



302586

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2011	.	
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The Committee on Criminal Justice (Dean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 985.12, Florida Statutes, is amended to read:

985.12 Civil citation.—

(1) There is established a juvenile civil citation process for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice for ~~of~~ children who commit nonserious delinquent acts and to ensure



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13 swift and appropriate consequences. The department shall  
14 encourage and assist in the implementation and improvement of  
15 civil citation programs or other similar diversion programs  
16 around the state. The civil citation or similar program shall  
17 ~~may~~ be established at the local level with the concurrence of  
18 the chief judge of the circuit, state attorney, public defender,  
19 and the head of each local law enforcement agency involved. The  
20 program may be operated by an entity such as a law enforcement  
21 agency, the department, a juvenile assessment center, the county  
22 or municipality, or some other entity selected by the county or  
23 municipality. Whichever entity is selected to operate the civil  
24 citation or similar diversion program shall be done so in  
25 consultation and agreement with the state attorney and local law  
26 enforcement agencies. Under such a juvenile civil citation  
27 program or similar diversion program, any law enforcement  
28 officer, upon making contact with a juvenile who admits having  
29 committed a misdemeanor, may issue a civil citation and assess  
30 ~~assessing~~ not more than 50 community service hours, and ~~may~~  
31 require participation in intervention services as indicated by  
32 an assessment of the ~~appropriate to identified~~ needs of the  
33 juvenile, including family counseling, urinalysis monitoring,  
34 and substance abuse and mental health treatment services. A copy  
35 of each citation issued under this section shall be provided to  
36 the department, and the department shall enter appropriate  
37 information into the juvenile offender information system. Only  
38 first-time misdemeanor offenders are eligible for the civil  
39 citation program or similar diversion program. At the conclusion  
40 of a juvenile's civil citation program or similar diversion  
41 program, the agency operating the program shall report the



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42 outcome to the department. The issuance of a civil citation is  
43 not considered a referral to the department.

44 (2) The department shall develop guidelines for the civil  
45 citation program which include intervention services that are  
46 based upon proven civil citation programs or similar diversion  
47 programs within the state.

48 (3)~~(2)~~ Upon issuing such citation, the law enforcement  
49 officer shall send a copy to the ~~county sheriff~~, state attorney,  
50 the appropriate intake office of the department, or the  
51 community service performance monitor designated by the  
52 department, and the parent or guardian of the child, ~~and the~~  
53 ~~victim.~~

54 (4)~~(3)~~ The child shall report to the community service  
55 performance monitor within 7 working days after the date of  
56 issuance of the citation. The work assignment shall be  
57 accomplished at a rate of not less than 5 hours per week. The  
58 monitor shall advise the intake office immediately upon  
59 reporting by the child to the monitor, that the child has in  
60 fact reported and the expected date upon which completion of the  
61 work assignment will be accomplished.

62 (5)~~(4)~~ If the child ~~juvenile~~ fails to report timely for a  
63 work assignment, complete a work assignment, or comply with  
64 assigned intervention services within the prescribed time, or if  
65 the juvenile commits a ~~third or~~ subsequent misdemeanor, the law  
66 enforcement officer shall issue a report alleging the child has  
67 committed a delinquent act, at which point a juvenile probation  
68 officer shall process the original delinquent act as a referral  
69 to the department and refer the report to the state attorney for  
70 review ~~perform a preliminary determination as provided under s.~~



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71 ~~985.145.~~

72       ~~(6)(5)~~ At the time of issuance of the citation by the law  
73 enforcement officer, such officer shall advise the child that  
74 the child has the option to refuse the citation and to be  
75 referred to the intake office of the department. That option may  
76 be exercised at any time before ~~prior to~~ completion of the work  
77 assignment.

78       Section 2. This act shall take effect July 1, 2011.

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80 ===== T I T L E   A M E N D M E N T =====

81 And the title is amended as follows:

82  
83       Delete everything before the enacting clause  
84 and insert:

85                               A bill to be entitled  
86       An act relating to juvenile civil citations; amending  
87       s. 985.12, F.S.; requiring the Department of Juvenile  
88       Justice to encourage and assist in the implementation  
89       and improvement of civil citation and similar  
90       diversionary programs; requiring that a juvenile civil  
91       citation and similar diversion program be established  
92       at the local level with the concurrence of the chief  
93       judge of the circuit and other designated persons;  
94       authorizing a law enforcement agency, the Department  
95       of Juvenile Justice, a juvenile assessment center, the  
96       county or municipality, or an entity selected by the  
97       county or municipality to operate the civil citation  
98       or similar diversion program; requiring the entity  
99       operating the program to do so in consultation with



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100 and agreement by the state attorney and the local law  
101 enforcement agencies; authorizing a law enforcement  
102 officer, upon making contact with a juvenile who  
103 admits to having committed a misdemeanor, to require  
104 participation in intervention services based upon an  
105 assessment of the needs of the juvenile; restricting  
106 eligibility of participants for the civil citation  
107 program to first-time misdemeanor offenders unless the  
108 participation is approved by the state attorney or  
109 assistant state attorney; requiring the agency  
110 operating the program to report on the outcome to the  
111 Department of Juvenile Justice at the conclusion of a  
112 youth's civil citation or similar diversion program;  
113 providing that the issuance of a civil citation is not  
114 considered a referral to the department; requiring the  
115 department to develop guidelines for the civil  
116 citation program which include intervention services  
117 that are based upon proven civil citation and similar  
118 diversionary programs within the state; deleting a  
119 provision requiring that a law enforcement officer  
120 send a copy of a civil citation to the victim of the  
121 offense; requiring a juvenile probation officer to  
122 process the original delinquent act as a referral to  
123 the department in specified circumstances and to refer  
124 certain reports to the state attorney for review;  
125 providing an effective date.