

# KNOW THE LAW



A GUIDE FOR TEENS  
AND THEIR FAMILIES

## To the Youth of Lee County, Florida:

This guide is provided for you, the young people of Lee County, Florida. We hope that it will be of value to both you and your parents or guardians. If you know the laws that apply to you, you can make good decisions that can make your life a whole lot easier. If you make wrong decisions, you may cause grief and unhappiness for both you and your family. When making any decisions about your behavior, take time to consider the law and weigh all of the consequences before you act.

As a member of society you need to know your rights, privileges, and responsibilities. Knowing the law enables you to understand your rights and meet your responsibilities. Don't blame your friends, your family, or others for your own behavior. You must accept responsibility for your actions because it is you alone who commits those actions.

The law is complex. We have attempted to make this guide easy for you to read and understand. Throughout this booklet we have listed Florida Statute numbers. You can look up the statutes by going to <http://www.leg.state.fl.us>, but you should check with a law enforcement official or an attorney if you need more specific information or clarifications. Laws may change over time. We have included what is current in Florida Statutes but we cannot guarantee that it will be current by the time you read this. You should check with law enforcement officials or attorneys if you have questions about current law. There are numerous laws. We haven't covered it all but we hope that the information provided in this guide will get you started in knowing the law.

Juvenile Assessment Center of Lee County, 2016



Lee County Sheriff's Office  
Juvenile Assessment Center of Lee County  
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The most recent edition of this *Know the Law* is available at [www.swfljac.org/publications](http://www.swfljac.org/publications).

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# HELPFUL PHONE NUMBERS

All phone numbers are in the 239 area code unless they have a toll free number shown.

Al-Ateen.....	274-1353
Alcoholics Anonymous.....	275-5111
Cape Coral Police Department.....	574-3223
Civil Citation Program.....	258-3466
Child Abuse Hotline.....	1-800-962-2873
Department of Juvenile Justice:	
Administration.....	338-2493
Assessment Center Screening.....	258-3461
Cape Coral Probation Office.....	541-4884
Victoria Avenue Probation Office.....	278-7202
South Probation Office.....	433-6710
Southwest Florida Regional Detention Center.....	332-6927
Fort Myers Police Department.....	321-7700
Juvenile Arbitration.....	533-7101
Juvenile Diversion Alternative Program.....	939-3238
Juvenile Assessment Center of Lee County.....	258-3450
Lee County Clerk of Court (Juvenile Division) .....	533-1400
Neighborhood Accountability Boards.....	533-7947
Lee County Sheriff's Office.....	477-1000
Lutheran Services.....	278-5400
Narcotics Anonymous.....	1-866-389-1344
National Runaway Switchboard.....	1-800-786-2929
National Suicide Prevention Lifeline.....	1-800-273-8255
National Teen Dating Abuse Helpline.....	1-866-331-9474
Oasis Youth Shelter.....	278-1030
Office of the State Attorney, 20th Judicial Circuit.....	533-1000
PACE Center for Girls.....	425-2366
Public Defender's Office, 20th Judicial Circuit.....	533-2911
Safe Haven for Newborns Helpline.....	1-877-767-2229
SalusCare (non-emergency).....	275-3222
SalusCare (behavioral health crisis services).....	275-4242
School District of Lee County.....	344-1102
Student Assignment - Cape Coral.....	242-2059
Student Assignment - Fort Myers.....	337-8247
Student Assignment - Lehigh Acres.....	337-8347
Student Welfare and Attendance.....	337-8522
Teen Court.....	533-2884
The Trevor Project (LGBT helpline).....	1-866-488-7386
United Way 211 (social & health services locator).....	dial 211 or from cell phone 433-3900

# CRIME & CONSEQUENCES

## CRIME

### WHAT IS A CRIME?

When you do something that is against the law or you don't do something the law says you must do, you have committed a crime.

### ARE ALL CRIMES THE SAME?

No. There are three basic types of crimes:

**Felonies:** These are the most serious crimes. They can result in probation or more than one year in a juvenile commitment facility.

**Misdemeanors:** These are less serious than felony crimes.

**Infractions:** These are the least serious law violations. They can result in a loss of liberty or a fine. For example, for a traffic infraction you might receive a traffic ticket and have to pay a fine or attend traffic school.

### WHAT HAPPENS IF I BREAK A LAW?

If you are suspected of breaking the law, you may be taken into temporary custody. Before a law enforcement officer questions you, if he or she intends to use your answers against you, the officer must tell you the reason for the arrest and explain your rights.

This means that he or she must tell you:

- The charges against you. (FS 901.16, FS 901.17)
- That you don't have to say anything after you have given your name and address.
- That you have the right to have a lawyer present when you are questioned. (FS 901.24)
- That the court will appoint a lawyer if you can't afford one, and that anything you say can be used against you in court.

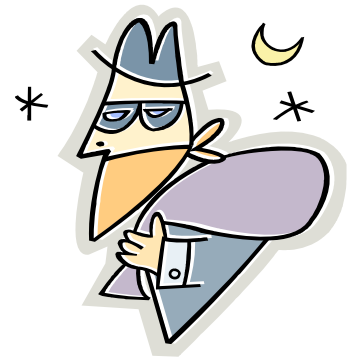
Note: In Florida, a parent does not have to be present when a law enforcement officer questions a youth.



If the law enforcement officer is not going to question you about the offense for which you are in temporary custody, he or she does not have to inform you about your rights regarding self incrimination.

### WHAT HAPPENS IF I RUN FROM THE POLICE?

Never run from the police. If the police see you running away from them, especially in a "high crime" neighborhood, that gives them reasonable suspicion that you have committed or were about to commit a crime and cause to immediately chase you and stop you. You can be charged with resisting arrest for running away. You might also be chased by a police dog.



After an officer has questioned you, he or she can:

- Release you and take no further action.
- Release you and refer you and your parents to services that provide counseling, temporary shelter care, or other help.
- Give you a Civil Citation as an alternative to an arrest.
- Give you a Notice to Appear in juvenile court or other citation.
- Take you into custody (often called an "arrest") and take you to the Juvenile Assessment Center for booking.

## CIVIL CITATION

### WHAT IS A CIVIL CITATION?

For some minor crimes, a law enforcement officer has the option to issue a civil citation instead of "arresting" the youth. The youth has to admit to the charge and must agree to participate in the civil citation program. If the youth agrees to participate, he or she is not arrested. The youth meets with a Civil Citation Deputy who will assign community service hours, a service learning project, and/or may require the youth to participate in other services. Once a youth completes his/her civil citation case plan he or she will have no arrest record and the case will be closed. If the youth does not successfully complete his/her case plan, he or she will be arrested and the case will go through the court process.

## ARREST



### WHAT HAPPENS IF I AM ARRESTED?

When a youth is arrested in Lee County, in most cases the law enforcement officer will deliver the youth to the Juvenile Booking Facility. It is in downtown Fort Myers, next to the Lee County Jail and the Juvenile Assessment Center. There the youth will have finger prints, palm prints, and a booking photograph taken. If charged with a felony, the youth will also have to provide a DNA sample. The youth will be interviewed by Department of Juvenile Justice staff and screened for secure detention. Depending on the seriousness of the crime and whether the youth has had any previous arrests the youth may be:

- Taken to a secure detention facility;
- Placed on home detention; or
- Directly released to his or her parents or guardians from the Juvenile Assessment Center with a court date.

# DETENTION



## WHAT IS DETENTION?

Juvenile detention is a secure, jail-like facility where youth who are alleged to have committed criminal acts may be held temporarily while awaiting action by the Juvenile Court. The purpose of secure detention is to hold youth who have been assessed as being a risk to public safety based on their criminal history and the seriousness of their charges. Lee County youth placed in secure detention go to the Southwest Florida Regional Detention Center at 2525 Ortiz Avenue in Fort Myers. In most cases youth can be held in secure detention for up to 21 days.

## WHAT IS HOME DETENTION?

Youth placed on home detention are released to their parent or guardian. Both the youth and the parents sign a Home Detention agreement which states the conditions which the youth is to follow. This generally includes that the youth must attend school, abide by a curfew, and other requirements.

Note: Some youth may be required to wear an ankle bracelet with a Global Positioning System (GPS) to monitor their whereabouts.

# PROSECUTION

## HOW IS A JUVENILE CASE PROSECUTED?

The Office of the State Attorney reviews the youth's arrest report and any recommendations made by the Department of Juvenile Justice. The State Attorney may:

- Decline to file any charges in the case.
- Refer the case to a court diversion program;
- File formal charges against a youth in a delinquency petition; or
- File the case directly into Adult Court.

