

HB 839

2011

1 A bill to be entitled
2 An act relating to juvenile civil citations; amending s.
3 985.12, F.S.; requiring the creation of a juvenile civil
4 citation program to divert juveniles from secure placement
5 with the Department of Juvenile Justice; requiring that
6 the program be created at the local level by the head of
7 each local law enforcement agency with the concurrence of
8 others; restricting eligibility for the civil citation
9 program to juveniles who have committed no more than two
10 misdemeanor offenses; requiring a law enforcement officer
11 to issue a report if the juvenile has not complied with
12 the requirements of the civil citation program; requiring
13 a juvenile probation officer to process the original
14 delinquent act as a referral to the department; directing
15 the law enforcement agency that issued the civil citation
16 to report to the department on the outcome of the
17 juvenile's participation in the civil citation program at
18 the conclusion of a juvenile's civil citation program
19 period; directing the department to establish a civil
20 citation model program that is patterned after civil
21 citation programs within this state which have proven
22 successful; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 985.12, Florida Statutes, is amended to
27 read:

28 985.12 Civil citation.—

HB 839

2011

29 (1) (a) There is established a juvenile civil citation
30 process for the purpose of providing an efficient and innovative
31 alternative to custody by the Department of Juvenile Justice for
32 ~~of~~ children who commit nonserious delinquent acts and to ensure
33 swift and appropriate consequences. The civil citation program
34 shall may be established at the local level by the head of each
35 local law enforcement agency, with the concurrence of the chief
36 judge of the circuit, state attorney, and public defender, ~~and~~
37 ~~the head of each local law enforcement agency involved.~~

38 (b) Under such a juvenile civil citation program, any law
39 enforcement officer, upon making contact with a juvenile who
40 admits having committed a misdemeanor, may issue a civil
41 citation assessing not more than 50 community service hours, and
42 may require participation in intervention services appropriate
43 to identified needs of the juvenile, including family
44 counseling, urinalysis monitoring, and substance abuse and
45 mental health treatment services. A copy of each citation issued
46 under this section shall be provided to the department, and the
47 department shall enter appropriate information into the juvenile
48 offender information system. Only juveniles who have committed
49 no more than two misdemeanor offenses are eligible to
50 participate in the civil citation program.

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

56 (3) The child shall report to the community service

HB 839

2011

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

64 (4) If the juvenile fails to report timely for a work
65 assignment, complete a work assignment, or comply with assigned
66 intervention services within the prescribed time, ~~or if the~~
67 ~~juvenile commits a third or subsequent misdemeanor,~~ the law
68 enforcement officer shall issue a report stating that the child
69 has not complied with the requirements of the civil citation
70 ~~alleging the child has committed a delinquent act,~~ at which
71 point a juvenile probation officer shall process the original
72 delinquent act as a referral to the department ~~perform a~~
73 ~~preliminary determination as provided under s. 985.145.~~

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

80 (6) The law enforcement agency that issued the civil
81 citation shall report to the department on the outcome of the
82 juvenile's participation in the civil citation program at the
83 conclusion of the civil citation program period. The successful
84 completion of a civil citation assignment may not be considered

HB 839

2011

85 a referral to the department.

86 (7) The department shall develop a civil citation model
87 program. The model program, which must include the option of
88 providing intervention services to the juvenile, must be
89 patterned after civil citation programs within this state which
90 have proven to be successful.

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