

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1178

SPONSOR: Senator Silver

SUBJECT: Juvenile Prearrest Diversion Program

DATE: March 8, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1178 would statutorily authorize another juvenile diversion program in Part III of Ch. 985 F.S. (Supp.1998). The bill would allow a law enforcement agency or a school district to establish a prearrest diversion program so that a juvenile alleged to have committed a delinquent act could have his or her driver's license taken away for up to 90 days.

This bill substantially creates section 985.3065 of the Florida Statutes.

II. Present Situation:

There are several statutes in Part III, Ch. 985, F.S. (Supp. 1998), relating to the juvenile justice continuum, that provide for various diversion and intervention programs. For instance, s. 985.301, F.S. (Supp. 1998), sets up a civil citation process whereby local communities, with the agreement of the chief judge, state attorney, public defender, and law enforcement officials, can establish an alternative to judicial handling of nonviolent juveniles. A law enforcement officer is authorized to issue a civil citation to a juvenile who admits to committing a misdemeanor and who has not committed more than two misdemeanors. The officer can require the juvenile to perform up to 50 hours of community service, as well as to participate in any necessary intervention services. Intervention services can include family counseling, urinalysis monitoring, substance abuse treatment, and mental health treatment services. The juvenile's progress is then monitored to ensure compliance with the program. Failure to comply with the program results in the juvenile being referred to the intake office of the Department of Juvenile Justice (DJJ).

Another program similar in purpose to the one described above is found in s. 985.303, F.S. (Supp.1998). This statute prescribes a local voluntary deferred prosecution program. Only "first-time nonviolent juvenile offenders" can participate in this program through a Neighborhood Restorative Justice Center established by the state attorney. To be able to participate, juveniles must take responsibility for their actions which resulted in the violation. Victims are also invited to participate in the program. Sanctions can include the following: making restitution to the victim

and/or community; performing work for the victim and/or community; participating in counseling, education, or treatment services; suspending the juvenile's driver's license; or referring the case to the state attorney to initiate legal proceedings. Successful completion of the program means that the state attorney does not initiate criminal proceedings against the juvenile.

Community arbitration for juveniles at the county level is also provided for in s. 985.304, F.S. (Supp.1998). Juveniles eligible for this process are ones who commit local ordinance violations, misdemeanors, or certain nonviolent third degree felonies. A law enforcement officer, a juvenile probation officer (at the request of the parent), the state attorney, or court may refer the complaint to be handled by community arbitration. Sanctions similar to the ones above apply in this program as well. Juveniles successfully completing the required sanctions will not have a petition filed against them in juvenile court.

According to the DJJ, approximately 43,460 youths, ages 15-17, were handled non-judicially in calendar year 1997-98. Currently, the department provides contracted diversion services in all 15 districts. Many existing diversion programs are not expressly provided for in statute.

III. Effect of Proposed Changes:

Senate Bill 1178 would statutorily authorize another juvenile diversion program in Part III of Ch. 985 F.S. (Supp.1998). The bill would allow a law enforcement agency or a school district to establish a prearrest diversion program so that a juvenile alleged to have committed a delinquent act could have his or her driver's license taken away for up to 90 days. If the juvenile does not have a driver's license, he or she would be required to refrain from applying for one for 90 days. The state attorney would have the discretion to notify the Department of Highway Safety and Motor Vehicles that the juvenile did not comply with the requirements of the program and that the department must suspend the driver's license under the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

A child failing to comply with the bill's prearrest diversion program could be required to surrender his or her driver's license or refrain from applying for one for up to 90 days.

C. Government Sector Impact:

According to the Department of Highway Safety and Motor Vehicles, the projected fiscal impact upon the department is \$10,000, which is a result of the cost of 80 hours of contracted programming modifications at \$125 per hour to modify the Driver License Software System.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.