# DIVERSION

## WHAT IS DIVERSION?

A court diversion program may be recommended for a youth who is charged with a first-time, non-violent misdemeanor. The youth must admit to the charge and agree to participate in the diversion program. Youth who participate in a diversion program may be required to perform community service hours, write a letter of apology, attend counseling or classes, and other assignments. If the youth fails to complete the diversion program the State will file formal charges against the youth. Youth who successfully complete a diversion program will have their charges dismissed. If their arrest was for a non-violent misdemeanor, they have up to 12 months to apply to have their criminal record expunged.

# ARRAIGNMENT

## WHAT IS THE ARRAIGNMENT?

About three weeks after a youth is arrested, he or she is required to appear before a judge for an arraignment hearing. At this hearing the youth is informed of the charges filed by the State. At this hearing either the youth or his or her attorney is asked to enter a plea of guilty, not guilty, or no contest to the charges. If the youth pleads guilty or no contest, there is no trial and the case proceeds to Disposition.



# ADJUDICATION

## WHAT IS AN ADJUDICATION?

If a youth pleads "not guilty" to the charges filed by the State, he or she will have an Adjudicatory Hearing. This is similar to a "trial" in adult court. In Juvenile Court there is no jury. The judge decides whether the youth is guilty or not guilty of the offense charged in the delinquency petition. If the youth is found guilty, he or she is "Adjudicated Delinquent" and the case proceeds to Disposition.

# DISPOSITION

## WHAT IS THE DISPOSITION?

Youth who plead guilty or no contest, and youth who were found guilty at the Adjudicatory Hearing participate in a Disposition Hearing. This hearing is similar to a sentencing hearing in Adult Court. The judge may sentence the youth to probation, to a commitment program, or other juvenile services.

# PROBATION

## WHAT HAPPENS WHEN A YOUTH IS PLACED ON PROBATION?

The youth continues to live at home and is supervised by a Juvenile Probation Officer. The youth must abide by his or her "conditions of probation" which can include abiding by a curfew, mandatory school attendance, counseling, community service hours, being tested for drugs periodically, and other requirements.

# COMMITMENT

## WHAT IS COMMITMENT?

Commitment programs provide specialized services, which may include substance abuse treatment, mental health counseling, job skills training, and other services. They range from day treatment programs where the youth continues to live at home to residential group home settings to secure, prison-like facilities.



# DIRECT FILE

## WHAT IS A DIRECT FILE?

The Office of the State Attorney has the option of charging a youth as an adult (direct file) if:

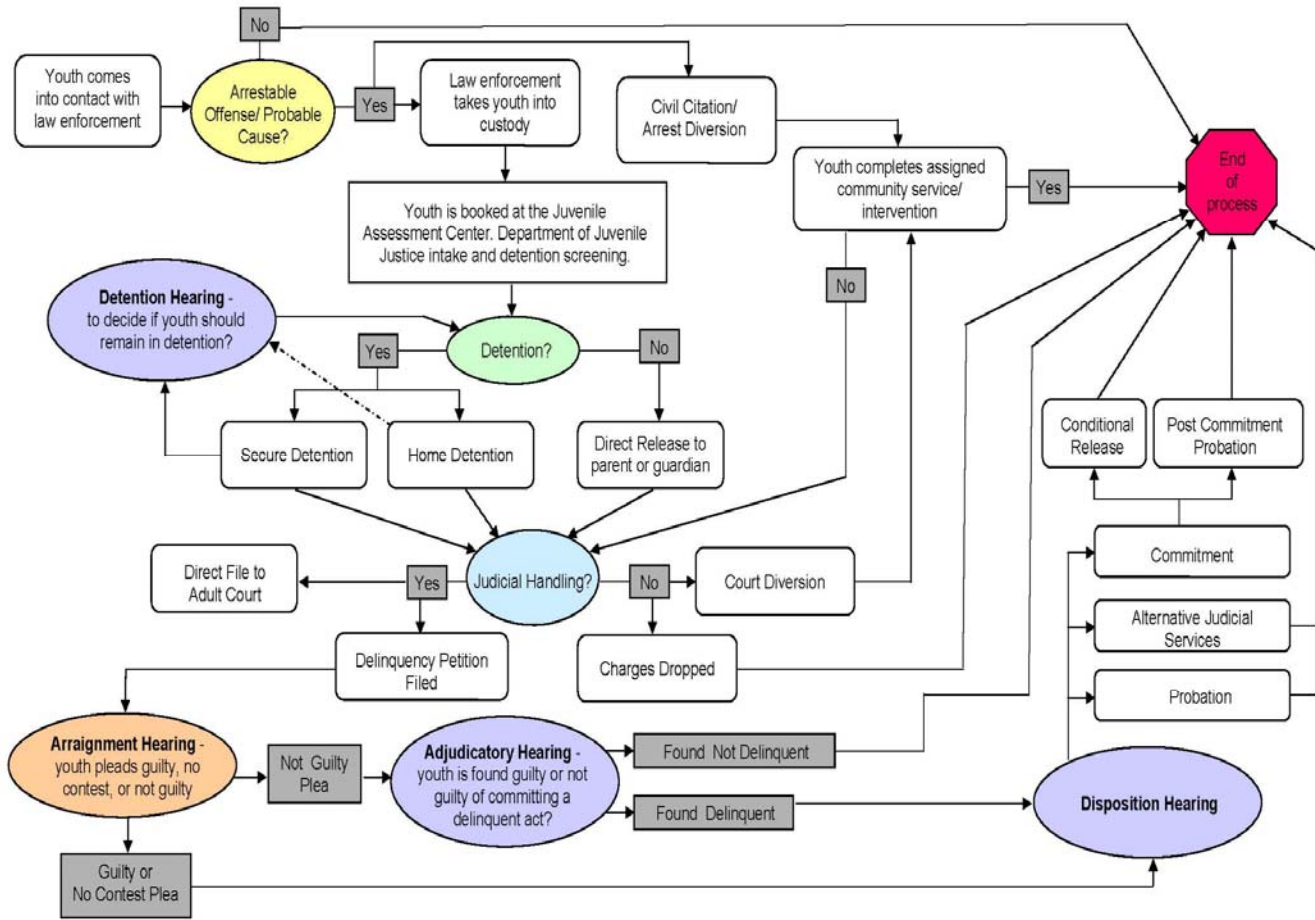
- The youth is 14 years of age or older and is charged with a violent felony; or
- The youth is 16 years of age or older and is charged with a felony. (FS 985.556)

Note: Most juvenile cases in Lee County with firearms charges are direct filed.

## CASE PROCESSING

### HOW DO CASES MOVE THROUGH THE JUVENILE JUSTICE SYSTEM?

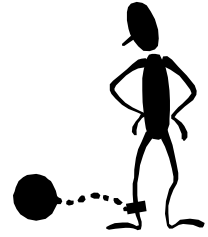
There are key decision points that determine how a case is processed.



- Key Decision Points:
- Law Enforcement
  - Department of Juvenile Justice
  - Court
  - Office of the State Attorney
  - Youth/Defense Attorney

# CONSEQUENCES

## WHAT ARE SOME OF THE OTHER CONSEQUENCES OF AN ARREST?



If you are arrested (even if you are not prosecuted or found guilty), you:

- Will have your fingerprints submitted to the Florida Department of Law Enforcement (FDLE). Your DNA will be submitted if you are charged with a felony.
- Can expect some of your private, personal information to be viewed by the prosecutor and the judge.
- May have your school notified of your arrest. You may be suspended from school and/or have to attend an alternative school, even if the offense did not happen at the school.
- May have your name, photograph, and arrest record published in newspapers and on television. (Felony arrests records of youth are open to the media.)
- May be removed from the U.S. if you are not a U.S. permanent resident or citizen.
- Will never be able to seal or expunge your arrest information in the FDLE or in private databases.
- May have a difficult time getting a job because your arrest record is public.

## WHAT ARE SOME OF THE OTHER CONSEQUENCES OF BEING ADJUDICATED DELENQUENT (FOUND GUILTY OF A CRIME)?

If you are Found Delinquent (Guilty) or convicted as a result of a trial or No Contest or Guilty Plea, you:

- May have your learner's permit or driver's license suspended if you are adjudicated for a drug charge.
- May not be able to serve in the military, depending upon the type and number of your adjudications.
- May not be able to become a law enforcement officer and may be excluded from many other jobs.
- Will not be eligible to petition to seal or expunge your juvenile record. You will continue to have a juvenile criminal record until age 24.
- May not be able to receive some scholarships or gain entrance into some colleges or universities.
- May have to explain your adjudication as a minor on some job applications, even when you become an adult.
- May be excluded from renting some apartments or housing that requires a background check.

Note: If a youth is adjudicated delinquent and commits another crime as an adult, the juvenile convictions may be added to his or her adult sentencing points. This can result in a harsher sentence, such as having to serve a longer time in jail.

