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LEGISLATIVE ACTION

Senate

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House

The Committee on Budget (Joyner) 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
swift and appropriate consequences. The department shall
encourage and assist in the implementation and improvement of



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



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

47 ~~(3)(2)~~ Upon issuing such citation, the law enforcement
48 officer shall send a copy to the ~~county sheriff~~, state attorney,
49 the appropriate intake office of the department, or the
50 community service performance monitor designated by the
51 department, and the parent or guardian of the child, ~~and the~~
52 ~~victim.~~

53 ~~(4)(3)~~ The child shall report to the community service
54 performance monitor within 7 working days after the date of
55 issuance of the citation. The work assignment shall be
56 accomplished at a rate of not less than 5 hours per week. The
57 monitor shall advise the intake office immediately upon
58 reporting by the child to the monitor, that the child has in
59 fact reported and the expected date upon which completion of the
60 work assignment will be accomplished.

61 ~~(5)(4)~~ If the child juvenile fails to report timely for a
62 work assignment, complete a work assignment, or comply with
63 assigned intervention services within the prescribed time, or if
64 the juvenile commits a ~~third or~~ subsequent misdemeanor, the law
65 enforcement officer shall issue a report alleging the child has
66 committed a delinquent act, at which point a juvenile probation
67 officer shall process the original delinquent act as a referral
68 to the department and refer the report to the state attorney for
69 review ~~perform a preliminary determination as provided under s.~~
70 ~~985.145.~~

71 ~~(6)(5)~~ At the time of issuance of the citation by the law



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

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

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

80 And the title is amended as follows:

81
82 Delete everything before the enacting clause
83 and insert:

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



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