are also carrying heavy caseloads. Whether a family hires private counsel or works with an appointed lawyer, the family's job is the same: give the lawyer everything they need and let the lawyer lead.

Remember that the lawyer represents the child, not the parents. The lawyer's duty of loyalty and confidentiality runs to the child. Parents can and should help with transportation, school records, scheduling, and support. A good lawyer will work closely with the family while protecting the child's confidences.

If a petition is filed

The prosecutor files a petition for delinquency, which is the juvenile equivalent of a criminal charge. The child is arraigned and enters a plea. Juvenile cases move faster than adult cases. Under the juvenile rules, a child is generally entitled to an adjudicatory hearing within 90 days of the earlier of being taken into custody or being served with the summons issued when the petition is filed, subject to exceptions.[178]

[176] Fla. Stat. § 985.26(2) (2026).

[177] Fla. Stat. § 985.033 (2026).

[178] Fla. R. Juv. P. 8.090.

The adjudicatory hearing is the juvenile trial. There is no jury in juvenile court. A judge hears the evidence and decides whether the state proved the case beyond a reasonable doubt.

If the child is found to have committed the offense, or enters a plea, the case moves to disposition. The judge decides whether to adjudicate the child delinquent or withhold adjudication, and what consequences to impose. Those can range from a warning to probation to placement in a residential commitment program. Probation conditions can include school attendance, curfew, community service, counseling, restitution, and no-contact orders. Before you leave court, make sure you understand every condition, who will supervise it, and the next court date.

When adult court is possible

Florida allows some minors to be prosecuted as adults. This is one of the most serious decisions in the entire system, and families need to understand it early, because it is often made by the prosecutor at the very beginning of the case.

There are three routes.

Direct file. The State Attorney may file an information in adult court against a child who was 14 or 15 at the time of the offense, but only for a specific list of serious offenses, including arson, sexual battery, robbery, kidnapping, aggravated child abuse, aggravated assault, aggravated stalking, murder, manslaughter, unlawful use of a destructive device or bomb, armed burglary and specified burglaries of a dwelling or structure, aggravated battery, lewd or lascivious offenses involving a person under 16, carrying, displaying, or using a weapon or firearm during a felony, possessing or discharging a weapon or firearm on school property, home-invasion robbery, carjacking, and specified grand thefts, including certain grand thefts of a motor vehicle. For a child who was 16 or 17, the State Attorney may direct file for any felony when the prosecutor believes the public interest requires adult sanctions, but generally may not direct file a misdemeanor unless the child has at least

two prior delinquency adjudications, one of which was for a felony.[179] Since 2019, direct file in Florida has been entirely discretionary; the Legislature eliminated the former mandatory direct-file provisions.[180]

Waiver. The prosecutor may ask the juvenile court to waive its jurisdiction and transfer the case to adult court, after a hearing.[181]

Indictment. A child of any age charged with an offense punishable by death or life imprisonment may be indicted by a grand jury and tried as an adult.[182]

The decision to prosecute in adult court and the sentence available after that decision are two different things. A juvenile convicted in adult court may still, in some circumstances, receive juvenile sanctions.[183] But the case is public, the record is an adult record, and the stakes are adult stakes.

When adult court is a possibility, the most important work often happens in the first days, before the filing decision is made. A lawyer may be able to present information to the prosecutor about the child, the child's history, the family's support, and the facts that argue for keeping the case in juvenile court. Get case-specific advice immediately.

Records and the school

Parents often ask when the school will find out. As Chapter 1 explained, when a child is taken into custody for an act that would be a felony for an adult, or for a crime of violence, the law enforcement agency must notify the school superintendent, who must pass the information to appropriate school personnel within 48 hours. The arrest information may not be placed in the student's permanent record and must be removed from school records within nine months.[184]

[179]Fla. Stat. § 985.557(1) (2026).

[180]Ch. 2019-167, Laws of Fla.

[181]Fla. Stat. § 985.556 (2026).

[182]Fla. Stat. § 985.56 (2026).

[183]Fla. Stat. § 985.565 (2026).

[184]Fla. Stat. § 985.101(4) (2026).

Juvenile records are confidential in many respects, but not all. The name, photograph, address, and arrest report of a child taken into custody for, charged with, or found to have committed a felony-level offense are not confidential solely because of the child's age.[185] Ask the lawyer what can be shared, with whom, and how to protect the child's privacy. Keep track of both the court obligations and the school return date. A court order and a school directive can both apply at the same time. If they seem to conflict, ask the lawyer and the school before acting.

If your child was already 18

For a young person who was 18 or older at the time of the alleged offense, none of this chapter applies. The case is an adult criminal case from the start. Chapter 23 walks through that system.

[185] Fla. Stat. § 985.04(2)(a) (2026).

CHAPTER 23

When You’re 18: The Adult System

On a Thursday night in March, a nineteen-year-old freshman is arrested outside a bar in Ybor City. He has a fake ID in his wallet, he argued with the bouncer, and when an officer grabbed his arm he pulled away. By two in the morning he has been booked into the county jail on charges of possessing a fraudulent ID, resisting an officer without violence, and possession of alcohol under 21. His parents are four hundred miles away and find out when he calls them from jail the next morning.

Nothing about that night would have been a juvenile case. An offense committed at 18 or older ordinarily goes to the adult system, with an adult charge and an adult record. (An arrest after the eighteenth birthday for something done before it can still belong in juvenile court.) This chapter is the adult counterpart to Chapter 22. It is written for young adults between 18 and about 25, for college students, and for their parents.

What changes at 18

At 18, a young person becomes an adult for almost every purpose of the criminal law. That means:

- **No juvenile court.** The case goes to county court for misdemeanors and circuit court for felonies.
- **Booking and a public record.** An adult arrest produces a booking photograph and a public court file. In many Florida counties, booking photos and arrest information are online within hours.
- **No automatic parent notification.** Police are not required to call the parents of an adult. The young person decides whom to call.
- **Privacy rights shift to the young adult.** A college generally will not discuss a student’s records with parents without the student’s

consent, as Chapter 25 explains, and a lawyer will not discuss the case with the parents without the client's permission.

- **The record does not expire.** Juvenile records are generally expunged automatically at 21. Adult records are not. Some qualify for automatic sealing, but most sealing or expunction requires an application and strict eligibility.

Some things do not change. Possessing alcohol is still unlawful until 21. Buying or carrying a firearm, and carrying it concealed without a license, involve age limits that run past 18. And the rights in Chapter 8 apply exactly the same way: "I want to remain silent. I want a lawyer."

The common charges

In my experience, the charges that most often bring young adults into the system are not the ones parents worry about most. They are things like:

- Possession of alcohol under 21 and using a fake ID (Chapter 11).
- Disorderly intoxication, which is a misdemeanor in Florida when a person is intoxicated in a public place and endangers the safety of another person or property, or causes a public disturbance.[186]
- Resisting an officer without violence, a first-degree misdemeanor that requires only that the person knowingly obstructed or opposed an officer in the lawful execution of a legal duty.[187] Pulling an arm away, refusing to put your hands behind your back, or running can be enough.
- Trespass after warning, often after being told to leave a bar, a party, or a campus building.[188]
- Battery at a bar or party (Chapter 13).
- Cannabis and pill possession (Chapter 11).
- DUI (Chapter 12).