# GENERAL LAWS

## ALCOHOL



### WHAT IS AN ALCOHOLIC BEVERAGE?

Any drink that has at least  $\frac{1}{2}$  of 1 percent alcohol is an alcoholic beverage.

Ethyl alcohol, the active ingredient in alcoholic drinks, acts as a depressant.

There are four types of alcoholic beverages: beer, wine, fortified wine, and liquor, each containing different amounts of alcohol.

### WHEN CAN I PURCHASE OR DRINK AN ALCOHOLIC BEVERAGE?

You must be 21 years of age to purchase, possess, or drink alcohol. If you try to buy an alcoholic beverage in a store or a bar you will be asked to prove your age. If you can't prove that you are 21 or older, the dealer cannot sell you an alcoholic beverage. (FS 562.111)

**Note:** You cannot lend, borrow, or falsify a driver's license.

If you are under age 21, it is illegal for you to attempt to purchase any alcoholic beverage. For the first violation, you could be fined up to \$500 and confined for up to 60 days or 6 months probation. (FS 775.082)

Anyone who sells or gives alcoholic beverages to someone under 21, or who lets the person drink alcoholic beverages in a bar or store, is breaking the law. (FS 562.11)

### OTHER LAWS ON ALCOHOLIC BEVERAGES

In Florida, there is zero tolerance for alcoholic beverages and anyone under age 21. If you are under age 21 you cannot:

- Have an open container of an alcoholic beverage in a car, whether you are drinking or not. (FS 316.1936)
- Drive a car under the influence of an alcoholic beverage. (FS 316.193)
- Drink alcohol or be drunk or under the influence of drugs in public place or on public transportation. (FS 856.011)
- Be permitted to remain in a business where alcohol is sold, unless with parents. (FS 562.48)
- Possess alcoholic beverages in a car, a public street, highway, or public place, even if the container is sealed. (FS 562.111)
- Until the age of 18, be hired to work in an establishment where the main business is selling alcoholic beverages to be used on the premises. (FS 562.13)

**Note:** The unlawful blood alcohol level for drivers under the age of 21 is .02%. This is the smallest amount to register on a breathalyzer test. (FS 327.355)

# DRUGS



## WHAT ARE SOME OF THE DANGEROUS DRUGS?

- Methamphetamines (Crystal Meth)
- Cocaine (Crack or Rock)
- Hallucinogens: LSD, peyote, PCP, marijuana, Ecstasy
- Narcotics: Heroin, opium, morphine, methadone
- Stimulants (uppers)
- Sedatives (downers)
- GHB (Ecstasy), Rophies, Homeboy

These are illegal drugs, except by prescription.

Note: You can be arrested for carrying a narcotic prescription medication if it is not in the original prescription bottle... even if it is your prescription.

## WHAT ARE SOME OF THE LAWS ON CONTROLLED SUBSTANCES?

It is illegal to:

- Possess, use, sell, transport, furnish, or give away any controlled substance. The penalties are higher for selling a controlled substance within 1,000 feet of a child care center, school, college, public recreation center, church, or convenience store. (FS 893.13)
- Sell, furnish, or give away any substance or material that you represent to be a controlled substance.
- Offer, arrange, or negotiate to sell any controlled substance. (FS 893.13)
- Inhale, ingest, or possess with intent to abuse nitrous oxide. (FS 877.111)
- Possess any instrument or means used to inject an illegal drug. (FS 893.147)
- Make or use a false or changed prescription. (FS 831.30)
- Plant, cultivate, harvest, or process marijuana or other drugs. (FS 893.147)
- Sniff glue or cement with toluene in it. (FS 877.111)
- Use or be under the influence of dangerous drugs, unless they are prescribed by a licensed person, usually a physician. (FS 893.13)
- Use, or possess with intent to use, drug paraphernalia. (FS 893.147)
- Drive on the highway or road while under the influence of drugs. (FS 316.193)

If you are found to be under the influence of alcohol or drugs while driving you may be issued a Driving Under the Influence (DUI) citation, which can cost up to \$6,000 per incident. Plus, your drivers license may be suspended.

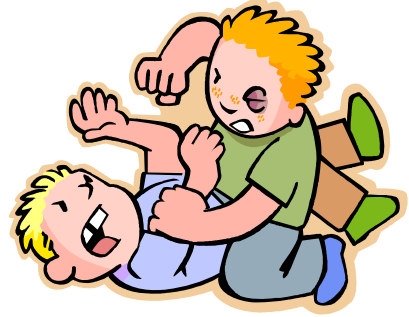
## WHAT IS THE LAW ON FAKE MARIJUANA?

Synthetic marijuana contains chemicals that mimic the effects of THC, the active compound in marijuana. Some manufacturers have sprayed potpourri with synthetic marijuana and sold it as "herbal incense." Florida banned five substances found in synthetic marijuana as of July 1, 2011. It is now illegal to possess, manufacture, or sell synthetic marijuana in Florida. (FS 893.03)

# ASSAULT & BATTERY

## WHAT IS ASSAULT?

Assault is an intentional threat by word or act that seeks to physically harm another person, plus, the person making the threat has the ability to carry out the threat and does some act which creates fear in another person that violence is about to happen. (FS 784.011)



## WHAT IS AGGRAVATED ASSAULT?

An assault becomes aggravated when it is committed with a deadly weapon without the intent to kill, or is used with the intent to commit a felony. (FS 784.021)

## WHAT IS BATTERY?

Battery is when a person intentionally touches or strikes another person without that person's consent, or intentionally causes bodily harm to another. (FS 784.03)

## WHAT IS AGGRAVATED BATTERY?

It becomes Aggravated Battery if, while committing a battery, one intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement, or uses a deadly weapon.

Note: Penalties for assault and battery are more severe when the charges are aggravated.

## WHAT ARE OTHER THINGS I SHOULD KNOW ABOUT ASSAULT AND BATTERY?

- You could be arrested for assault or battery if you get into a fight with someone, even if you did not start the fight.
- The act of raising your voice or grabbing someone by the arm could be enough for an arrest for assault and battery in some situations.
- You could be charged with aggravated assault if you throw something, even if you miss by a mile and do not intend to hit someone, but *could* seriously injure someone if they were hit by the object.
- The charge of battery or aggravated battery is more serious if the victim is a school official, a law enforcement officer, firefighter, emergency medical personnel, detention or commitment staff, or someone over the age of 65. (FS 784.081, FS 784.07, FS 784.08)
- A person commits aggravated battery if the victim of a battery is pregnant and the offender knew or should have known that the victim was pregnant. (FS 784.045)

# BICYCLE HELMETS

## WHO IS REQUIRED TO WEAR A BICYCLE HELMET?

Florida law requires that a bicycle rider or passenger under the age of 16 must wear a helmet that meets the nationally recognized standards for bicycle helmets. It is also unlawful to rent a bicycle to a person under age 16 unless the person has an approved helmet or one is provided with the bicycle. Violators of the law relating to bicycle helmets may be issued a traffic citation, which may then effect when they can be issued a drivers license. (FS 316.2065)

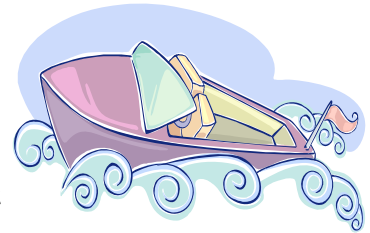


# BOATING

## AT WHAT AGE MAY I OPERATE A BOAT?

If you are 21 years of age or younger and you want to operate a boat with 10 or more horsepower, you must:

- Successfully complete a boater's education course offered by the Florida Fish and Wildlife Conservation Commission on Boater Safety.
- Carry the boater safety ID card that shows you successfully completed the boater's education course. The boater safety ID is valid for life. (FS 327.395)
- Carry a photo ID.



## AT WHAT AGE MAY I OPERATE PERSONAL WATERCRAFT?

You must be age 14 or older to operate personal watercraft, such as jet skis. (FS 327.39)



Note: You must never operate a boat or personal watercraft while intoxicated. You could be arrested for Boating Under the Influence (BUI). The penalties are almost the same as those for Driving Under the Influence; they are very severe. (FS 327.35)

# BODY PIERCING & TATTOOING

If you are under 18 years of age, you cannot have your body pierced or tattooed without the written, notarized consent of your parent or guardian. If you are under age 16, your parent or guardian must also accompany you to get your body pierced. Ear piercing is excluded from this law. (FS 381.0075, 381.00787 )





# BOMB THREATS

It is a felony to threaten to throw, project, place or discharge a destructive device with intent to do bodily harm to any person or damage to any property. (FS 790.161)

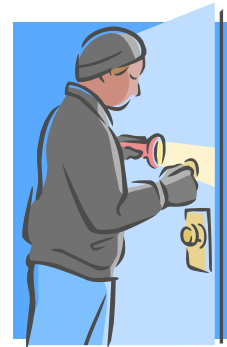
It is also a felony for any person to make a false report with intent to deceive, mislead, or otherwise misinform any person about placing or planting of a bomb, dynamite, or other deadly explosive, or weapon of mass destruction or to plant a hoax bomb. (FS 790.162, 790.165)



# BURGLARY

## WHAT IS BURGLARY?

Burglary is when you enter someone's house, storage shed, business, or vehicle without his or her permission with the intent to commit another crime inside, such as, theft, criminal mischief, assault, or battery. It is a felony offense. (FS 810.02)



## WHAT ELSE SHOULD I KNOW ABOUT THE LAWS ON BURGLARY?

- Entering an unlocked car to steal anything is a felony.

