

By Senator Storms

10-00915B-11

20111300__

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; authorizing a law
7 enforcement agency, the Department of Juvenile
8 Justice, a juvenile assessment center, the county or
9 municipality, or an entity selected by the county or
10 municipality to operate the program; authorizing a law
11 enforcement officer, upon making contact with a
12 juvenile who admits to having committed a misdemeanor,
13 to require participation in intervention services
14 based upon an assessment of the needs of the juvenile;
15 restricting eligibility of participants for the civil
16 citation program to first-time misdemeanor offenders;
17 requiring the issuing agency to report on the outcome
18 to the Department of Juvenile Justice at the
19 conclusion of a youth's civil citation program;
20 providing that the issuance of a civil citation is not
21 considered a referral to the department; requiring the
22 department to develop a civil citation model that
23 includes intervention services and is based upon
24 proven civil citation programs within the state;
25 requiring a law enforcement officer to issue a report
26 if the child has not complied with the requirements of
27 the civil citation program; providing an effective
28 date.
29

10-00915B-11

20111300__

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

31
32 Section 1. Section 985.12, Florida Statutes, is amended to
33 read:

34 985.12 Civil citation.—

35 (1) There is established a juvenile civil citation process
36 for the purpose of providing an efficient and innovative
37 alternative to custody by the Department of Juvenile Justice for
38 ~~of~~ children who commit nonserious delinquent acts and to ensure
39 swift and appropriate consequences. The civil citation program
40 shall ~~may~~ be established at the local level with the concurrence
41 of the chief judge of the circuit, state attorney, public
42 defender, and the head of each local law enforcement agency
43 involved and may be operated by a law enforcement agency, the
44 department, a juvenile assessment center, the county or
45 municipality, or an entity selected by the county or
46 municipality. Under such a juvenile civil citation program, any
47 law enforcement officer, upon making contact with a juvenile who
48 admits having committed a misdemeanor, may issue a civil
49 citation assessing not more than 50 community service hours, and
50 ~~may~~ require participation in intervention services as indicated
51 by an assessment of the appropriate to identified needs of the
52 juvenile, including family counseling, urinalysis monitoring,
53 and substance abuse and mental health treatment services. A copy
54 of each citation issued under this section shall be provided to
55 the department, and the department shall enter appropriate
56 information into the juvenile offender information system. Only
57 first-time misdemeanor offenders are eligible for the civil
58 citation program. At the conclusion of a youth's civil citation

10-00915B-11

20111300__

59 program, the issuing agency shall report the outcome to the
60 department. The issuance of a civil citation is not considered a
61 referral to the department.

62 (2) The department shall develop a civil citation model
63 that includes intervention services and is based upon proven
64 civil citation programs within Florida.

65 (3)~~(2)~~ Upon issuing such citation, the law enforcement
66 officer shall send a copy to the county sheriff, state attorney,
67 the appropriate intake office of the department, the community
68 service performance monitor designated by the department, the
69 parent or guardian of the child, and the victim.

70 (4)~~(3)~~ The child shall report to the community service
71 performance monitor within 7 working days after the date of
72 issuance of the citation. The work assignment shall be
73 accomplished at a rate of not less than 5 hours per week. The
74 monitor shall advise the intake office immediately upon
75 reporting by the child to the monitor, that the child has in
76 fact reported and the expected date upon which completion of the
77 work assignment will be accomplished.

78 (5)~~(4)~~ If the child ~~juvenile~~ fails to report timely for a
79 work assignment, complete a work assignment, or comply with
80 assigned intervention services within the prescribed time, ~~or if~~
81 ~~the juvenile commits a third or subsequent misdemeanor,~~ the law
82 enforcement officer shall issue a report stating that the child
83 has not complied with the requirements of the civil citation
84 ~~alleging the child has committed a delinquent act,~~ at which
85 point a juvenile probation officer shall process the original
86 delinquent act as a referral to the department ~~perform a~~
87 ~~preliminary determination as provided under s. 985.145.~~

10-00915B-11

20111300__

88 (6)~~(5)~~ At the time of issuance of the citation by the law
89 enforcement officer, such officer shall advise the child that
90 the child has the option to refuse the citation and to be
91 referred to the intake office of the department. That option may
92 be exercised at any time prior to completion of the work
93 assignment.

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