[186] Fla. Stat. § 856.011 (2026).

[187] Fla. Stat. § 843.02 (2026).

[188] Fla. Stat. § 810.09 (2026).

- Retail theft.

Many of these can be resolved without a conviction, through diversion or otherwise, if they are handled well and early, depending on the charge, the person's history, and local program rules. Each can also grow into something much worse if the young person talks too much, argues with the officer, or ignores a court date.

There is a second group of charges that can change a life: sexual battery (Chapter 18), felony murder and other homicides (Chapter 15), threats (Chapters 5 and 7), drug delivery (Chapter 11), and offenses involving minors and images (Chapters 4 and 17). Those are the cases where a young adult needs experienced counsel immediately.

From arrest to first appearance

After an adult arrest, the person is taken to the county jail and booked: fingerprints, photograph, property inventory. For many misdemeanors, the person can be released by posting a bond set by a standard bond schedule. For more serious charges, and for certain categories like domestic violence, the person must wait to see a judge.

Unless already lawfully released, a person arrested in Florida must generally be brought before a judge within 24 hours. At that first appearance, the judge determines whether there was probable cause for the arrest, advises the person of the charges and the right to counsel, and sets the conditions of release, including bond and any no-contact orders.[189] First appearance is not the place to explain what happened. Anything said there is on the record. The young person should say as little as possible and let a lawyer, or the Public Defender at first appearance, speak for them.

Parents can help by finding out where their child is being held, when first appearance will happen, and what the bond is. In Hillsborough County, first appearance is held at the jail every day of the year, and many families learn the details only by calling the jail or checking the Sheriff's Office booking information online.

[189] Fla. R. Crim. P. 3.130.

The filing decision

An arrest is not a charge. After the arrest, the State Attorney's Office reviews the case and decides whether to file formal charges, what to charge, or to decline, which is often called a "no file" or "no information." For a misdemeanor, the citation or arrest affidavit may serve as the charging document until the State Attorney files an information. For a felony, the State Attorney generally files an information or, for the most serious crimes, seeks a grand jury indictment.

This is the window that gives this book its title. Between the arrest and the filing decision, a lawyer can talk with the prosecutor, present information about the young person and the facts, and, in the right case, provide evidence or witness information that shows the case should not be filed. In my practice, cases are not filed nearly every month because of work done in that window.

Diversion for adults

Florida allows adult pretrial intervention programs for eligible defendants. A person who completes the program has the charges dismissed.[190] Florida also has pretrial programs for certain misdemeanor offenders with substance abuse needs.[191]

Local programs vary by county. In Hillsborough County, for example, there are adult diversion options that include pretrial intervention, a drug diversion program for first-time drug offenses that does not require a guilty plea, a DUI diversion program, and an adult pre-arrest diversion program that an officer can use at the scene in place of an arrest. Some of these programs can be completed before charges are filed if the defense reaches the State Attorney's Office early enough. A young person with no record is often an excellent candidate, but eligibility and acceptance are never automatic.

Ask a lawyer about diversion at the very beginning of the case. Completing a diversion program and then having the arrest record

[190] Fla. Stat. § 948.08 (2026).

[191] Fla. Stat. § 948.16 (2026).

sealed or expunged, as Chapter 27 explains, is often the best realistic outcome for a young adult's first case.

Court dates and conditions

A young adult who misses a court date can be arrested on a warrant. A young adult who violates a no-contact order or a release condition can be arrested again and held. Students who go home for the summer, or who are from out of state, need to plan for court dates that may fall during exams or breaks. Ask the lawyer whether the client must appear in person or whether the lawyer can appear on their behalf. Put every date on the calendar, and keep the paperwork.

What an arrest can do to college

An adult arrest often triggers a parallel process at the student's college. Many student codes of conduct reach off-campus conduct, especially conduct involving violence, drugs, sexual misconduct, or anything that looks like a threat. A student may receive a notice from the conduct office within days of an arrest, and the college may impose interim restrictions. Chapters 21 and 25 explain how to handle that.

Other consequences to ask about:

- **Scholarships and athletics.** Many scholarships, including athletic scholarships, have their own conduct requirements. Teams have their own rules.
- **Housing.** University housing contracts often allow removal for criminal conduct on or off campus. Off-campus leases may have their own provisions.
- **Financial aid.** Under current federal law, a drug conviction no longer suspends eligibility for federal student aid, but state and institutional aid programs may have their own rules.
- **Study abroad, internships, and clinical placements.** Programs that require background checks may ask about pending charges.
- **Professional licensing.** Future nurses, teachers, lawyers, accountants, and others will face character and fitness questions

that ask about arrests, not just convictions. Answer them carefully and truthfully, as Chapter 27 explains.

- **Immigration.** A student who is not a U.S. citizen, including a student on a visa, can face serious immigration consequences from an arrest or plea, even for conduct that seems minor. Get advice from a lawyer who understands both systems before any plea.

For the out-of-state family

Florida has some of the largest universities in the country, and many of their students come from other states. When a student is arrested in Florida, the case stays in Florida. The parents may be far away, the student may not know anyone in the local legal community, and the court calendar does not adjust to the academic calendar.

If you are a parent in that position: find a local lawyer who practices in the county where the arrest happened, because local knowledge of the court, the prosecutors, and the diversion programs matters a great deal. Ask whether your child will need to appear in person. Make sure your child knows not to discuss the case with roommates, teammates, or friends, and not to post about it.

The young adult's checklist

If you are 18 or older and you are arrested or contacted by police:

- Use the words: "I want to remain silent. I want a lawyer."
- Do not resist, argue, or run. Resisting is its own charge.
- Call someone you trust. You do not have to call your parents, but it is usually a very good idea.
- Say nothing about the facts at first appearance.
- Write down every date and keep every piece of paper.
- Do not post, text, or talk about the case.
- Talk to a lawyer about the filing decision and diversion right away.

Being an adult means the system treats you like one. It also means you get to make the decisions, which means it is your job to make good ones.

CHAPTER 24

Florida K-12 Discipline

When Eli's mother arrives at school after the fight in Chapter 13, the assistant principal tells her Eli will be out of school while the school reviews what happened. In the parking lot, another parent says Eli is "getting expelled." That evening, the written notice arrives. It says "out-of-school suspension, 10 days, pending investigation."

Getting the name of the action right determines what Eli's family should do next.

Know what you are dealing with

Florida public schools use several different disciplinary tools, each with its own procedures:

- **Classroom removal.** A teacher can remove a student from class under Florida law and district policy.
- **In-school suspension.** The student stays at school but out of regular classes.
- **Out-of-school suspension.** The student is temporarily removed from school. Florida law defines out-of-school suspension as a removal for a period not to exceed 10 school days.[192]
- **Alternative placement.** The student is assigned to an alternative school or program.
- **Expulsion.** The school board removes the student from regular school for a longer period, which can be up to the remainder of the school year and one additional year, with or without continuing educational services.

[192] Fla. Stat. § 1003.01 (2026) (definitions).

When you receive any notice, ask: What action has already taken effect? What action is being considered? When does it start and end? What review or appeal is available, and what is the deadline?