Example: You and your friends decide one night to go "car hopping" to look for loose change. You find 15 cars in the neighborhood that are unlocked and enter them to look for change. You end up with about \$30 in change. You could be charged with 15 felonies.

- You can also be arrested for possessing burglary tools. (FS 810.06)
- If you enter a vehicle or building and steal anything that might be used as a weapon, the crime is treated as if you had the weapon when you entered. It becomes an armed burglary. Armed burglary is a first degree felony punishable by life in prison. The "weapon" does not have to be a gun or other obvious weapon. It could be a baseball bat, a pocket knife, a box cutter, or a screwdriver, etc. (FS 810.02)

# CONSTRUCTION SITES

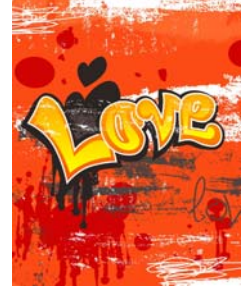
Did you know that you are not allowed to go onto a construction site where a new home is being built if it is not yours? If you do, you could be charged with trespassing. (FS 810.09) If you take any materials at the construction site you can be charged with grand theft, a third degree felony. (FS 812.014)



# CRIMINAL MISCHIEF

## WHAT IS CRIMINAL MISCHIEF?

It is criminal mischief if a person willfully and maliciously injures or damages another's property, including but not limited to, graffiti or other acts of vandalism.



## WHAT ARE THE PENALTIES FOR CRIMINAL MISCHIEF?

Criminal mischief can be either a misdemeanor or a felony charge, depending upon an assessment of how much damage was done. If the damage is greater than \$1000, it is a felony. The penalties are greater if there is a disruption or impairment of a business or of important public services, such as transportation, communications, etc. The penalties are also greater if the damage was done to a place of worship. A youth who commits criminal mischief, along with his or her parents, may be required to pay for all damages. A youth who uses graffiti to deface property may have his or her drivers' license revoked or the issuance of a driver's license delayed for up to one year. (FS 806.13)

Example: You go along with a few friends to egg someone's car as a prank. The owner of the car finds out who did it and calls the police. Some of the paint on the car was damaged. It will cost \$1,025 to repair it. You and your friends can be arrested and charged with a felony.

# CURFEWS

## WHAT IS A CURFEW?

A curfew is a regulation that requires all people or certain people to be off of the streets at a certain time. The cities of Fort Myers and Fort Myers Beach have juvenile curfew ordinances.



## WHEN IS A YOUTH ALLOWED TO BE OUT PAST CURFEW?

- It is ok if the youth is accompanied by a parent or if with another adult if the parent has given their permission for the youth to be with that person.
- It is ok in an emergency or to run an emergency errand with the parent's permission.
- Going directly to or from a job.
- Returning directly home from a school sponsored function, a religious function, or a function sponsored by a civic organization.

Note: You cannot remain in a park after closing time. You could be given a citation for violating a city or county ordinance or arrested for loitering and prowling.



## WHAT IS THE CURFEW IN FORT MYERS?

A minor (under age 18) may not be or remain in any public place or restricted area within the Fort Myers city limits between the hours of 9:00 p.m. and 5:00 a.m. on school nights (Sunday—Thursday), except in the case of a legal holiday. The curfew for Saturdays, Sundays, and legal holidays is from 11:00 p.m. to 6:00 a.m. Additional curfew hours for minors who have been suspended, expelled, and/or are truant from school are from 9:00 a.m. to 2:00 p.m. for any day that his or her school is in session. A youth who violates the curfew ordinance the first time will receive a written warning. Any additional curfew violations receive a fine of \$110.00 for each violation. (Ft. Myers Ordinance Sec. 50-133)

## WHAT IS THE CURFEW ON FORT MYERS BEACH?

Anyone under 16 years old is not allowed to be or remain in a public place or establishment on Fort Myers Beach between 11:00 p.m. and 5:00 a.m. on school nights except in the case of a legal holiday. The curfew on Saturdays, Sundays, and legal holidays is from 12:01 a.m. to 6:00 a.m. A minor who has been suspended or expelled from school may not be or remain in a public place, in an establishment, or within 1,000 feet of a school during the hours of 9:00 a.m. to 2:00 p.m. during any school day. A youth who violates the curfew ordinance will receive a written warning for her or his first violation and a fine of \$50 for any further violations. (Ft. Myers Beach Ordinance 06-10)



Note: A curfew violation is not a criminal charge. However, if a youth is fined for a curfew violation and fails to pay the fine, he or she can be arrested.

## CYBERSTALKING

### WHAT IS CYBERSTALKING?

According to Florida Statute, "cyberstalk" means to engage in a course of conduct to communicate, or cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. Any person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks commits the offense of stalking, which is a misdemeanor crime. If the victim is under age 16, it is aggravated stalking, which is a felony crime. (FS 784.048)



# DISORDERLY CONDUCT



## WHAT IS DISORDERLY CONDUCT?

Disorderly Conduct is a kind of a catch-all crime that can mean a number of different things. It is also sometimes also called "breach of peace." It can include:

- Acts that are inappropriate in public;
- Acts lacking in public decency;
- Acts that cause distress to those who witness the acts; and
- Fighting and brawling. (FS 877.03)

In general, Disorderly Conduct can include any type of act that results in some type of disturbance. This can include public drunkenness, loitering, blocking or obstructing traffic, using obscene language, making unreasonable or loud noises, threatening to hurt someone, using fighting words that would tend to incite others, attempting to provoke a fight, resisting authority, refusing to calm down and lower one's voice, refusing to break up a group, and any physical conduct toward a law enforcement officer that affects the officer's ability to do his or her job.

## DRIVING



### GETTING A MOTOR VEHICLE LICENSE

- At age 15 you may get a learner's permit. You may then drive but must be accompanied by a licensed driver 21 years of age or older who sits in the front seat. You may drive only during daylight hours for the first three months. After three months you may drive until 10:00 p.m. (FS 322.1615)
- You must hold a learner's permit for 12 months (or until you turn 18) before you can obtain an operator's license. (FS 322.05)
- If you are a licensed driver under the age of 17, when driving, you must be accompanied by a licensed driver age 21 or older between 11:00 p.m. and 6:00 a.m., unless you are driving directly to or from work or school. (FS 322.16 (2))
- The same rules apply at age 17 except you may drive alone from 5:00 a.m. to 1:00 a.m.

More information on other requirements are available at the Department of Highway Safety and Motor Vehicles website at [www.flhsmv.gov/ddl/teendriv.html](http://www.flhsmv.gov/ddl/teendriv.html).

### CAN I DRIVE AN ALL TERRAIN VEHICLE (ATV)?

ATV's may be operated during the daytime on unpaved roads where the posted speed limit is 35 miles per hour or less by a licensed driver or a minor under the supervision of a licensed driver. Anyone under 16 years old must wear a safety helmet and eye protection when driving or riding on an ATV. (FS 316.2123)

# FALSE IDENTIFICATION

## WHAT ARE THE LAWS ON FALSE IDENTIFICATION?

- It is unlawful to display, cause, permit to be displayed or have in your possession any cancelled, revoked or suspended, disqualified, fictitious, or fraudulently altered driver's license.
- It is unlawful to use a genuine piece of identification that belongs to someone else, whether it is valid or not.
- It is also against the law to lend a license to any other person or knowingly permit its use by someone else. (FS 322.32)
- It is unlawful to give a false name or to falsely identify oneself in any way if one is arrested or lawfully detained by a law enforcement officer. (FS 901.36)

A fictitious identification includes any ID that has been altered in any way, forged, or unlawfully manufactured.

