

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Clarke-Reed offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 985.12 Civil citation.—

10 (1) There is established a juvenile civil citation process
 11 for the purpose of providing an efficient and innovative
 12 alternative to custody by the Department of Juvenile Justice for
 13 children who commit nonserious delinquent acts and to ensure
 14 swift and appropriate consequences. The department shall
 15 encourage and assist in the implementation and improvement of
 16 civil citation programs or other similar diversion programs
 17 around the state. The civil citation or similar diversion

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18 program shall be established at the local level with the
19 concurrence of the chief judge of the circuit, state attorney,
20 public defender, and the head of each local law enforcement
21 agency involved. The program may be operated by an entity such
22 as a law enforcement agency, the department, a juvenile
23 assessment center, the county or municipality, or another ~~some~~
24 ~~other~~ entity selected by the county or municipality. An entity
25 operating the civil citation or similar diversion program must
26 do so in consultation and agreement with the state attorney and
27 local law enforcement agencies. Under such a juvenile civil
28 citation or similar diversion program, a ~~any~~ law enforcement
29 officer, upon making contact with a juvenile who admits having
30 committed a misdemeanor, may choose to issue a simple warning or
31 inform the child's guardian or parent of the child's infraction,
32 or shall issue a civil citation, or require participation in a
33 similar diversion program, and assess up to ~~not more than~~ 50
34 community service hours, and require participation in
35 intervention services as indicated by an assessment of the needs
36 of the juvenile, including family counseling, urinalysis
37 monitoring, and substance abuse and mental health treatment
38 services. A copy of each citation issued under this section
39 shall be provided to the department, and the department shall
40 enter appropriate information into the juvenile offender
41 information system. Use of the civil citation or similar
42 diversion program is not limited to first-time misdemeanor
43 offenses and may be used in a second or subsequent misdemeanor

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44 offense. In exceptional situations, a local law enforcement
45 officer may arrest a juvenile for a misdemeanor if he or she
46 provides written documentation as to why an arrest was warranted
47 to protect public safety. ~~Only first-time misdemeanor offenders~~
48 are eligible for the civil citation or similar diversion
49 program. At the conclusion of a juvenile's civil citation
50 program or similar diversion program, the agency operating the
51 program shall report the outcome to the department. The issuance
52 of a civil citation is not considered a referral to the
53 department.

54 Section 2. For the purpose of incorporating the amendment
55 made by this act to section 985.12, Florida Statutes, in a
56 reference thereto, paragraph (b) of subsection (3) of section
57 943.051, Florida Statutes, is reenacted to read:

58 943.051 Criminal justice information; collection and
59 storage; fingerprinting.—

60 (3)

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

- 66 1. Assault, as defined in s. 784.011.
- 67 2. Battery, as defined in s. 784.03.
- 68 3. Carrying a concealed weapon, as defined in s.
- 69 790.01(1).

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

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

73 6. Assault or battery on a law enforcement officer, a
74 firefighter, or other specified officers, as defined in s.
75 784.07(2)(a) and (b).

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

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

78 9. Unlawful possession of a firearm, as defined in s.
79 790.22(5).

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

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

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

83 13. Unlawful possession or discharge of a weapon or
84 firearm at a school-sponsored event or on school property, as
85 provided in s. 790.115.

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

90 985.11 Fingerprinting and photographing.—

91 (1)

92 (b) Unless the child is issued a civil citation or is
93 participating in a similar diversion program pursuant to s.
94 985.12, a child who is charged with or found to have committed
95 one of the following offenses shall be fingerprinted, and the

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96 fingerprints shall be submitted to the Department of Law
97 Enforcement as provided in s. 943.051(3)(b):

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

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

100 3. Carrying a concealed weapon, as defined in s.
101 790.01(1).

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

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

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

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

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

109 9. Unlawful possession of a firearm, as defined in s.
110 790.22(5).

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

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

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

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

118

119 A law enforcement agency may fingerprint and photograph a child
120 taken into custody upon probable cause that such child has
121 committed any other violation of law, as the agency deems

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

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

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144
T I T L E A M E N D M E N T

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146 Remove lines 3-6 and insert:

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147 s. 985.12, F.S.; authorizing a law enforcement officer to issue
148 a warning to a child who admits having committed a misdemeanor
149 or to inform the child's parent or guardian of the child's
150 infraction; requiring a law enforcement officer who does not
151 exercise one of these options to issue a civil citation or
152 require participation in a similar diversion program under
153 certain circumstances; providing that repeat misdemeanor
154 offenders may participate in the civil citation program or other
155 similar diversion program under certain circumstances; providing
156 that, in exceptional situations, a law enforcement officer may
157 arrest a first-time misdemeanor offender in the interest of
158 protecting public safety; requiring certain written
159 documentation if such arrest is made; reenacting ss.
160 943.051(3)(b) and 985.11(1)(b), F.S., relating to the issuance
161 of a civil citation, and the issuance of a civil citation or
162 other similar diversion program, respectively, to incorporate
163 the amendments made to s. 985.12, F.S., in references thereto;
164 providing an