Notice and the chance to respond

Before a short suspension, a public school student is constitutionally entitled to notice of the charges and an opportunity to tell their side. The Supreme Court held this in 1975, recognizing that a student has a property interest in public education and a liberty interest in their reputation.[193] If immediate removal is necessary for safety, notice and a hearing can follow as soon as practicable. Longer exclusions, and especially expulsions, require more process.

Florida law puts these protections into practice. Before a suspension, the student must be given oral or written notice of the charges and the evidence, and a chance to present their side. The principal must make a good-faith effort to notify the parent immediately by phone, and must send written notice of the suspension and the reasons for it within 24 hours.[194] A principal who recommends expulsion must submit a detailed report describing the alternative measures taken before the recommendation.[195] Each student has the right to review of disciplinary action under district procedures.[196]

When the written notice arrives, check the issue date, the number of days, the rule cited, and any conditions for returning. If anything is unclear, ask promptly and in writing.

Ask for specifics

If the school tells you your child was “part of a fight,” ask what that means. Does the rule cover starting the fight, joining after it began, encouraging it, or something else? What is the school’s account of the timing? Who are the witnesses? Offer to identify students who saw the

[193] *Goss v. Lopez*, 419 U.S. 565, 581-82 (1975).

[194] Fla. Stat. § 1006.09(1)(b) (2026).

[195] Fla. Stat. § 1006.09(1)(c) (2026).

[196] Fla. Stat. § 1006.13(2)(e) (2026).

beginning. Ask for the policy on submitting information and when the school will decide.

Ask what evidence the school considered and how to request it. Schools may limit what they release about other students, but you can ask what can be shared and you can request that the school preserve what it cannot yet show you.

Ask about practical matters, too: classwork, exams, the school-issued laptop, and any services the student receives. A family can handle those issues while it gets advice about the allegations.

If you need an interpreter or an accessible format to participate in a meeting, ask early.

Zero tolerance, properly understood

Florida's zero-tolerance statute is often described as harsher than it is. In fact, the law has several features that protect students.

It requires districts to define "petty acts of misconduct" that do not threaten school safety, and it says zero-tolerance policies may not be rigorously applied to petty acts.[197] It says disciplinary and prosecutorial action must reflect the particular circumstances of the misconduct.[198] It encourages alternatives to expulsion and law enforcement referral, such as restitution, prearrest citation programs, teen court, and restorative justice, unless the alternative would pose a threat to school safety.[199]

The statute does require expulsion for at least a full year, and referral to the justice system, for two categories of conduct: bringing a firearm or weapon to school, a school function, or school transportation, or possessing a firearm at school; and making a threat or false report under the bomb and firearm statutes involving school property, transportation, or activities.[200] Even then, the superintendent may

[197] Fla. Stat. § 1006.13(2)(c) (2026).

[198] Fla. Stat. § 1006.13(7) (2026).

[199] Fla. Stat. § 1006.13(1), (8) (2026).

[200] Fla. Stat. § 1006.13(3)(a) (2026).

consider the one-year requirement case by case and request, in writing, that the school board modify it.[201]

Ask which provision the school is relying on, what finding it has made, and whether a decision is proposed or final. If the case involves a mandatory expulsion category, ask about the modification process immediately. That is where the family's evidence about the student, the circumstances, and the absence of any real threat can make the greatest difference.

Off-campus conduct

Can a school discipline a student for something that happened off campus? Sometimes.

Florida law provides a specific procedure for students formally charged with a felony, or with a delinquent act that would be a felony for an adult, for an incident that did not occur on school property or at a school activity. Suspension proceedings may begin only if the incident is shown, in an administrative hearing with notice, to have an adverse impact on the educational program, discipline, or welfare of the school.[202] Bullying and cyberbullying rules also reach some off-campus conduct, as Chapter 5 explained. Other off-campus conduct may or may not fall within the school's authority. If the school is acting on a weekend incident, ask for the specific policy or legal basis.

Students with disabilities

If your child has an Individualized Education Program under the federal IDEA, or a Section 504 plan, share it with everyone helping your family, including your lawyer.

When a school wants to remove a student with an IEP for more than 10 consecutive school days, or for a series of shorter removals that add up to a pattern, the removal is a "change of placement."[203] Within 10 school

[201] Fla. Stat. § 1006.13(3)(b) (2026).

[202] Fla. Stat. § 1006.09(2) (2026).

[203] 34 C.F.R. § 300.536 (2026).

days of the decision to change placement, the school, the parent, and relevant members of the IEP team must hold a manifestation determination review. They must decide whether the conduct was caused by, or had a direct and substantial relationship to, the child's disability, or was the direct result of the school's failure to implement the IEP. If the answer to either question is yes, the conduct is a manifestation of the disability, and the student generally returns to the prior placement.[204]

There is an exception. For carrying or possessing a weapon, knowingly possessing or using illegal drugs, selling or soliciting the sale of a controlled substance, or inflicting serious bodily injury at school, on school premises, or at a school function, the school may move the student to an interim alternative educational setting for up to 45 school days regardless of the manifestation determination.[205]

These rules are technical, and they matter enormously. A family that does not know them may never ask for the review the law requires. Section 504 plans raise their own procedural questions. Ask the school to identify, in writing, the procedural safeguards that apply.

Charter and private schools

Charter schools in Florida are public schools and generally follow similar discipline rules, though their governing documents may add procedures. Private schools are different. A private school's authority to discipline usually comes from its enrollment contract and handbook. Ask what agreement, handbook, or policy controls, and read it.

Use your district's current code

Every district publishes a student code of conduct, and it changes almost every year. In the Tampa Bay area, Hillsborough, Pinellas, and Pasco each publish theirs online. Use the version in effect on the date of the incident. The School Meeting Worksheet at the back of this book gives you a place to write down the rule, your questions, and the next dates.

[204] 34 C.F.R. § 300.530(e)-(f) (2026).

[205] 34 C.F.R. § 300.530(g) (2026).

CHAPTER 25

College Conduct, Campus Police, and Parents

Devon, a sophomore, gets an email with the subject line “Student Conduct: Notice of Alleged Violation.” It concerns something that happened in a residence hall two weekends ago. The same afternoon, a campus police officer leaves a voicemail asking Devon to call back. Devon’s father offers to call the university himself and straighten it out.

Before anyone calls anyone, Devon should do three things. Read the notice twice. Find the code of conduct it cites. And understand who is on the other end of each message.

Know who sent it

A university has several offices that may contact a student about the same incident, and they are not interchangeable:

- **Residence life or housing** enforces housing contracts and residence hall rules, and may move a student or end a housing contract.
- **The student conduct office** enforces the student code of conduct and decides responsibility and sanctions.
- **The Title IX office** handles sexual harassment and related complaints under federal law. Chapter 26 covers that process.
- **Campus police** are sworn law enforcement officers. At Florida’s public universities, they have the same arrest powers as any other police officer, and their reports go to the State Attorney.

A student who calls back the campus police officer to “explain” is giving a statement to law enforcement. A student who writes a long email to the conduct office describing what happened may be creating a

document that can be subpoenaed in a criminal case. Know who you are talking to.

Read the notice for the process

The notice should tell you what policy you are accused of violating, what the institution believes happened, and what the next step is. Ask for anything missing:

- The specific policy, and the version in effect on the date of the incident.
- The factual allegation.
- The response deadline and the consequence of missing it.
- Whether the next meeting is an informational meeting, an investigative interview, or a hearing.
- Who may attend with you, and what an advisor may do.
- How to see the evidence, how to submit your own, and how the decision will be made.
- What appeal is available.