# FALSE REPORTS

## WHAT IF I GIVE A FALSE REPORT?

Making false reports to authorities is no joking matter. It is a crime to file a false police report, to turn in a false fire alarm, to make a false report of child abuse, to make a false 911 call, and to make false threats of a planted bomb. It is also a crime to lie to the police or the court when you are questioned as a witness. If you don't want to get into trouble with the law, don't falsify anything. (FS 837.05, 817.49, 39.205, 790.163)

# FIREARMS & OTHER WEAPONS

## CAN I CARRY OR USE A GUN?

A minor under the age of 18 cannot possess a firearm other than an unloaded firearm at his or her home, unless the minor is engaged in a lawful hunting activity or in a lawful marksmanship competition or practice and is at least 16 years old, or if under age 16 is supervised by an adult acting with the consent of his or her parent. (FS 790.22) Any youth who has been found to be delinquent of a felony crime may not possess a firearm until he or she reaches 24 years of age. (FS 790.23) (Also see Hunting, page 18.)



Note: If you possess a weapon on school property you may be charged with a felony and expelled from school.

## CAN SOMEONE SELL OR GIVE ME A GUN OR OTHER WEAPON?

If you are under the age of 18, it is unlawful for anyone to sell, lend, or give you a weapon, other than an ordinary pocket knife, without your parent's or guardian's permission. (FS 790.17)

## WHERE CAN I SHOOT OR THROW WEAPONS?

Shooting is not permitted in most areas of the county. It is unlawful to knowingly discharge a firearm in any public place or on the right of way of any paved public road, highway, or street or over any occupied dwelling. (FS 790.15)

It is not lawful to shoot a firearm or shoot or hurl a deadly missile, stone, or a heavy object which could cause death or great bodily harm into a dwelling, building, vehicle, train, bus, boat, ship, or aircraft. (FS 790.19)

Note: Almost any object can be considered a "deadly missile" under the law if it *could* hurt someone. This includes a rock, baseball bat, brick, hammer, etc.

Note: If you are age 16 or 17 and use or possess a gun while committing a serious felony, the law requires that you be prosecuted as an adult. The penalty can be 10 years in adult prison for possession, 20 years in adult prison if the gun is fired, or 25 years to life in adult prison if someone is shot and is seriously injured or killed.



## FIRESETTING

### IS SETTING FIRES AGAINST THE LAW?

Anyone who willfully and unlawfully, or while committing a felony, sets a fire or explosion that causes damage to a dwelling or structure or their contents can be charged with arson. The penalties are greater if the structure normally has people in it. Structures included in this statute include portable buildings, tents, vehicles, vessels, watercraft, and aircraft. (FS 806.01)

If someone willfully and unlawfully sets a fire or explosion that injures or damages anyone else's property (other than a dwelling or structure), they can be charged with criminal mischief. (FS 806.13)

It is unlawful to set fire to or cause to burn any land, such as woods or fields, that is not your property (unlawful burning). (FS 590.28)

It is unlawful to tamper with a fire extinguisher or other devices used to detect, report, or extinguish fires. (FS 806.10)

# FIREWORKS

## ARE FIREWORKS LEGAL?

Dangerous fireworks—including firecrackers and bottle rockets—are not legal unless used for scaring birds from agricultural works and fish hatcheries or by approved operators for public displays. Some sparklers are legal, but not all. (FS 791.01, FS 791.07)



# FISHING

## IN SALT WATER

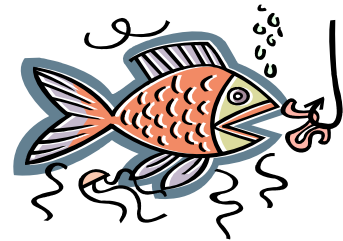
You must have a saltwater fishing license if you take, attempt to take, or possess marine fish for noncommercial purposes unless (for example):

- You are under 16 years of age.
- You fish from land or a structure fixed to land, from a pier that has a valid pier saltwater fishing license, or from a boat that has a valid recreational vessel fishing license.

## IN FRESH WATER

You do not need a freshwater fishing license if:

- You are under the age of 16.
- You are fishing on your own homestead.
- You are fishing in your own county and fish without a reel.



There are other exceptions for both salt water and fresh water fishing. Go to <http://myfwc.com/fishing> for more exceptions and other rules and regulations.

# GANGS

## WHAT IS A GANG?

A "gang" is defined in Florida Statutes as a group of three or more people who spend a good portion of their time committing criminal or delinquent acts and have either a common name or common identifying signs, colors, or symbols. (FS 874.03)

## WHAT ARE THE PENALTIES FOR BEING IN A GANG?

If the Court finds that a youth committed a crime for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang, the penalty can be raised to that of a higher level crime. (FS 874.04)

# HUNTING

If you are 16 years of age or older you may obtain a hunting license, but you first must complete a hunter safety course. There is an exception. Persons 16 and older who have not completed a hunter safety course can use a one-time Mentoring Exemption which allows them to purchase a license and hunt within the supervision of a mentoring adult who is at least 21 years old. Youth under the age of 16 may hunt with adult supervision without having to take a hunter safety course. A hunting license does not allow one to trespass on private land. Always obtain landowner permission before entering private land. Trespassing while possessing a gun or bow is a felony offense. Go to <http://myfwc.com> for other rules and regulations about hunting in Florida.

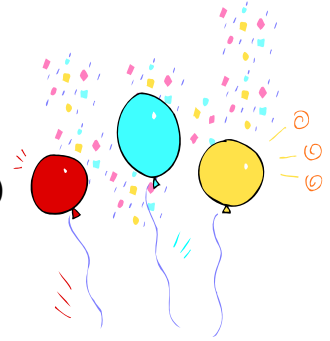


# PARTIES

## IF YOU GIVE A PARTY OR IF YOU GO TO A PARTY

These activities may be considered disturbing the peace. (FS 877.03)

- Excessive rowdiness
- Fighting
- Loud music
- Keeping the party going too late



## IF THERE ARE ALCOHOL AND/OR DRUGS AT THE PARTY

- You could be arrested for possession of alcohol or drugs.
- Any adults who have control of the residence and supply alcohol or drugs or fail to take reasonable steps to prevent youth at the party from consuming alcohol or drugs could be charged with a criminal offense. The penalties are greater if the consumption of alcohol or drugs at an open house party results in a serious injury or death. (FS 856.015)

Note: Your parents or guardians may be held responsible for what goes on in their home...even if they don't know you're having a party while they are away.



## IF THE PARTY IS AT AN EMPTY HOUSE

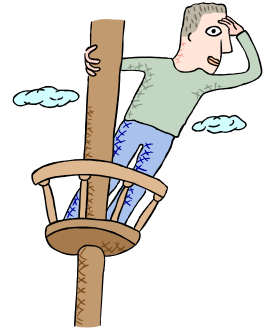
- You could be arrested for trespassing. (FS 810.08)



# PRINCIPAL IN FIRST DEGREE

## WHAT IS "PRINCIPAL IN FIRST DEGREE?"

This means that if a crime is committed and you help in any way, even if you are not present and you are not the one who actually commits the crime, you can be charged, convicted and punished for the crime. (FS 777.011)



Example: You serve as a lookout while your friend robs a store. You could be convicted of the same charges as your friend, even though you didn't enter the store.

# RESISTING ARREST WITHOUT VIOLENCE

## WHAT IS RESISTING ARREST?

Florida law prohibits anyone from resisting, obstructing, or opposing a law enforcement officer in their performance of their legal duty. (FS 843.02)

## WHAT ARE SOME EXAMPLES OF BEHAVIORS FOR WHICH A YOUTH COULD BE CHARGED WITH RESISTING ARREST WITHOUT VIOLENCE?

- Running away or hiding from police;
- Arguing or not cooperating with a law enforcement officer;
- Touching a law enforcement officer during an investigation; or
- Pulling one's arm away while being handcuffed.

If anyone makes threats or fights or struggles with a law enforcement officer, they can be charged with Resisting Arrest With Violence, which has more severe penalties.

# SEXUAL RELATIONSHIPS

## WHAT IS THE AGE OF CONSENT IN FLORIDA?

In Florida, a person under the age of 16 is not legally able to consent to a sexual act. It does not matter how old he or she says they are if they are not old enough to give consent. Not knowing your partner's age is not a defense under the law, even if he or she says they are older than they really are. (FS 800.04)

Note: In Florida it is illegal to have sexual relations with someone less than 16 years of age, even if they are willing.

## WHAT IS SEXUAL BATTERY?

Sexual battery, commonly referred to as "rape," can occur in several ways.

- Sex without a person's consent. (FS 794.011)
- Sex with a person who is not legally able to give consent (under the age of 16). This includes touching the clothing above or the unclothed breast of a female or touching above or the unclothed genital area or buttocks of a male or female under the age of 16 with any kind of sexual intent. (FS 800.04)
- It is unlawful for a person over the age of 24 to have sexual intercourse with any person under the age of 18. (FS 794.05)
- Any person 21 years of age or older who impregnates a child under the age of 16 has committed a separate, additional felony. (FS 827.04)

Note: The Federal Adam Walsh Act requires youth who have committed sexual offenses to be treated the same as adult sexual offenders (with only a few exceptions). They may be required for the rest of their life to register with the local sheriff's office as a sex offender and will have their name and address made public on the Florida Department of Law Enforcement's sex offender search website.

