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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/26/2015	.	
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The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 34 - 68
and insert:
around the state. Each county in Florida shall create a civil citation program or similar diversion program. The civil citation or similar diversion program shall 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. The program may be



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11 operated by an entity such as a law enforcement agency, the
12 department, a juvenile assessment center, the county or
13 municipality, or another ~~some other~~ entity selected by the
14 county or municipality. An entity operating the civil citation
15 or similar diversion program must do so in consultation and
16 agreement with the state attorney and local law enforcement
17 agencies. Under such a juvenile civil citation or similar
18 diversion program, a any law enforcement officer, upon making
19 contact with a juvenile who admits having committed a
20 misdemeanor, may choose to issue a simple warning or inform the
21 child's guardian or parent of the child's infraction, or may
22 issue a civil citation or require participation in a similar
23 diversion program, and assess up to not more than 50 community
24 service hours, and require participation in intervention
25 services as indicated by an assessment of the needs of the
26 juvenile, including family counseling, urinalysis monitoring,
27 and substance abuse and mental health treatment services. A copy
28 of each citation issued under this section shall be provided to
29 the department, and the department shall enter appropriate
30 information into the juvenile offender information system. Use
31 of the civil citation or similar diversion program is not
32 limited to first-time misdemeanors and may be used in a second
33 or subsequent misdemeanor. A local law enforcement officer may
34 make an arrest for a first-time misdemeanor with the concurrence
35 of his or her supervisor if the arresting officer provides
36 written documentation as to why an arrest was warranted rather
37 than a civil citation. Only first-time misdemeanor offenders are
38 eligible for the civil citation or similar diversion program. At
39 the conclusion of a juvenile's civil citation program or similar



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40 diversion program, the agency operating the program shall report
41 the outcome to the department. The issuance of a civil citation
42 is not considered a referral to the department.

43 (a) A local civil citation program, or similar diversion
44 program, must divert at least 80 percent of all juveniles who
45 commit first-time misdemeanors, excluding the following
46 offenses:

47 1. A misdemeanor involving the possession or use of a
48 firearm.

49 2. A misdemeanor involving exposure of sexual organs or
50 other related sexual behavior, including, but not limited to,
51 prostitution or lewd and lascivious behavior.

52 3. A misdemeanor that is directly related to, or a part of,
53 gang activity.

54 (b) If a local program fails to divert 80 percent of first-
55 time misdemeanor offenders into a civil citation or similar
56 diversion program, local authorities shall notify the
57 department, who shall issue recommendations to the local
58 authorities on how to increase the percentage of civil citations
59 or diversions for juveniles.

60 (c) The department shall submit a report annually to the
61 President of the Senate and the Speaker of the House of
62 Representatives detailing local programs which are below the 80
63 percent threshold.

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

65 And the title is amended as follows:

66 Delete lines 3 - 14

67 and insert:

68 985.12, F.S.; requiring each county in the state to



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69 create a civil citation or similar diversion program;
70 authorizing a law enforcement officer to issue a
71 warning to a juvenile who admits having committed a
72 misdemeanor or to inform the child's parent or
73 guardian of the child's infraction; allowing a law
74 enforcement officer who does not exercise one of these
75 options to issue a civil citation or require
76 participation in a similar diversion program;
77 providing that repeat misdemeanor offenders may
78 participate in the civil citation program or a similar
79 diversion program under certain circumstances;
80 authorizing a local law enforcement officer to make an
81 arrest under certain conditions and circumstances;
82 requiring that a certain percentage of juveniles be
83 diverted into a civil citation program; providing
84 exceptions; requiring the Department of Juvenile
85 Justice to submit an annual report to the Legislature;
86 reenacting ss.