If you need more time, especially to get legal advice when a criminal investigation is possible, ask for an extension in writing and get the answer in writing. Keep treating the original date as real until the change is confirmed.

At Florida's public colleges and state universities, state law gives students specific protections in disciplinary proceedings. The student has the right to remain silent, and that silence may not be used against them. The student may have an advisor, advocate, or lawyer, at the student's own expense, who can participate directly, including presenting information and questioning witnesses. Written notice is timely only if it is given at least seven business days before the proceeding, and at least five business days before the proceeding the institution must provide the known witnesses and all known

information about the allegation, including information that helps the student.[206] Ask the institution to honor every one of those rights.

Interim measures

A college can act before it reaches any conclusion. It can move a student out of a residence hall, issue an interim suspension, restrict access to buildings, or impose a no-contact directive. These measures can take effect the same day.

Read the terms closely. If you work a campus job in a restricted building, or share a required class with someone covered by a directive, ask for written instructions before you go. If a housing removal means you need a place to sleep tonight, ask where you can go, how to get your medication and belongings safely, and who can approve exceptions. If the restriction affects your classes, financial aid, or a disability accommodation, ask for help immediately. These questions can be handled at once, even while you get advice about the allegations.

If you are the student who reported harm, ask whom to contact if anyone approaches you or pressures you to drop the report. Retaliation is prohibited, and colleges must address it.

Parallel criminal cases

A college conduct office can proceed while police are investigating, and usually will. The conduct process does not wait for the criminal case, it uses a lower standard of proof, and it may ask the student to give a full account of the incident.

That is a dangerous combination for a student who may face criminal charges. Statements made in a conduct hearing are not protected from use in a criminal case. A student in that position needs a lawyer who understands both systems and can help decide how, and whether, to participate in each. Sometimes the right answer is to ask the college to delay. Sometimes it is to participate in a limited way. Sometimes it is to accept the risk of an adverse campus result to protect the criminal case.

[206] Fla. Stat. § 1006.60(3)(a), (d), (g) (2026).

Those are strategic decisions that depend on the facts and should not be made alone.

Threat assessment at college

Since 2026, Florida's public colleges and universities have been required to establish threat management teams using the state's behavioral threat assessment instrument or a comparable tool, and to adopt active assailant response and student mental health policies. Institutions without an existing public safety reporting app as of July 1, 2026, must also promote FortifyFL.[207] The same law requires certain behavioral records, including threat assessment reports, to transfer from a student's public K-12 school to a Florida College System institution or state university when the student enrolls. A high school threat assessment can now follow a student to college. That is one more reason to take those processes seriously while a student is still in high school.

What a parent can do

Under FERPA, the federal student privacy law, rights over education records transfer from the parent to the student when the student turns 18 or attends a postsecondary institution at any age.[208] For most college students, that means the university will not discuss a conduct case with a parent without the student's written consent.

There are exceptions. A college may disclose information to parents in connection with a health or safety emergency.[209] A college may notify the parents of a student under 21 that the student violated a law or institutional rule governing alcohol or controlled substances.[210] And a college may disclose records to parents of a student who is a dependent

[207] Ch. 2026-80, Laws of Fla. (CS/CS/HB 757) (2026).

[208] 34 C.F.R. § 99.5(a) (2026).

[209] 34 C.F.R. §§ 99.31(a)(10), 99.36 (2026).

[210] 34 C.F.R. § 99.31(a)(15) (2026).

for federal tax purposes.[211] These are permissions, not requirements. Many colleges use them sparingly.

If the student wants a parent involved, the cleanest route is a signed release under the university's procedure. Permission to see records and permission to attend or speak at a meeting can be separate questions. Ask.

Parents can do a great deal even without access to records. Help your student build a calendar of deadlines. Proofread logistical requests. Find an advisor or a lawyer. Then let your student lead where the decisions are theirs. A parent who calls the dean to demand answers often makes things harder. A parent who helps a student prepare usually makes things better.

[211] 34 C.F.R. § 99.31(a)(8) (2026).

CHAPTER 26

Title IX and Parallel Investigations

A college student tells an academic advisor that another student's conduct is making it impossible to attend class. A week later, the other student receives a written notice of allegations and a no-contact directive. A police investigation is possible. Both students now need help, from different people, inside the same institution.

This chapter explains the federal Title IX grievance process as it exists in late 2026. It has changed several times in recent years, and it may change again, so read your school's current policy alongside it.

Where the rules stand

Title IX prohibits sex discrimination in education programs and activities that receive federal funding.[212] The Department of Education's regulations implementing it have swung back and forth. A 2020 rule set detailed procedures for sexual harassment complaints. A 2024 rule replaced it, but federal courts enjoined the 2024 rule and later vacated it. On September 29, 2026, the Department published a final rule formally repealing the 2024 rule and restoring the regulatory text that existed before it, with a few changes.[213] In practical terms, the 2020 framework is the law.

One of the changes deserves special attention. The original 2020 rule prohibited decision-makers from relying on any statement by a party or witness who did not submit to cross-examination at the live hearing. A federal court vacated that sentence in 2021, and the 2026 recodification left it out. A statement a student gives to an investigator can now be considered by the decision-maker even if the student never testifies at

[212] 20 U.S.C. § 1681(a).

[213] Recodification of Title IX Rules, 91 Fed. Reg. 61308 (Sept. 29, 2026) (effective Sept. 29, 2026).

the hearing. For a student who may also face criminal charges, that makes the investigative interview more consequential than ever.

What Title IX covers

Under the restored rule, sexual harassment means conduct on the basis of sex that is one of three things: an employee conditioning an educational benefit on participation in unwelcome sexual conduct; unwelcome conduct so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education; or sexual assault, dating violence, domestic violence, or stalking as defined in federal law.[214] The conduct must occur in the institution's education program or activity, and against a person in the United States. Conduct that falls outside Title IX may still be addressed under a school's other policies.

Support for the person reporting harm

A student who reports sexual harassment is entitled to have the Title IX coordinator promptly contact them to discuss supportive measures, whether or not they file a formal complaint. Supportive measures are individualized services designed to restore or preserve access to education without unreasonably burdening the other party: changes to class schedules, housing, or work assignments; extensions of deadlines; counseling; escort services; mutual restrictions on contact; and similar steps.[215]

Ask which staff members can offer confidential support, and what any person you speak with is required to report. Some campus counselors and advocates are confidential. Most faculty and staff are not.

Emergency removal

An institution may remove a respondent from its education program on an emergency basis only after an individualized safety and risk analysis determines that there is an immediate threat to someone's physical

[214] 34 C.F.R. § 106.30(a) (2026).