## SEXTING

### WHAT IS SEXTING?

Sexting refers to transmitting sexually explicit photographs or videos to others by cell phone or other electronic device.

(FS 847.0141)



### WHAT ARE THE LAWS ON SEXTING BETWEEN MINORS?

- A first time offense for a minor sending a nude photo to another minor by electronic data transmission, or possessing a nude photo that was sent from another minor, is a noncriminal violation punishable by 8 hours of community service or a \$60 fine.
- A second violation of sexting is a misdemeanor.
- A third violation of sexting is a felony.

A youth that is not in violation of the law if he or she:

- Has not solicited the photograph or video,
- Takes reasonable steps to report it to a parent or guardian, school official, or law enforcement official, and
- Does not send it to a third party.

Note: If you possess pictures or video of someone under age engaged in a sexual act you could be charged with possession of child pornography.



## SHOPLIFTING

Many times youth believe that if they steal something from a store they will not get caught. However, in Lee County more youth are arrested for shoplifting (also called "petit theft") than for any other crime. In addition to any criminal sanctions a youth may receive for shoplifting, most stores also file a civil judgment which requires the youth to pay an additional several hundred dollars to the store. Many stores also forbid youth who have shoplifted from them from ever coming into their store again.



## SKATEBOARDING

Did you know that it is not legal to skate board on school campuses, public property, or at merchant centers? If you do, you could be charged with misdemeanor trespassing. (FS 316.0085) If there is any damage from your skate boarding, you could also be charged with misdemeanor criminal mischief for even minor damage. If there is more than minor damage, you could be charged with a felony.



## STOLEN PROPERTY

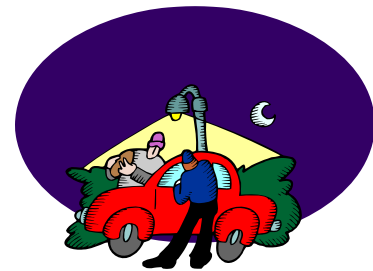
If you sell stolen property you can be charged with dealing in stolen property. If you buy or accept property that you know is stolen, it is a crime. The law does not let you off the hook easily for not knowing the property was stolen. According to Florida law, if someone purchases stolen property at a price far below the fair market value, unless satisfactorily explained, the law assumes that you *should have known* that it was stolen property. It is also a crime to be in a stolen car you know or reasonably should have known was stolen. If you do anything to help the person who stole the car, you will become a principle to the theft and could be charged as if you stole the car.

Note: It is illegal to buy, sell, receive, dispose of, hide, or possess articles from which serial numbers or manufacturer's marks have been removed, damaged, or altered.

## THEFT

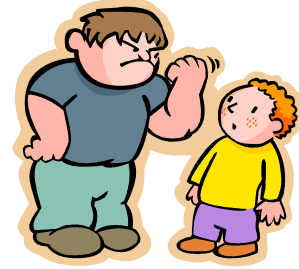
Theft is when you take someone else's property without his or her permission, even if you are just borrowing it. (FS 812)

- If the value of the item or items taken is under \$300, the crime is a petit theft which is a misdemeanor crime. (Also see Shoplifting, above.)
- If the value of the item or items taken is \$300 or more, the crime is grand theft which is a felony crime.
- A third conviction or more for any type of theft is automatically a felony grand theft.



## THREATS

It is against the law to threaten to kill or seriously hurt a person, even if you do not intend to carry out the threat. (FS 784.011) This includes verbal threats, or threats by letter, email, on Facebook, or any other form of electronic communication. (See how to report school bullying on page 32.)



### CAN I CARRY A WEAPON JUST TO SCARE SOMEONE?

It is unlawful to threaten anyone with a deadly weapon, even if it is unloaded, or to carry around such a weapon if you intend to harm anyone. (790.10) It is unlawful for a minor to carry around a firearm unless you are engaged in lawful hunting or lawful marksmanship competition. If you take a weapon to school you may be expelled from school.

## TOBACCO

### WHAT ARE THE LAWS ABOUT TOBACCO?

If you are under the age of 18, it is against the law to:

- Purchase or attempt to purchase tobacco from a person or a vending machine. (FS 569.11)
- Sell or give away any tobacco product to minors under the age of 18.



Note: It is against the law for someone under the age of 18 to possess e-cigarettes.

### WHAT ARE THE PENALTIES FOR A YOUTH POSSESSING TOBACCO?

Possession of tobacco by a minor is a non-criminal offense. For the first violation a youth must perform community service or pay a \$25 fine. He or she may also be required to take an anti-tobacco class if one is available. For a second violation within 12 weeks of the first violation, a youth must pay a \$25 fine. For a third violation within 12 weeks of the first violation, the youth's driver's license will be suspended or revoked for up to 1 year. If the youth is not of driving age, the issuance of a license may be withheld for up to 1 year of when the youth turns 16 years old. (FS569.11, FS 322.056) A youth's driver's license may also be suspended or revoked or withheld if he or she fails to pay the fine or complete the community service associated with a tobacco violation.

## TRAFFIC VIOLATIONS

Traffic violations are not handled through the Juvenile Court. They are handled in Traffic Court. If a youth is arrested for both a criminal offense and a traffic offense at the same time, his or her case will be processed through two different courts.



# (HUMAN) TRAFFICKING

## WHAT IS HUMAN TRAFFICKING?

Human trafficking is a form of modern day slavery in which the victim is forced or given false promises to engage in commercial sex acts or labor services. Runaway and homeless youth (both boys and girls) are particularly at risk of becoming victims of trafficking.

## WHAT IS THE LAW ON HUMAN TRAFFICKING?

- A person is considered to be a victim of human trafficking if force, fraud, or coercion is used to compel that person to provide labor or commercial sex acts against his/her will, even if they initially consented. (FS 787.06)
- A person under age 18 cannot meaningfully consent to commercial sex; therefore, all minors induced into commercial sex are considered victims of human trafficking.

If you are a human trafficking victim and need assistance call the National Human Trafficking Resource Center at 1-888-373-7888. Go online to their website at [www.traffickingresourcecenter.org](http://www.traffickingresourcecenter.org) to report a tip about a suspected human trafficking case or to find out more information about human trafficking.

# TRESPASSING

## WHAT IS THE LAW ON TRESPASSING?

- If someone goes on to a property belonging to someone else and they have been properly warned that they are not allowed to be there, they can be charged with trespassing. The warning may be verbal or in writing. A posted "No Trespassing" sign or property that is fenced provide proper warning.
- If someone enters a building or a vehicle who has not been given permission to be there or who stays there when they have been told to leave by the owner or someone who leases the property, they can be charged with "trespass in a structure or conveyance."
- Trespassing on school grounds occurs when someone goes on to a school campus that has no real business being there. This can include "hanging out" on school grounds when school is not in session. If a student has been suspended or expelled from school he or she can be charged with trespassing by being on school grounds, unless he/she has received permission to be there.



# FAMILY MATTERS

## ABUSE AND NEGLECT



### WHAT IS ABUSE?

Abuse of a child is when a parent or other person responsible for a child's welfare performs any willful act or threatened act, or fails to do something, that results in any physical, mental, or sexual injury or harm that causes, or is likely to cause, the child's physical, mental, or emotional health to be significantly impaired.

### WHAT IS NEGLECT?

Child neglect is when a parent or other person responsible for a child's welfare fails to provide the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so. There may be some exceptions made for parents or legal guardians who do not provide a child certain medical care if it is due to the parent's or legal guardian's legitimate religious practice.

### WHAT HAPPENS IF PARENTS OR GUARDIANS ABUSE OR NEGLECT A CHILD?

When a report of abuse or neglect is first made, there will be an investigation right away to determine if abuse or neglect has occurred. If it is determined that the child is seriously at risk, he or she will be taken into custody and taken to a safe place. The court will then determine whether or not the facts in the case support the allegation that abuse or neglect has occurred. If the court determines that abuse or neglect has occurred, a case plan will be developed with input from all parties. What happens next depends upon the specifics of the case. Depending upon the severity of the abuse or neglect, the case plan can range from the family being placed on supervision and being required to participate in services or all the way to proceeding toward termination of parental rights. The Court wishes to preserve family ties if at all possible and only removes a child from parental custody when the child's welfare cannot be adequately safeguarded without such a removal. If it is decided that a child should be removed from his or her parents, he or she will either be placed in the home of a relative approved by the Court, a foster home, adoptive home, group home, or independent living program based on what the Court believes will provide the most stable and potentially permanent living arrangement for the child. (FS 39.01)

### IS SPANKING CONSIDERED ABUSE?

Under Florida Statutes, corporal discipline (spanking, hitting, etc.) of a child by a parent or legal custodian for disciplinary purposes is not considered abuse when it does not result in harm to the child. Parents can be as strict as they wish, as long as they do not inflict serious physical pain or mental suffering, deliver cruel or inhuman corporal punishment, or cause injuries. (FS 39.01)

## WHO MUST REPORT CHILD ABUSE OR NEGLECT?

Anyone may report child abuse or neglect by calling the police or the Child Abuse Hotline at 1-800-962-2873. If you feel you have been abused or neglected then you should call for your own protection. No one deserves to be abused or neglected.

