

ENROLLED
CS/HB 997

2011 Legislature

1 A bill to be entitled
2 An act relating to juvenile civil citations; amending s.
3 985.12, F.S.; requiring the Department of Juvenile Justice
4 to encourage and assist in the implementation and
5 improvement of civil citation and similar diversion
6 programs; requiring that a juvenile civil citation or
7 similar diversion program be established at the local
8 level with the concurrence of the chief judge of the
9 circuit and other designated persons; authorizing a law
10 enforcement agency, the Department of Juvenile Justice, a
11 juvenile assessment center, the county or municipality, or
12 an entity selected by the county or municipality to
13 operate the civil citation or similar diversion program;
14 requiring the entity operating the program to be selected
15 in consultation and agreement with the state attorney and
16 the local law enforcement agencies; authorizing a law
17 enforcement officer, upon making contact with a juvenile
18 who admits to having committed a misdemeanor, to require
19 participation in intervention services based upon an
20 assessment of the needs of the juvenile; restricting
21 eligibility of participants for the civil citation or
22 similar diversion program to first-time misdemeanor
23 offenders unless the participation is approved by the
24 state attorney or assistant state attorney; requiring the
25 agency operating the program to report on the outcome to
26 the Department of Juvenile Justice at the conclusion of a
27 youth's civil citation or similar diversion program;
28 providing that the issuance of a civil citation is not

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

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29 | considered a referral to the department; requiring the
30 | department to develop guidelines for the civil citation
31 | program which include intervention services that are based
32 | upon proven civil citation or similar diversion programs
33 | within the state; requiring a juvenile probation officer
34 | to process the original delinquent act as a referral to
35 | the department in specified circumstances and to refer
36 | certain reports to the state attorney for review;
37 | providing an effective date.
38 |

39 | Be It Enacted by the Legislature of the State of Florida:
40 |

41 | Section 1. Section 985.12, Florida Statutes, is amended to
42 | read:

43 | 985.12 Civil citation.—

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

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

79 (2) The department shall develop guidelines for the civil
 80 citation program which include intervention services that are
 81 based upon proven civil citation or similar diversion programs
 82 within the state.

83 (3) ~~(2)~~ Upon issuing such citation, the law enforcement
 84 officer shall send a copy to the county sheriff, state attorney,

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85 the appropriate intake office of the department, or the
86 community service performance monitor designated by the
87 department, the parent or guardian of the child, and the victim.

88 (4)~~(3)~~ The child shall report to the community service
89 performance monitor within 7 working days after the date of
90 issuance of the citation. The work assignment shall be
91 accomplished at a rate of not less than 5 hours per week. The
92 monitor shall advise the intake office immediately upon
93 reporting by the child to the monitor, that the child has in
94 fact reported and the expected date upon which completion of the
95 work assignment will be accomplished.

96 (5)~~(4)~~ If the child ~~juvenile~~ fails to report timely for a
97 work assignment, complete a work assignment, or comply with
98 assigned intervention services within the prescribed time, or if
99 the juvenile commits a ~~third or~~ subsequent misdemeanor, the law
100 enforcement officer shall issue a report alleging the child has
101 committed a delinquent act, at which point a juvenile probation
102 officer shall process the original delinquent act as a referral
103 to the department and refer the report to the state attorney for
104 review ~~perform a preliminary determination as provided under s.~~
105 ~~985.145.~~

106 (6)~~(5)~~ At the time of issuance of the citation by the law
107 enforcement officer, such officer shall advise the child that
108 the child has the option to refuse the citation and to be
109 referred to the intake office of the department. That option may
110 be exercised at any time before ~~prior to~~ completion of the work
111 assignment.

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