[215] 34 C.F.R. §§ 106.30(a), 106.44(a) (2026).

health or safety arising from the allegations. The respondent must be given notice and an opportunity to challenge the decision immediately after the removal.[216]

The formal complaint and the grievance process

A formal complaint is a document filed by the person alleging harassment, or signed by the Title IX coordinator, that alleges sexual harassment against a respondent and requests an investigation.[217] Once a formal complaint is filed, the institution must follow a grievance process with specific protections for both parties. Among them:

- **Presumption.** The respondent is presumed not responsible until a determination is made at the end of the process.[218]
- **Written notice.** Both parties must receive written notice of the allegations, with enough detail and time to prepare a response before any initial interview.[219]
- **Burden on the school.** The institution, not the parties, bears the burden of gathering evidence.[220]
- **Advisor of choice.** Each party may have an advisor of their choice, who may be an attorney, present at any meeting or proceeding.[221]
- **Review of evidence.** Before the investigative report is finalized, both parties must receive the evidence directly related to the allegations and have at least 10 days to submit a written response.[222]

[216] 34 C.F.R. § 106.44(c) (2026).

[217] 34 C.F.R. § 106.30(a) (2026).

[218] 34 C.F.R. § 106.45(b)(1)(iv) (2026).

[219] 34 C.F.R. § 106.45(b)(2) (2026).

[220] 34 C.F.R. § 106.45(b)(5)(i) (2026).

[221] 34 C.F.R. § 106.45(b)(5)(iv) (2026).

[222] 34 C.F.R. § 106.45(b)(5)(vi) (2026).

- **The report.** The investigative report must be sent to both parties and their advisors at least 10 days before a hearing or other determination.[223]
- **Standard of evidence.** The institution must state whether it uses the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard to all formal complaints.[224]

The hearing

At colleges and universities, the grievance process must include a live hearing. Each party's advisor, not the party personally, conducts cross-examination of the other party and witnesses. If a party does not have an advisor at the hearing, the institution must provide one for that purpose. The parties may be in separate rooms connected by technology.[225]

In K-12 schools, a live hearing is optional, but each party must have the opportunity to submit written, relevant questions to the other party and witnesses, with limited follow-up.[226]

Questions about a complainant's prior sexual behavior are generally not relevant, with narrow exceptions.

A Title IX hearing is not a criminal trial, but it can feel like one, and the stakes are high for both students. A respondent can be expelled. A complainant may have to answer difficult questions from the other side's advisor. Each student should have a capable advisor. When there is any chance of a criminal case, the respondent's advisor should be a lawyer who understands how what happens in the hearing room can affect the courtroom.

[223] 34 C.F.R. § 106.45(b)(5)(vii) (2026).

[224] 34 C.F.R. § 106.45(b)(1)(vii) (2026).

[225] 34 C.F.R. § 106.45(b)(6)(i) (2026).

[226] 34 C.F.R. § 106.45(b)(6)(ii) (2026).

The decision and appeal

The decision-maker must issue a written determination explaining the findings, the reasoning, and any sanctions and remedies. Both parties may appeal on at least three grounds: a procedural irregularity that affected the outcome, new evidence that was not reasonably available and could affect the outcome, or a conflict of interest or bias by a Title IX official that affected the outcome. Institutions may add other grounds.[227] Appeal deadlines are often short. Read the instructions the day the decision arrives.

Many institutions also offer informal resolution, such as mediation, if both parties agree in writing. It is not available for allegations that an employee harassed a student.[228]

When police are involved too

The regulations allow a temporary delay or limited extension of the Title IX timeline for good cause, which can include concurrent law enforcement activity, with written notice to the parties.[229] A delay is not automatic. Ask for it in writing if it is needed, and confirm whether the institution has actually changed any deadline.

For the respondent, the core problem is the same one this book keeps returning to. Statements made in the Title IX process can be used in the criminal case, and now, as explained above, statements made to an investigator can be considered in the Title IX decision itself even without live testimony. Do not participate in an interview without advice.

For the complainant, the institution must continue to provide supportive measures during any delay. Retaliation against anyone who participates in the process is prohibited.[230] Document and report it.

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[227] 34 C.F.R. § 106.45(b)(7)-(8) (2026).

[228] 34 C.F.R. § 106.45(b)(9) (2026).

[229] 34 C.F.R. § 106.45(b)(1)(v) (2026).

[230] 34 C.F.R. § 106.71 (2026).

For both students, keep a copy of every interim instruction and know who has authority to change it. Friends, parents, and advisors help most by respecting those instructions and letting the responsible officials do their jobs.

CHAPTER 27

Records, Applications, and the Long Tail

The State Attorney's Office declined to file charges against Maya. Her family was relieved. They thought it was over.

Then her college application asked whether she had ever been found responsible for a disciplinary violation at school. A summer program application asked whether she had ever been arrested. A scholarship form asked whether she had ever been convicted of a crime. Maya had a court document, a school email, and no idea which one answered which question.

This is the long tail, and it is where families most often lose track of what happened.

Find out what records exist

Make a list of every institution or agency that handled the incident. A single event can produce several independent records:

- A law enforcement arrest or incident report.
- A criminal history record maintained by the Florida Department of Law Enforcement.
- A court record, if a case was filed.
- A juvenile record maintained by the Department of Juvenile Justice.
- A K-12 education record, including discipline.
- A college conduct record.

Each has its own rules about access, disclosure, and retention. A decision in one system does not change the others. A prosecutor's decision not to file does not erase the arrest record. A school's decision

to reduce a suspension does not change the police report. And private background-check companies, public court websites, and social media posts can preserve information long after the official record changes.

Ask each office for a copy of the final disposition or outcome. Keep the complete document, and any later order. Some documents describe allegations; others record what was actually decided. When you need to know the outcome, look for the official final entry.

Juvenile records

Juvenile records in Florida are confidential in many respects, with important exceptions discussed in Chapter 22. They also do not last forever.

Florida law requires the Department of Law Enforcement to automatically expunge most juvenile criminal history records when the person turns 21. For a person classified as a serious or habitual juvenile offender, or committed to a maximum-risk juvenile facility, the record is kept until age 26. There are exceptions. If the person, at 18 or older, is charged with or convicted of a forcible felony before the juvenile record is destroyed, the juvenile record is merged into the adult record. Certain juvenile adjudications for sexual offenses are never destroyed.[231]

A young person between 18 and 21 who has not been charged with or found to have committed a criminal offense in the previous five years may apply to FDLE for early expunction of a juvenile record, with the approval of the State Attorney in each circuit where an offense occurred.[232]

A juvenile who successfully completes a diversion program can apply to have the nonjudicial arrest record expunged. Since 2022, that option has extended to qualifying felonies as well as misdemeanors. Forcible felonies are excluded, and 2026 legislation also excludes felonies

[231] Fla. Stat. § 943.0515(1) (2026).

[232] Fla. Stat. § 943.0515(1)(b)2. (2026).

involving the manufacture, sale, purchase, transport, possession, or use of a firearm or weapon. Other eligibility conditions still apply.[233]

Adult records

For a person who was 18 or older, or who was prosecuted as an adult, Florida offers court-ordered sealing and expunction for qualifying records, subject to strict eligibility rules. In general, a person may have only one record sealed or expunged in a lifetime, cannot have been adjudicated guilty of any criminal offense, and cannot seek relief for a long list of excluded offenses.[234] Expunction physically destroys most copies of the record. Sealing keeps the record but restricts access. A person whose record is sealed or expunged may lawfully deny the arrest in most settings, but not when applying for certain positions, including law enforcement, teaching and child care positions, admission to The Florida Bar, and certain licenses, among others.

