

1 A bill to be entitled

2 An act relating to juvenile civil citations; amending
3 s. 985.12, F.S.; authorizing a law enforcement officer
4 to issue a warning to a juvenile who admits having
5 committed a misdemeanor or to inform the juvenile's
6 parent or guardian of the juvenile's infraction;
7 requiring a law enforcement officer who does not
8 exercise certain options to issue a civil citation or
9 require participation in a similar diversion program
10 under certain circumstances; providing that repeat
11 misdemeanor offenders may participate in the civil
12 citation program or other similar diversion program
13 under certain circumstances; providing that, in
14 exceptional situations, a law enforcement officer may
15 arrest a first-time misdemeanor offender in the
16 interest of protecting public safety; requiring
17 certain written documentation if such arrest is made;
18 reenacting ss. 943.051(3)(b) and 985.11(1)(b), F.S.,
19 relating to the issuance of a civil citation and the
20 issuance of a civil citation or other similar
21 diversion program, respectively, to incorporate the
22 amendments made by the act to s. 985.12, F.S., in
23 references thereto; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:
26

27 Section 1. Subsection (1) of section 985.12, Florida
28 Statutes, is amended to read:

29 985.12 Civil citation.—

30 (1) There is established a juvenile civil citation process
31 for the purpose of providing an efficient and innovative
32 alternative to custody by the department ~~of Juvenile Justice~~ for
33 children who commit nonserious delinquent acts and to ensure
34 swift and appropriate consequences. The department shall
35 encourage and assist in the implementation and improvement of
36 civil citation programs or other similar diversion programs
37 around the state. The civil citation program or similar
38 diversion program shall be established at the local level with
39 the concurrence of the chief judge of the circuit, state
40 attorney, public defender, and the head of each local law
41 enforcement agency involved. The program may be operated by an
42 entity such as a law enforcement agency, the department, a
43 juvenile assessment center, the county or municipality, or
44 another ~~some other~~ entity selected by the county or
45 municipality. An entity operating the civil citation program or
46 similar diversion program must do so in consultation and
47 agreement with the state attorney and local law enforcement
48 agencies. Under such a juvenile civil citation program or
49 similar diversion program, a any law enforcement officer, upon
50 making contact with a juvenile who admits having committed a
51 misdemeanor, may choose to issue a simple warning or inform the
52 juvenile's parent or guardian of the juvenile's infraction or

53 shall issue a civil citation or require participation in a
54 similar diversion program, and assess up to ~~not more than~~ 50
55 community service hours, and require participation in
56 intervention services as indicated by an assessment of the needs
57 of the juvenile, including family counseling, urinalysis
58 monitoring, and substance abuse and mental health treatment
59 services. A copy of each citation issued under this section
60 shall be provided to the department, and the department shall
61 enter appropriate information into the juvenile offender
62 information system. Use of the civil citation program or similar
63 diversion program is not limited to first-time misdemeanor
64 offenses and may be used in a second or subsequent misdemeanor
65 offense. In exceptional situations, a local law enforcement
66 officer may arrest a juvenile for a misdemeanor if he or she
67 provides written documentation as to why an arrest was warranted
68 to protect public safety. Only first-time misdemeanor offenders
69 ~~are eligible for the civil citation or similar diversion~~
70 ~~program.~~ At the conclusion of a juvenile's civil citation
71 program or similar diversion program, the agency operating the
72 program shall report the outcome to the department. The issuance
73 of a civil citation is not considered a referral to the
74 department.

75 Section 2. For the purpose of incorporating the amendment
76 made by this act to section 985.12, Florida Statutes, in a
77 reference thereto, paragraph (b) of subsection (3) of section
78 943.051, Florida Statutes, is reenacted to read:

79 | 943.051 Criminal justice information; collection and
 80 | storage; fingerprinting.—

81 | (3)

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

87 | 1. Assault, as defined in s. 784.011.

88 | 2. Battery, as defined in s. 784.03.

89 | 3. Carrying a concealed weapon, as defined in s.
 90 | 790.01(1).

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

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

94 | 6. Assault or battery on a law enforcement officer, a
 95 | firefighter, or other specified officers, as defined in s.
 96 | 784.07(2)(a) and (b).

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

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

99 | 9. Unlawful possession of a firearm, as defined in s.
 100 | 790.22(5).

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

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

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

104 | 13. Unlawful possession or discharge of a weapon or

105 | firearm at a school-sponsored event or on school property, as
 106 | provided in s. 790.115.

107 | Section 3. For the purpose of incorporating the amendment
 108 | made by this act to section 985.12, Florida Statutes, in a
 109 | reference thereto, paragraph (b) of subsection (1) of section
 110 | 985.11, Florida Statutes, is reenacted to read:

111 | 985.11 Fingerprinting and photographing.—

112 | (1)

113 | (b) Unless the child is issued a civil citation or is
 114 | participating in a similar diversion program pursuant to s.
 115 | 985.12, a child who is charged with or found to have committed
 116 | one of the following offenses shall be fingerprinted, and the
 117 | fingerprints shall be submitted to the Department of Law
 118 | Enforcement as provided in s. 943.051(3) (b):

119 | 1. Assault, as defined in s. 784.011.

120 | 2. Battery, as defined in s. 784.03.

121 | 3. Carrying a concealed weapon, as defined in s.
 122 | 790.01(1).

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

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

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

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

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

130 | 9. Unlawful possession of a firearm, as defined in s.

131 790.22(5).

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

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

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

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

139

140 A law enforcement agency may fingerprint and photograph a child
141 taken into custody upon probable cause that such child has
142 committed any other violation of law, as the agency deems
143 appropriate. Such fingerprint records and photographs shall be
144 retained by the law enforcement agency in a separate file, and
145 these records and all copies thereof must be marked "Juvenile
146 Confidential." These records are not available for public
147 disclosure and inspection under s. 119.07(1) except as provided
148 in ss. 943.053 and 985.04(2), but shall be available to other
149 law enforcement agencies, criminal justice agencies, state
150 attorneys, the courts, the child, the parents or legal
151 custodians of the child, their attorneys, and any other person
152 authorized by the court to have access to such records. In
153 addition, such records may be submitted to the Department of Law
154 Enforcement for inclusion in the state criminal history records
155 and used by criminal justice agencies for criminal justice
156 purposes. These records may, in the discretion of the court, be

157 open to inspection by anyone upon a showing of cause. The
158 fingerprint and photograph records shall be produced in the
159 court whenever directed by the court. Any photograph taken
160 pursuant to this section may be shown by a law enforcement
161 officer to any victim or witness of a crime for the purpose of
162 identifying the person who committed such crime.

163 Section 4. This act shall take effect October 1, 2015.