Under Florida Statute there are some people who must report abuse and neglect if they know or have a reasonable suspicion that it has occurred. (FS 39.201) This includes:

**Medical Practitioners:** physicians, psychiatrists, dentists, nurses, chiropractors, hospital admitting staff, medical examiner

**Schools:** teachers, school officials, guidance counselors, social workers, and other school personnel

**Non-Medical Practitioners:** mental health counselors, health practitioners, religious healers, social workers

**Justice System Personnel:** judges, law enforcement officers, probation officers

**Youth Caretakers:** foster parents, day care center workers, camp counselors, residential treatment program workers

People who report child abuse and neglect in the categories above must give their name when reporting but it is kept confidential.

## DOMESTIC VIOLENCE

### WHAT IS DOMESTIC VIOLENCE?

Domestic violence is any criminal offense which results in injury of one family or household member by another family or household member.



### CAN A YOUTH BE ARRESTED FOR DOMESTIC VIOLENCE FOR HITTING A FAMILY OR HOUSEHOLD MEMBER?

Yes. If a youth commits battery against a parent or sibling, he or she can be arrested for domestic violence. He or she may also be removed from the home and placed in secure detention or shelter care if the victim indicates that he or she is afraid.

### WHAT IF A PARENT HITS A YOUTH AND THE YOUTH HITS BACK?

In Florida, parents have the right to use corporal punishment to discipline their children as long as it does not cause physical injury. However, youth are not allowed to hit their parents.



## EARNINGS, GIFTS & PROPERTY

Your parents or guardians are entitled to your earnings because they take care of you, and your earnings can be used for your overall care and household expenses. Your parents or guardians may:

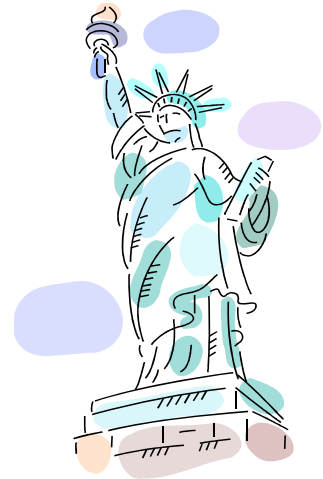
- Give up their rights to your earnings if they wish.
- Take back a gift that was given to you if they feel that the gift could potentially be harmful to you or if they are restricting the use of the gift as a form of discipline. You may still own the gift, but your parents or guardians can have possession of it.
- Limit your access to your property but cannot take your property just because they are your parents or guardians.



## EMANCIPATION

### WHAT IS EMANCIPATION?

When you become emancipated you are free from your parent's or guardian's control. You are treated as an adult under the law and take on all the responsibilities of an adult. However you cannot vote until age 18 or drink alcohol until you are 21 years old even if you are emancipated. In Florida Statutes emancipation is called "Removal of Disability of Nonage." (FS 743.015)



### WHEN CAN A YOUTH BECOME EMANCIPATED?

You become emancipated when you:

- Reach the age of 18;
- Enter the military;
- Marry; or
- Have the Circuit Court declare that you are emancipated.

### HOW CAN SOMEONE GET EMANCIPATED BY THE COURT?

First, you must be:

- At least 16 years old;
- A resident of Florida;
- Be able to show that you are able to support yourself without public benefits;
- Be able to show that you have a stable living arrangement; and
- Have both of your parents' or guardians' permission.

You then must have your parents or guardians (or a guardian ad litem) file a petition to the Clerk of Court and pay a filing fee of \$255. A judge will review the petition. If the judge believes that emancipation is in your best interest, he or she will enter an order removing the disability of nonage.

## MAIL

According to U.S. Postal Service regulations, parents or guardians have control over the delivery and acceptance of their children's mail.



## MARRIAGE

You may marry if:

- You are 18 years of age or older;
- You are at least 16 years of age and have the written consent of your parents or guardian which has been acknowledged by an officer authorized by law to take acknowledgements or administer oaths;
- You have previously been married; or
- You have a child or are pregnant. (FS 741.0405)



## MEDICAL CARE

Your medical care is the responsibility of your parents or guardians as long as you are a minor (under age 18). If you are a minor you may consent to medical care without your parent's or guardian's consent if:

- You seek treatment for an infections or contagious disease.
- You have been sexually assaulted.
- You seek treatment for alcohol or drug abuse or for family planning.

In most cases, the professional person providing this care will ask to contact your parents or guardians.



## PARENTAL RESPONSIBILITIES

### WHO IS RESPONSIBLE FOR ME?

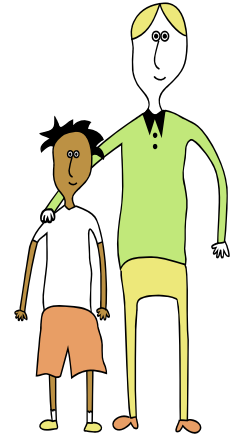
Your parents or guardians are responsible for you until you reach the age of 18, marry, enter the military, or become emancipated. They have the right to have custody and control over you.

### WHAT IS PARENT OR GUARDIAN LIABILITY?

Your parents or guardians are responsible for your actions until you reach the age of 18.

## Your parents or guardians are responsible if you:

- Injure or damage another person or property that belongs to others. They may be required to pay for the consequences of your actions.
- You discharge a firearm and kill or injure someone, if they permitted you to have the firearm or left it where you could take it.
- Damage property owned by the school district or lent to you by the school district and not returned.
- Kill or injure someone while you are driving a vehicle.



## RESIDENCE

Your parents or guardians have the legal right to choose where you live.

## RUNNING AWAY FROM HOME



### IF YOU RUN AWAY

If you run away, your parents or guardians should report you to the local law enforcement agency. You will then be listed as a missing person. A law enforcement officer, with reasonable grounds, may take you into custody and deliver you to your parent or to a youth shelter. If you run away and need help, call the National Runaway Switchboard at 1-800-RUNAWAY or 1-800-786-2929. Or, look for a Safe Place sign and ask people there for assistance. They can help link you to the nearest youth shelter.

Note: There may be consequences for running away from home. You can be referred for a CINS petition. See CINS Petition on page 34.



### IF YOU HELP SOMEONE RUN AWAY

It is unlawful to aid an unmarried minor runaway. (FS 984.085) If anyone who is not authorized by the Department of Juvenile Justice or the Department of Children and Families knowingly helps an unmarried child who has run away from home without the consent of his or her parents or guardians, or without notifying law enforcement of the child's name and the fact that the child is being provided shelter, they can be charged with a criminal offense. (FS 984.085)

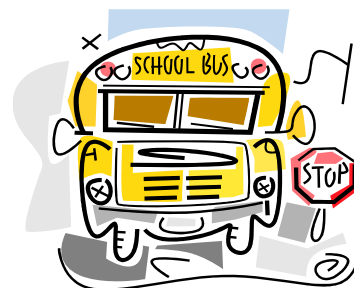
## SAFE HAVEN

A parent in Florida may leave an unharmed, newborn infant (up to 7 days old) at a Safe Haven without fear of prosecution. Hospitals, fire stations, and EMS facilities are considered Safe Havens. (FS 383.51, FS 827.035) Call 1-877-767-2229 if you are pregnant and need help or need to talk to someone about the Safe Haven option.



# SCHOOL ISSUES

## ATTENDANCE & TRUANCY



### WHO MUST ATTEND SCHOOL?

You must attend school:

- Full-time from the age of 6, or those children who will be the age of 6 years by February 1 of any school year, to the age of 16. It is your parents' responsibility to make sure that you attend school. (FS 1003.21)
- Full-time or part-time from the age of 16 to 18, unless you have been excused from attending or have graduated from high school or have taken and passed the GED.

Note: If you change where you live, your parents are required to enroll you in school in your new location.

### WHO DOES NOT HAVE TO ATTEND SCHOOL?

If you are 16 or 17 years old, you may formally withdraw from school. Your parents must sign the declaration of intent to withdraw and must be notified by the school that they have received the declaration. (FS 1003.21)

You also do not have to attend public school if:

- You are receiving full-time instruction at a private school;
- You are receiving full-time instruction from a tutor;
- You are enrolled in a virtual school distance learning program; or
- You are enrolled in a home education program.