Florida also has a law that requires the automatic sealing of certain criminal history records maintained by FDLE, including qualifying cases that were not filed, were dismissed, or ended in acquittal. Once FDLE notifies the clerk, the related court record is supposed to be kept confidential. Records held by other agencies are not sealed by this process.[235] I want to be candid about it. In my experience, automatic sealing is largely an illusion. For many people it will not happen, or will not happen fast enough to protect them when it matters, and it never reaches every copy of the record. I see dismissed cases, cases we got thrown out, still showing up on the Hillsborough County Clerk's public case search years later. Do not assume the record took care of itself. Check, and if a remedy is available, pursue it.

The Florida Department of Law Enforcement publishes the application procedures for sealing and expunction. A lawyer can help reconcile that information with the actual court order, the applicable statute, and the reason you are being asked about the record.

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[233] Fla. Stat. § 943.0582 (2026).

[234] Fla. Stat. §§ 943.0585, 943.059 (2026).

[235] Fla. Stat. § 943.0595 (2026).

Read the question you were asked

This is the single most important piece of advice in this chapter. Every application asks a different question, and the right answer depends on the exact words.

One form asks about convictions. Another asks about arrests. Another asks about findings of delinquency, pending charges, or school discipline. Some forms define their terms. Some list exceptions. Some limit the question to a time period. Read the entire question, including the instructions and any definitions, before answering.

A few examples of why this matters:

- In Florida, a juvenile adjudication of delinquency is generally not a criminal conviction. A withhold of adjudication may not be a "conviction" for many purposes, but it can be treated as one for others.
- An arrest that never led to charges is still an arrest. A form that asks "have you ever been arrested?" is asking a different question from one that asks "have you ever been convicted?"
- A record that has been sealed or expunged may be lawfully denied on many forms, but not on others, and federal applications, including military enlistment and some immigration forms, may require disclosure that state law would otherwise excuse.
- The Common Application no longer asks about criminal history or school discipline, but individual colleges, scholarship programs, and summer programs may ask in their own supplements.

Suppose Maya's application asks whether she was found responsible for a serious school violation, and all she has is a notice of an interim suspension pending a meeting. She needs the school's final decision and the application's definition of what counts. If another form asks about criminal convictions, she needs the final court or prosecutor disposition and that form's instructions. The same sentence copied into both forms could answer neither question correctly.

An inaccurate answer can create a new problem that is worse than the original one: a misrepresentation on an application. When in doubt, take the form to a lawyer before you submit it. Keep a copy of every form and every answer.

For a young person who is not a U.S. citizen, any contact with the criminal justice system can carry immigration consequences that are very different from the criminal ones. Even a juvenile matter, or drug-related conduct that never results in a conviction, can matter. Get advice from a lawyer who understands both.

Returning to school

The long tail also includes the day a student walks back into the building.

Ask the school or college about class schedules, missed assignments, exams, transportation, activities, housing, and access to services. Confirm any restrictions that remain, who administers them, and when they end. Ask which staff member the student should contact if the return becomes difficult. A student who reported harm may need a plan for attending class safely and handling continuing contact.

Many families find it helpful to schedule a check-in after the first week back. That is when you learn whether the arrangements actually work.

Getting the documents, understanding what each one means, and knowing the next concrete step keep a family from having to reconstruct the past every time a new question arrives.

CHAPTER 28

Getting the Right Help

I wrote another book about how to choose a criminal defense lawyer, so I will not repeat all of it here. But a guide like this one would not be complete without some honest advice about when a family needs a lawyer and what to look for.

When you need a lawyer

Not every school incident requires a lawyer. A tardy or a dress code violation is not a legal matter, and even many fights and many minor policy violations are best handled directly between a family and a school.

But some situations do call for legal advice, and the earlier the better:

- Any time a police officer or detective wants to question your child as anything other than a clear witness.
- Any time your child has been arrested or taken into custody.
- Any allegation involving a threat, a weapon, a sexual image, or sexual misconduct.
- Any time someone was seriously hurt or killed during something a group did together.
- Any adult arrest, even for a misdemeanor, if the young adult wants to protect a future license, scholarship, or career.
- Any allegation involving drugs beyond simple possession, or any allegation involving pills.
- Any case where adult prosecution is possible.
- Any school matter involving a recommended expulsion or a zero-tolerance referral.

- Any college conduct or Title IX matter where a criminal investigation is possible.
- Any time you are unsure how to answer an application question about a record.

Why early matters

I have said it throughout this book, and I will say it one more time because it is the most important practical lesson I know. The most valuable time in any case is the time before it becomes a case.

Before charges are filed, a lawyer can find out what the investigation is about, keep a young person from giving a statement that only helps the state, preserve evidence that might disappear, identify witnesses before memories fade, and decide strategically what information, if any, to share with the detective or the prosecutor. In my practice, prefile representation is a staple, and nearly every month we see cases that never get filed because of the work done at that stage. After a statement has been given and charges have been filed, the options narrow.

What to ask a lawyer

When you talk to a lawyer about a young person's case, ask:

- How much of your practice involves juvenile cases, school matters, or cases like this one?
- Do you handle cases before charges are filed? What does that work look like?
- How well do you know the local court, the prosecutor's office, and the diversion programs?
- Who will actually handle the case day to day, and how will we communicate?
- What are the realistic outcomes, and what would you do first?
- How do you charge for this kind of case, and what is included?

Be wary of anyone who promises a particular result. No honest lawyer can guarantee an outcome. Look for someone who asks you good

questions, explains the process clearly, and tells you the truth even when it is not what you want to hear.

If you cannot afford a lawyer, a child charged in juvenile court is entitled to appointed counsel, and an adult who cannot afford a lawyer may qualify for the Public Defender. The Florida Bar also operates a Lawyer Referral Service.

What the family can do

The best thing a family can do for a lawyer is to be organized and honest. Bring every notice, letter, citation, and email. Bring the Incident Log. Bring school records, report cards, and anything that shows who your child is outside of this incident: activities, jobs, awards, volunteer work, letters from coaches or teachers. In many cases, especially at the prefile stage and in juvenile court, those materials matter a great deal. Prosecutors and judges make better decisions when they see a whole person.

Then let the lawyer lead. Do not contact witnesses, the other family, or the detective on your own. Do not post about the case. Do not discuss the details with your child in front of others. And keep the promise from Chapter 3: whatever happened, your child needs to know you are on their side.

CLOSING

One Promise

I have spent my career in courtrooms, and I have seen the system at its worst and at its best. I have seen young people crushed by a single mistake that followed them for years. I have also seen young people who made the same mistake walk away with a second chance because the adults around them knew what to do and did it in the right order.

The law matters. Everything in this book about statutes and rights and procedures matters. But when I think about the families who came through these situations well, what they had in common was trust. Their children called them.

So here is the promise I want every family to make, out loud, before anything happens.

To the young person: if something goes wrong, you will call. Whether you made a bad decision, or someone hurt you, or you saw something you cannot unsee. You will call, and you will tell the truth to the people who are on your side.

To the parent: when the call comes, you will answer with help.

And to the young adult who is out on their own, far from home, with no one at the kitchen table: the promise still holds. You are never too old to call. The people who love you would rather get the call at three in the morning than read about you in the news.

> *"I'm glad you called. Where are you? Are you safe? What do you need from me right now?"*

Everything else can wait until everyone is safe.

