

By Senator Bullard

39-00630-16

2016506__

1 A bill to be entitled
2 An act relating to juvenile civil citations; amending
3 s. 985.12, F.S.; requiring that a law enforcement
4 officer, upon making contact with a juvenile who
5 admits having committed a misdemeanor, issue a civil
6 citation or take other specified action in certain
7 circumstances; reenacting ss. 943.051(3)(b) and
8 985.11(1)(b), F.S., relating to fingerprinting of a
9 minor, to incorporate the amendment made to s. 985.12,
10 F.S., in references thereto; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (1) of section 985.12, Florida
16 Statutes, is amended to read:

17 985.12 Civil citation.—

18 (1) There is established a juvenile civil citation process
19 for the purpose of providing an efficient and innovative
20 alternative to custody by the department ~~of Juvenile Justice~~ for
21 children who commit nonserious delinquent acts and to ensure
22 swift and appropriate consequences. The department shall
23 encourage and assist in the implementation and improvement of
24 civil citation programs or other similar diversion programs
25 around the state. The civil citation or similar diversion
26 program shall be established at the local level with the
27 concurrence of the chief judge of the circuit, state attorney,
28 public defender, and the head of each local law enforcement
29 agency involved. The program may be operated by an entity such

39-00630-16

2016506__

30 as a law enforcement agency, the department, a juvenile
31 assessment center, the county or municipality, or another entity
32 selected by the county or municipality. An entity operating the
33 civil citation or similar diversion program must do so in
34 consultation and agreement with the state attorney and local law
35 enforcement agencies. Under such a juvenile civil citation or
36 similar diversion program, a law enforcement officer, upon
37 making contact with a juvenile who admits having committed a
38 misdemeanor, shall ~~may choose to~~ issue a simple warning, ~~or~~
39 inform the child's guardian or parent of the child's infraction,
40 or ~~may~~ issue a civil citation or require participation in a
41 similar diversion program, ~~and~~ assess up to 50 community service
42 hours, and require participation in intervention services as
43 indicated by an assessment of the needs of the juvenile,
44 including family counseling, urinalysis monitoring, and
45 substance abuse and mental health treatment services. A copy of
46 each citation issued under this section shall be provided to the
47 department, and the department shall enter appropriate
48 information into the juvenile offender information system. Use
49 of the civil citation or similar diversion program is not
50 limited to first-time misdemeanors and may be used in up to two
51 subsequent misdemeanors. If an arrest is made, a law enforcement
52 officer must provide written documentation as to why an arrest
53 was warranted. At the conclusion of a juvenile's civil citation
54 program or similar diversion program, the agency operating the
55 program shall report the outcome to the department. The issuance
56 of a civil citation is not considered a referral to the
57 department.

58 Section 2. For the purpose of incorporating the amendment

39-00630-16

2016506__

59 made by this act to section 985.12, Florida Statutes, in a
60 reference thereto, paragraph (b) of subsection (3) of section
61 943.051, Florida Statutes, is reenacted to read:

62 943.051 Criminal justice information; collection and
63 storage; fingerprinting.—

64 (3)

65 (b) A minor who is charged with or found to have committed
66 the following offenses shall be fingerprinted and the
67 fingerprints shall be submitted electronically to the
68 department, unless the minor is issued a civil citation pursuant
69 to s. 985.12:

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

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

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

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

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

76 6. Assault or battery on a law enforcement officer, a
77 firefighter, or other specified officers, as defined in s.
78 784.07(2)(a) and (b).

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

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

81 9. Unlawful possession of a firearm, as defined in s.
82 790.22(5).

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

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

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

86 13. Unlawful possession or discharge of a weapon or firearm
87 at a school-sponsored event or on school property, as provided

39-00630-16

2016506__

88 in s. 790.115.

89 Section 3. For the purpose of incorporating the amendment
90 made by this act to section 985.12, Florida Statutes, in a
91 reference thereto, paragraph (b) of subsection (1) of section
92 985.11, Florida Statutes, is reenacted to read:

93 985.11 Fingerprinting and photographing.—

94 (1)

95 (b) Unless the child is issued a civil citation or is
96 participating in a similar diversion program pursuant to s.
97 985.12, a child who is charged with or found to have committed
98 one of the following offenses shall be fingerprinted, and the
99 fingerprints shall be submitted to the Department of Law
100 Enforcement as provided in s. 943.051(3)(b):

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

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

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

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

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

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

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

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

111 9. Unlawful possession of a firearm, as defined in s.
112 790.22(5).

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

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

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

39-00630-16

2016506__

117 13. Unlawful possession or discharge of a weapon or firearm
118 at a school-sponsored event or on school property as defined in
119 s. 790.115.

120
121 A law enforcement agency may fingerprint and photograph a child
122 taken into custody upon probable cause that such child has
123 committed any other violation of law, as the agency deems
124 appropriate. Such fingerprint records and photographs shall be
125 retained by the law enforcement agency in a separate file, and
126 these records and all copies thereof must be marked "Juvenile
127 Confidential." These records are not available for public
128 disclosure and inspection under s. 119.07(1) except as provided
129 in ss. 943.053 and 985.04(2), but shall be available to other
130 law enforcement agencies, criminal justice agencies, state
131 attorneys, the courts, the child, the parents or legal
132 custodians of the child, their attorneys, and any other person
133 authorized by the court to have access to such records. In
134 addition, such records may be submitted to the Department of Law
135 Enforcement for inclusion in the state criminal history records
136 and used by criminal justice agencies for criminal justice
137 purposes. These records may, in the discretion of the court, be
138 open to inspection by anyone upon a showing of cause. The
139 fingerprint and photograph records shall be produced in the
140 court whenever directed by the court. Any photograph taken
141 pursuant to this section may be shown by a law enforcement
142 officer to any victim or witness of a crime for the purpose of
143 identifying the person who committed such crime.

144 Section 4. This act shall take effect July 1, 2016.