

HB 997

2011

1 A bill to be entitled
2 An act relating to juvenile civil citations; amending s.
3 985.12, F.S.; requiring that a juvenile civil citation
4 program be established at the local level with the
5 concurrence of the chief judge of the circuit and other
6 designated persons; authorizing a law enforcement agency,
7 the Department of Juvenile Justice, a juvenile assessment
8 center, the county or municipality, or an entity selected
9 by the county or municipality to operate the program;
10 authorizing a law enforcement officer, upon making contact
11 with a juvenile who admits to having committed a
12 misdemeanor, to require participation in intervention
13 services based upon an assessment of the needs of the
14 juvenile; restricting eligibility of participants for the
15 civil citation program to first-time misdemeanor
16 offenders; requiring the issuing agency to report on the
17 outcome to the Department of Juvenile Justice at the
18 conclusion of a youth's civil citation program; providing
19 that the issuance of a civil citation is not considered a
20 referral to the department; requiring the department to
21 develop a civil citation model that includes intervention
22 services and is based upon proven civil citation programs
23 within the state; requiring a law enforcement officer to
24 issue a report if the child has not complied with the
25 requirements of the civil citation program; providing an
26 effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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 civil citation program shall ~~may~~ be established at the local level with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved and may be operated by a law enforcement agency, the department, a juvenile assessment center, the county or municipality, or an entity selected by the county or municipality. Under such a juvenile civil citation program, any law enforcement officer, upon making contact with a juvenile who admits having committed a misdemeanor, may issue a civil citation assessing not more than 50 community service hours, and ~~may~~ require participation in intervention services as indicated by an assessment of the appropriate to identified needs of the juvenile, including family counseling, urinalysis monitoring, and substance abuse and mental health treatment services. A copy of each citation issued under this section shall be provided to the department, and the department shall enter appropriate information into the juvenile offender information system. Only first-time misdemeanor offenders are eligible for the civil citation program. At the conclusion of a youth's civil citation

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

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

63 (3)~~(2)~~ Upon issuing such citation, the law enforcement
 64 officer shall send a copy to the county sheriff, state attorney,
 65 the appropriate intake office of the department, the community
 66 service performance monitor designated by the department, the
 67 parent or guardian of the child, and the victim.

68 (4)~~(3)~~ The child shall report to the community service
 69 performance monitor within 7 working days after the date of
 70 issuance of the citation. The work assignment shall be
 71 accomplished at a rate of not less than 5 hours per week. The
 72 monitor shall advise the intake office immediately upon
 73 reporting by the child to the monitor, that the child has in
 74 fact reported and the expected date upon which completion of the
 75 work assignment will be accomplished.

76 (5)~~(4)~~ If the child ~~juvenile~~ fails to report timely for a
 77 work assignment, complete a work assignment, or comply with
 78 assigned intervention services within the prescribed time, ~~or if~~
 79 ~~the juvenile commits a third or subsequent misdemeanor,~~ the law
 80 enforcement officer shall issue a report stating that the child
 81 has not complied with the requirements of the civil citation
 82 ~~alleging the child has committed a delinquent act,~~ at which
 83 point a juvenile probation officer shall process the original
 84 delinquent act as a referral to the department ~~perform a~~

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85 ~~preliminary determination as provided under s. 985.145.~~

86 (6)~~(5)~~ At the time of issuance of the citation by the law
87 enforcement officer, such officer shall advise the child that
88 the child has the option to refuse the citation and to be
89 referred to the intake office of the department. That option may
90 be exercised at any time prior to completion of the work
91 assignment.

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