TOOLS FOR FAMILIES

Checklists, Worksheets, and Resources

A. The First-Hour Checklist

Keep this page where you can find it quickly. A parent and a student can fill it out together.

☐ **Check safety.** Call 911 for immediate danger, serious injury, or a suspected overdose. Give the exact location and follow the dispatcher's instructions.

☐ **Identify who is calling.** Write down the person's name, title, office, and callback number. Verify unfamiliar calls or emails through the institution's main number or official portal.

☐ **Identify your child's role.** Witness, person reporting harm, person accused, or more than one? Is an officer involved? Has anyone already questioned your child?

☐ **Protect the right to remain silent.** If police want to question your child, say: "Please don't question my child without a lawyer." Teach your child: "I want to remain silent. I want a lawyer. I want to call my parents."

☐ **Find the next deadline or restriction.** Ask for written instructions: the next meeting, the rule at issue, any interim restriction, and whom to contact.

☐ **Preserve, do not create.** Save written notices and ordinary messages in full context. Ask the school in writing to preserve video. Never copy or forward a suspected explicit image of anyone under 18.

☐ **Keep it private.** No posts, no group texts, no contact with other students or families about the incident.

☐ **Confirm the immediate plan.** Who picks up the student? Where can the student safely go? How will the student get assignments? When will you check in again?

☐ **Get the right help.** If there is any possibility of criminal charges, talk to a lawyer before your child gives a detailed account to anyone.

B. Incident and Deadline Log

Start a new entry each time an office contacts you. For facts about the incident, note whether you saw something yourself, heard it from someone else, or read it in a notice or message.

Date and time of contact _____

Office, contact person, and callback number _____

Type of matter (school, police, court, college, Title IX) and reference number _____

What I was told, and who said it _____

Immediate instructions, and when they begin _____

Next meeting, response deadline, or review deadline _____

What I requested, and when _____

Where the written notice or related record is stored _____

Who is responsible for the next follow-up _____

Keep this log in a private place. When you ask for an extension, record the request and the date and terms of any approval.

C. K-12 School Meeting Worksheet

Before the meeting, collect the written notice, the relevant section of the student code of conduct, and any IEP or Section 504 plan. Confirm who may attend with you. Bring these questions:

☐ **What action has already taken effect, and what action is being considered?**

☐ **What rule is at issue, and what facts does the school say support it?**

☐ **Is a school resource officer or any law enforcement agency involved?** Has my child been questioned or asked to write a statement?

☐ **How can we see the evidence, or ask the school to preserve material we cannot yet see?**

☐ **When and how can my child respond?** What review or appeal is available, and what is the deadline?

☐ **If this is a zero-tolerance matter, will the superintendent consider a modification request, and how do we submit information for it?**

☐ **If my child has an IEP or 504 plan, when is the manifestation determination review?**

☐ **How will my child receive assignments, services, and accommodations during any removal?**

☐ **What is the return date, and who will confirm it in writing?**

Date and location of next meeting _____

Point of contact for schoolwork and services _____

Written follow-up needed by _____

D. College Notice and Interim Measures Checklist

☐ **Identify the sending office: student conduct, Title IX, residence life, campus police, or more than one.**

☐ **Find the policy, the version in effect on the date of the incident, the allegation, and the response date.**

☐ **Learn the advisor rules and how to access and submit evidence.**

☐ **Record every restriction: contact, campus access, classes, housing, work, activities.**

☐ **Before returning to a restricted area or having any unavoidable contact, ask the issuing office for written instructions.**

☐ **Ask where to request supportive measures, accommodations, or help with housing and class access.**

☐ **Track the hearing date, the decision, the appeal deadline, and any police or court dates.**

☐ **If a criminal investigation is possible, talk to a lawyer before giving any statement to any office.**

☐ **If you want a parent involved, ask about the FERPA release and whether it covers records, meetings, or both.**

Office and contact _____

Next date and what I need to do _____

E. The Family Plan

Fill this out together. Take a picture of it and save it on the student's phone where it can be found without a signal. Update it when the student changes schools, starts driving, or moves to campus.

My first call (name and number) _____

My backup call (name and number) _____

My school or campus contact _____

Our code word or code text for "come get me now" _____

Where we meet if I need to leave somewhere _____

If my phone dies, I will _____

What I will say to the police: "I want to remain silent. I want a lawyer. I want to call my parents." _____

What my parent will say when I call: "I'm glad you called. Where are you? Are you safe? What do you need from me right now?" _____

Quick Reference for Other Common Situations

Shoplifting or retail theft. Ask whether an officer or a store loss-prevention employee is involved. Loss-prevention staff are not police, but what a young person tells them is often written up and handed to police. A young person can politely decline to answer questions and ask to call a parent. Keep receipts and notices. See Chapters 8, 20, and 22.

Vandalism, pranks, or trespassing. Stop the activity and seek help if anyone is in danger. “Senior prank” is not a legal category. Damage to school property can bring criminal charges, school discipline, and restitution. Ask which rule is involved and whether the school has referred the matter. See Chapters 10, 21, 22, and 24.

Fake or borrowed ID. Possessing a counterfeit or altered license is a third-degree felony in Florida, and using someone else’s ID can bring separate charges. Keep every notice. Check separate school or campus consequences. See Chapters 8, 11, and 25.

Unwanted contact after a report. Save the messages, write down what happened and when, and contact the office responsible for the no-contact directive or protective order. If you are in immediate danger, call 911. See Chapters 5, 17, and 26.

A friend in crisis. If a friend talks about hurting themselves, take it seriously and tell a trusted adult immediately. You can call or text 988, the Suicide and Crisis Lifeline, any time. If the danger is immediate, call 911.

Where to Get Help

Emergencies. Call 911 for immediate danger, serious injury, or a suspected overdose.

Mental health crisis. Call or text 988, the Suicide and Crisis Lifeline, available 24 hours a day.

School safety tips. FortifyFL is Florida's app and website for reporting threats and suspicious activity, anonymously if you choose. Reports go to law enforcement and school officials.

Suspected child abuse. The Florida Abuse Hotline, operated by the Department of Children and Families, takes reports at 1-800-962-2873.

Online exploitation and images of minors. The National Center for Missing & Exploited Children's CyberTipline accepts reports of online exploitation. NCMEC's Take It Down service helps remove or limit the spread of nude or sexual images taken before the person in them turned 18. Use the file already on the device; never download or request a new copy.

Sexual violence and confidential support. Your local certified rape crisis center can explain medical care, advocacy, and reporting options. The Florida Council Against Sexual Violence maintains a directory of centers. Many campuses also have confidential advocates.

School codes of conduct. Every district publishes its student code of conduct online. In the Tampa Bay area, check the current Hillsborough County Public Schools, Pinellas County Schools, and Pasco County Schools codes. College conduct and Title IX policies are posted on each institution's website.

Legal help. A child in juvenile court is entitled to counsel, appointed if necessary. The Florida Bar operates a Lawyer Referral Service.

Records. The Florida Department of Law Enforcement explains how to obtain a criminal history record and how to apply for sealing and expunction, including juvenile diversion expunction.

Glossary

Adjudication. A court's formal finding that a person committed an offense. In juvenile court, the judge may adjudicate the child delinquent or withhold adjudication.

Adjudicatory hearing. The juvenile court trial, heard by a judge without a jury, where the state must prove the allegations beyond a reasonable doubt.