### ATTENDANCE AND YOUR DRIVER'S LICENSE

If you do not attend school, your driver's license may be suspended until you reach the age of 18. (FS 322.091)

### WHAT IS AN EXCUSED ABSENCE FROM SCHOOL?

All students must be in school unless they have

- A medical or dental appointment;
- An absence for a religious holiday or ceremony;
- An absence requested in advance by parents or guardians and approved by the school;
- Any other justifiable reason.

Note: Your school may require you to bring a note signed by your parent or doctor for your absence to be counted as excused.

### WHAT IS TRUANCY?

If you have 5 or more unexcused absences within a calendar month, or 10 unexcused absences within a 90-day period, you are considered truant. (FS 1003.26)

## WHAT ARE THE CONSEQUENCES OF TRUANCY?

If you have excessive absences from school, the School District may send a letter to your parents requesting a parent/student conference. If you continue to have excessive absences following a parent/student conference, the consequences may include a truancy petition filed against you, a referral for a Child In Need of Services (CINS) Petition, or a criminal complaint filed against your parents or guardians.



## TRUANCY PETITION

A truancy petition can be filed against you and you will have to appear in court with your parents or guardians. You may be ordered by the court to attend school or alternative classes, do community service work, participate in counseling with your parents, perform other sanctions, and/or participate in other services. (FS 984.151)

## CHILD-IN-NEED-OF-SERVICES (CINS) PETITION

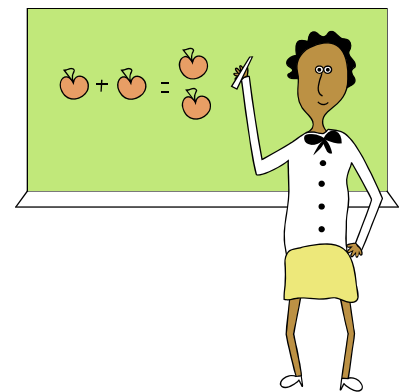
If you do not successfully complete the sanctions of a truancy petition, you may be referred for a CINS petition. A CINS petition is filed by the Department of Juvenile Justice. If the court decides that you are a Child in Need of Services, you and your parents may be required to pay a fine, participate in treatment, or other sanctions. You may be removed from your parents' custody and placed in the custody of another adult or a CINS youth shelter. The court may use its contempt powers to enforce its orders. The court may have authority over you until you reach the age of 18. (FS 984)

## WHAT ARE THE CONSEQUENCES OF TRUANCY TO MY PARENTS?

If your parents do not make you attend school, they can be criminally prosecuted. Parents or guardians who have refused to abide by the State's education laws or have failed to cooperate have been prosecuted for neglect or for contributing to the delinquency of a minor. Penalties can include a fine of up to \$500 and 60 days in jail.

## BATTERY ON A SCHOOL EMPLOYEE

The penalties are higher for committing assault or battery if the victim is someone who works for the school district or is a sports official. A sports official is someone such as a referee, an umpire, or a linesman. For sports officials, this law would apply during and immediately after a sporting event. In the case of battery, for example, the charge of a first degree misdemeanor would be bumped up to a third degree felony. (Also see Assault & Battery on page 9.) (FS 784.081)



Also see **DISORDERLY CONDUCT** under General Laws on page 14. Most of the youth arrests for Disorderly Conduct in Lee County occur on school campuses.

# DISRUPTION OF A SCHOOL FUNCTION

It is unlawful for anyone to disrupt or interfere with the lawful administration or functions of a school or any activity on school property. You are not allowed to tell or persuade other people to be disruptive or to make plans with others to be disruptive. Anything you do that interferes with the educational process or the orderly conduct of a school campus could be charged as a disruption of a school function. This includes interfering with the attendance of another student or a school employee in getting to school or to a classroom. (FS 877.13)



Note: The disruption of a school function statute also applies to parents and other adults.

## SEARCHES

### CAN SCHOOL OFFICIALS CONDUCT SEARCHES OF STUDENTS?

Yes, a school official may search your pockets, purse, backpack or locker, but only if the school official has "reasonable suspicion" that the student has an object or substance that is prohibited or illegally possessed or that there has been criminal activity or a violation of school rules. "Reasonable suspicion" means that the school official's suspicion must be based on facts and not based on a hunch or rumor, or "just because" the school official wants to. If another student tells the school official that they actually saw you in possession of something prohibited or saw you do something that is a criminal offense or a violation of school rules, in most cases that would be enough for reasonable suspicion.



### DO LAW ENFORCEMENT OFFICERS HAVE THE SAME RIGHT TO SEARCH STUDENTS AS SCHOOL OFFICIALS?

No. Even if a law enforcement officer works at a school, he or she must have "probable cause" or a warrant to conduct a search. "Probable cause" requires a higher level of evidence that a person has committed a crime than "reasonable suspicion." If there is an emergency, a law enforcement officer can search students to prevent harm or to keep evidence from being destroyed. A law enforcement officer may also search a student if he or she has a reasonable suspicion that the student is breaking the law and that the youth is armed. Law enforcement officers may search someone after they lawfully place them under arrest.

## PERMISSION TO SEARCH

You do not lose your civil rights when you are at school. If a school official or a law enforcement officer asks for your permission to search you, you do have the right to refuse to be searched. However, you need to make it very clear that you are refusing. At no time should you resist a search, even if you think it is an illegal search, because you then could be charged with resisting arrest. You could potentially be adjudicated for the resisting charge regardless of whether there are any other charges brought against you. Any evidence seized during an illegal search cannot be used against you in a juvenile criminal proceeding. The law is less clear about whether such evidence can be used in a school disciplinary proceeding. If a school official or a law enforcement officer asks for your permission to do a search and you say it is ok, then he or she can legally search you and anything found can be used against you. For more information about the rights of students in the public school system, go to the Florida ACLU website at [www.aclufi.org](http://www.aclufi.org).

## SUSPENSION & EXPULSION

According to Florida Statutes, it is the duty of the district school board, the school superintendent, and school principals to remove any student who is disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive from the classroom and school bus. Removal may include suspension, expulsion, or placing such students in an alternative educational setting. (FS 1006)

### WHAT IS SUSPENSION FROM SCHOOL?

Suspension means being temporarily removed from school, either by an in-school suspension or by out-of-school suspension for up to 10 days. (FS 1003.01)

### WHAT IS EXPULSION?

Expulsion is the removal of the right and obligation of a student to attend public school for a period not to exceed the remainder of the term or school year and up to one additional year. (FS 1003.01) Expulsion may be recommended for any student who has committed a serious breach of conduct, such as, willful disobedience, open defiance of the authority of a school staff member, violence against persons or property, or other act which substantially disrupts the orderly conduct of the school. (FS 1006.09)

## TRESPASSING ON SCHOOL GROUNDS

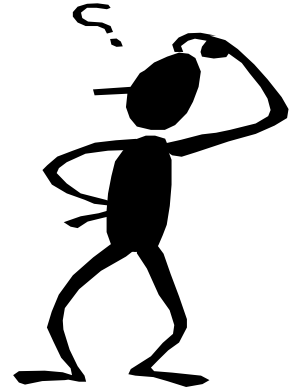
Did you know that you are not allowed to “hang out” on school property when the school is closed? If you do, you could be charged with trespassing. You also are not allowed to come onto school property at any time if you are suspended or expelled from school unless you have permission from the school administration. If you do, you could be arrested for trespassing.



## OTHER THINGS I SHOULD KNOW

### WHAT IF I DON'T KNOW THAT SOMETHING I AM DOING IS A CRIME?

"Ignorance of the law" is never an excuse for bad behavior. However, if you are unsure of the laws in any situation, ask yourself whether what you are doing will harm or injure someone or property that is not your own. If it will, then it's wrong.



Note: Be sure to check your school's Code of Conduct for other rules you need to follow at school.

## SCHOOL RESOURCE OFFICERS

### WHAT IS THE ROLE OF SCHOOL RESOURCE OFFICERS?

There are School Resource Officers (SRO's ) in each of the public high schools and middle schools in Lee County. The SRO's help to ensure that schools remain safe and orderly. SRO's can also help provide you and your parents with information about the law and refer you and your family to any community resources that you might need.

### HOW CAN I CONTACT OR FIND OUT MORE INFORMATION ABOUT SRO'S?

For additional information about the School Resource Officer program call the Lee County Sheriff's Office at (239) 477-1000 or the LCSO Youth Services Office at (239) 258-3200. SRO's can also be reached by calling the individual middle schools or high schools. School phone numbers can be found from the School District of Lee County's web site at [www.leeschools.net](http://www.leeschools.net).

Note: Go to the Lee County School District's website at [www.leeschools.net/anti-bullying-information](http://www.leeschools.net/anti-bullying-information) for the school district's policies on bullying and to access a form to report school bullying. Reporters may remain anonymous.