

By the Committee on Criminal Justice; and Senator Storms

591-02846-11

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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 the Department of Juvenile
4 Justice to encourage and assist in the implementation
5 and improvement of civil citation and similar
6 diversionary programs; requiring that a juvenile civil
7 citation and similar diversion program be established
8 at the local level with the concurrence of the chief
9 judge of the circuit and other designated persons;
10 authorizing a law enforcement agency, the Department
11 of Juvenile Justice, a juvenile assessment center, the
12 county or municipality, or an entity selected by the
13 county or municipality to operate the civil citation
14 or similar diversion program; requiring the entity
15 operating the program to do so in consultation with
16 and agreement by the state attorney and the local law
17 enforcement agencies; authorizing a law enforcement
18 officer, upon making contact with a juvenile who
19 admits to having committed a misdemeanor, to require
20 participation in intervention services based upon an
21 assessment of the needs of the juvenile; restricting
22 eligibility of participants for the civil citation
23 program to first-time misdemeanor offenders unless the
24 participation is approved by the state attorney or
25 assistant state attorney; requiring the agency
26 operating the program to report on the outcome to the
27 Department of Juvenile Justice at the conclusion of a
28 youth's civil citation or similar diversion program;
29 providing that the issuance of a civil citation is not

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30 considered a referral to the department; requiring the
31 department to develop guidelines for the civil
32 citation program which include intervention services
33 that are based upon proven civil citation and similar
34 diversionary programs within the state; deleting a
35 provision requiring that a law enforcement officer
36 send a copy of a civil citation to the victim of the
37 offense; requiring a juvenile probation officer to
38 process the original delinquent act as a referral to
39 the department in specified circumstances and to refer
40 certain reports to the state attorney for review;
41 providing an effective date.

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

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

47 985.12 Civil citation.—

48 (1) There is established a juvenile civil citation process
49 for the purpose of providing an efficient and innovative
50 alternative to custody by the Department of Juvenile Justice for
51 ~~of~~ children who commit nonserious delinquent acts and to ensure
52 swift and appropriate consequences. The department shall
53 encourage and assist in the implementation and improvement of
54 civil citation programs or other similar diversion programs
55 around the state. The civil citation or similar program shall
56 ~~may~~ be established at the local level with the concurrence of
57 the chief judge of the circuit, state attorney, public defender,
58 and the head of each local law enforcement agency involved. The

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59 program may be operated by an entity such as a law enforcement
60 agency, the department, a juvenile assessment center, the county
61 or municipality, or some other entity selected by the county or
62 municipality. Whichever entity is selected to operate the civil
63 citation or similar diversion program shall be done so in
64 consultation and agreement with the state attorney and local law
65 enforcement agencies. Under such a juvenile civil citation
66 program or similar diversion program, any law enforcement
67 officer, upon making contact with a juvenile who admits having
68 committed a misdemeanor, may issue a civil citation and assess
69 ~~assessing~~ not more than 50 community service hours, and ~~may~~
70 require participation in intervention services as indicated by
71 an assessment of the appropriate to identified needs of the
72 juvenile, including family counseling, urinalysis monitoring,
73 and substance abuse and mental health treatment services. A copy
74 of each citation issued under this section shall be provided to
75 the department, and the department shall enter appropriate
76 information into the juvenile offender information system. Only
77 first-time misdemeanor offenders are eligible for the civil
78 citation program or similar diversion program. At the conclusion
79 of a juvenile's civil citation program or similar diversion
80 program, the agency operating the program shall report the
81 outcome to the department. The issuance of a civil citation is
82 not considered a referral to the department.

83 (2) The department shall develop guidelines for the civil
84 citation program which include intervention services that are
85 based upon proven civil citation programs or similar diversion
86 programs within the state.

87 (3) ~~(2)~~ Upon issuing such citation, the law enforcement

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88 officer shall send a copy to the ~~county sheriff,~~ state attorney,
89 the appropriate intake office of the department, or the
90 community service performance monitor designated by the
91 department, and the parent or guardian of the child, ~~and the~~
92 ~~victim.~~

93 (4) ~~(3)~~ The child shall report to the community service
94 performance monitor within 7 working days after the date of
95 issuance of the citation. The work assignment shall be
96 accomplished at a rate of not less than 5 hours per week. The
97 monitor shall advise the intake office immediately upon
98 reporting by the child to the monitor, that the child has in
99 fact reported and the expected date upon which completion of the
100 work assignment will be accomplished.

101 (5) ~~(4)~~ If the child ~~juvenile~~ fails to report timely for a
102 work assignment, complete a work assignment, or comply with
103 assigned intervention services within the prescribed time, or if
104 the juvenile commits a ~~third or~~ subsequent misdemeanor, the law
105 enforcement officer shall issue a report alleging the child has
106 committed a delinquent act, at which point a juvenile probation
107 officer shall process the original delinquent act as a referral
108 to the department and refer the report to the state attorney for
109 review ~~perform a preliminary determination as provided under s.~~
110 ~~985.145.~~

111 (6) ~~(5)~~ At the time of issuance of the citation by the law
112 enforcement officer, such officer shall advise the child that
113 the child has the option to refuse the citation and to be
114 referred to the intake office of the department. That option may
115 be exercised at any time before ~~prior to~~ completion of the work
116 assignment.

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