Advisor. A person who assists a party in a college conduct or Title IX proceeding. Under the federal Title IX rule, an advisor may be an attorney and conducts cross-examination at the live hearing.

Civil citation (prearrest delinquency citation). A program that allows an officer to issue a citation and refer a child to intervention services for a qualifying misdemeanor instead of making an arrest. In Hillsborough County it is the Juvenile Arrest Avoidance Program.

Complainant and respondent. In a Title IX grievance, the complainant is the person alleged to have experienced the conduct, and the respondent is the person alleged to have committed it.

Constructive possession. Possession of an item that is not on your person but that you knew about and had the ability to control.

Custodial interrogation. Questioning by police of a person who is in custody, generally meaning a formal arrest or a restraint on freedom comparable to arrest, judged from all the circumstances. Miranda warnings are required before custodial interrogation.

Detention hearing. A hearing, generally within 24 hours after a child is taken into custody and held, where a judge decides whether to continue detention.

Direct file. A Florida procedure allowing the State Attorney to file charges against a qualifying minor in adult court.

Disposition. The outcome stage of a juvenile case after a finding or plea, where the judge decides the consequences.

Domestic violence. In Florida, an assault, battery, or other listed offense committed by one family or household member against another, including people who live or have lived together as a family.

Diversion. A program that resolves an alleged offense outside the usual prosecution process, usually on conditions such as classes, community service, or restitution.

Expunction. A court-ordered or statutory process that destroys most copies of a criminal history record.

Felony murder. A killing that occurs during the commission or attempted commission of certain serious felonies, such as robbery or burglary. Every participant in the felony can be charged, whether or not they caused the death or intended it.

FERPA. The Family Educational Rights and Privacy Act, the federal law governing access to and disclosure of education records.

First appearance. A hearing before a judge, generally within 24 hours after an adult arrest unless the person has already been released, where the judge reviews probable cause and sets release conditions.

Formal complaint. In Title IX, a document filed by a complainant or signed by the Title IX coordinator alleging sexual harassment and requesting an investigation.

Injunction for protection. A civil court order, available for domestic, dating, repeat, and sexual violence and for stalking, that can bar contact and require surrender of firearms. Violating it is a crime.

Interim measure. A temporary action, such as a housing move, suspension, or no-contact directive, taken while a matter is pending.

Manifestation determination. A review required under the IDEA within 10 school days of a decision to make certain disciplinary changes of placement of a student with a disability, to determine whether the conduct was caused by the disability or by the school's failure to implement the IEP.

No-contact directive or order. An instruction from a school, college, or court limiting contact between people. Read the exact terms, including any restrictions on indirect contact.

Petition for delinquency. The document that formally charges a child in juvenile court.

Prefile representation. Legal representation during an investigation, before the prosecutor decides whether to file charges.

Pretrial intervention (PTI). An adult diversion program that, if completed, results in dismissal of the charges.

Principal. Under Florida law, a person who helps, encourages, or advises another to commit a crime, intending that it be committed, is guilty as if they committed it themselves.

Preponderance of the evidence. A standard of proof asking whether something is more likely true than not. Colleges often use it.

Reasonable doubt. The standard the state must meet to prove a crime in criminal court and a delinquent act in juvenile court.

Risk protection order. A court order, sought by law enforcement, that requires a person found to pose a significant danger to surrender firearms and ammunition for up to 12 months.

Sealing. A process that keeps a criminal history record but restricts who may see it.

Sexual offender registration. A requirement, often lifelong, that a person convicted of certain sexual offenses register with law enforcement and appear on a public registry.

Supportive measures. Under Title IX, individualized services, such as schedule or housing changes, that restore or preserve access to education without unreasonably burdening the other party.

Threat management team. A school or college team that assesses and intervenes with students whose behavior may pose a threat to school safety.

Withhold of adjudication. A disposition in which the court does not formally adjudicate the person guilty or delinquent. Its effect depends on the purpose for which the question is asked.

Zero tolerance. Florida's school safety law requiring expulsion and referral for certain serious offenses, while prohibiting rigorous application of zero tolerance to petty misconduct.

About the Author

Rocky Brancato is the founder and managing shareholder of The Brancato Law Firm, P.A., a criminal defense firm in downtown Tampa serving Hillsborough, Pinellas, and Pasco Counties. He has more than twenty-five years of criminal defense experience and has handled thousands of felony cases, from DUI to capital cases.

He began his career as an assistant public defender in Escambia County and later joined the Hillsborough County Public Defender's Office, where he served as a line attorney, division chief, training director, bureau chief, and ultimately Chief Operations Officer, overseeing a staff of over 100 attorneys. As training director he designed the office's training programs, including trial skills programs, that hundreds of Tampa Bay attorneys have completed. He has also taught criminal procedure, criminal law, and courtroom testimony as a police academy instructor.

He served for years on Hillsborough County's juvenile civil citation committee, served on the Thirteenth Judicial Circuit's Problem-Solving Courts Oversight Committee from 2012 to 2023, and chaired the Thirteenth Judicial Circuit Juvenile Justice Advisory Board from 2022 to 2024. He served as vice chair of the youth and gun violence committee of Safe and Sound Hillsborough, a community violence collaborative that uses a public health model, and designed a mock trial program staged in community centers, public schools, and the courthouse for hundreds of at-risk teenagers across Hillsborough County. He is a former member of the board of directors of the Pace Center for Girls and received the Hillsborough County Association of Criminal Defense Lawyers' Julianne M. Holt Torchbearer Award in 2024.

He holds an AV Preeminent rating from Martindale-Hubbell, has been selected to Super Lawyers, and has been named to The National Trial Lawyers Top 100. He is admitted to practice in the United States District Court for the Middle District of Florida and the United States Supreme

Court, and is the author of How to Choose a Major Crimes Attorney, or Any Criminal Defense Attorney for That Matter.

Thirty seconds. That's all it takes.

A text. A screenshot. A shove in a hallway. A ride with the wrong driver. A pill passed across a table. A night of drinking that two people remember differently. Most cases that derail young lives begin with one decision made in under a minute, and they are often decided by what happens in the hour that follows.

Drawing on more than twenty-five years in Florida courtrooms and thousands of felony cases, criminal defense attorney Rocky Brancato explains, in plain language and with the law cited, what parents, teenagers, and young adults need to know before anything happens, and what to do when something does.

INSIDE

- What to say when police, a principal, or a campus investigator wants to talk
- Sexting, sextortion, deepfakes, and the group-chat "joke" that becomes a felony
- Why carrying a gun, or driving the car, can end in a murder charge
- Alcohol, consent, and the accusation that can mean lifetime registration
- Fights at home, dating violence, injunctions, and the everyday arrests
- Juvenile court, adult court, college conduct, and Title IX
- Diversion, records, and protecting a young person's future
- Checklists and a family plan you can use tonight



Rocky Brancato founded The Brancato Law Firm, P.A., in Tampa. As Chief Operations Officer of the Hillsborough County Public Defender's Office he oversaw a staff of over 100 attorneys, and he designed training programs that hundreds of Tampa Bay lawyers have completed. He chaired the Thirteenth Judicial Circuit Juvenile Justice Advisory Board and designed a courtroom mock trial program for hundreds of at-risk Hillsborough County teens.

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