

By Senator Wise

5-01075-10

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1                   A bill to be entitled  
2       An act relating to juvenile civil citations; amending  
3       s. 985.12, F.S.; requiring that a juvenile civil  
4       citation program be established at the local level  
5       with the concurrence of the chief judge of the circuit  
6       and other designated persons; requiring a law  
7       enforcement officer, upon making contact with a  
8       juvenile, to issue a civil citation if the juvenile  
9       admits to having committed a misdemeanor and he or she  
10      is not a danger to himself or herself or another;  
11      requiring that the juvenile produce proof of his or  
12      her identification or provide contact information for  
13      his or her parent or guardian; requiring that a  
14      juvenile who appears to be intoxicated or  
15      incapacitated by substance abuse be taken into  
16      custody; providing that a civil citation may be issued  
17      after the juvenile's release from custody; providing  
18      an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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

24       985.12 Civil citation.—

25       (1) (a) There is established a juvenile civil citation  
26       process for the purpose of providing an efficient and innovative  
27       alternative to custody by the Department of Juvenile Justice of  
28       children who commit nonserious delinquent acts and to ensure  
29       swift and appropriate consequences. The civil citation program

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30 shall ~~may~~ be established at the local level with the concurrence  
31 of the chief judge of the circuit, state attorney, public  
32 defender, and the head of each local law enforcement agency  
33 involved.

34 (b) Under such a juvenile civil citation program, any law  
35 enforcement officer, upon making contact with a juvenile who  
36 admits having committed a misdemeanor and who is not a danger to  
37 himself or herself or another, shall ~~may~~ issue a civil citation.  
38 The juvenile must be able to produce proof of his or her  
39 identification or provide contact information for his or her  
40 parent or guardian.

41 (c) If a juvenile appears to be intoxicated or  
42 incapacitated by substance abuse, he or she shall be taken into  
43 custody as provided in s. 985.101. A civil citation may be  
44 issued after the juvenile's release from custody as provided in  
45 s. 985.115(2) (e).

46 (d) A civil citation shall be issued which may not assess  
47 ~~assessing not~~ more than 50 community service hours, and may  
48 require participation in intervention services appropriate to  
49 identified needs of the juvenile, including family counseling,  
50 urinalysis monitoring, and substance abuse and mental health  
51 treatment services. A copy of each citation issued under this  
52 section shall be provided to the department, and the department  
53 shall enter appropriate information into the juvenile offender  
54 information system.

55 Section 2. This act shall take effect July 1, 2010.