



27 Statutes, is amended to read:

28 985.12 Civil citation.—

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

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

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

78 943.051 Criminal justice information; collection and

79 storage; fingerprinting.—

80 (3)

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

86 1. Assault, as defined in s. 784.011.

87 2. Battery, as defined in s. 784.03.

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

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

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

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

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

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

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

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

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

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

103 13. Unlawful possession or discharge of a weapon or  
 104 firearm at a school-sponsored event or on school property, as

105 provided in s. 790.115.

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

110 985.11 Fingerprinting and photographing.—

111 (1)

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

118 1. Assault, as defined in s. 784.011.

119 2. Battery, as defined in s. 784.03.

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

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

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

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

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

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

129 9. Unlawful possession of a firearm, as defined in s.  
 130 790.22(5).

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

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

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

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

138

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

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

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