

By the Committee on Criminal Justice; and Senator Evers

591-01283-16

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1 A bill to be entitled
2 An act relating to prearrest diversion programs;
3 creating s. 901.40, F.S.; encouraging local
4 communities and public or private educational
5 institutions to implement prearrest diversion programs
6 for certain offenders; requiring that the programs
7 allow law enforcement officers of participating
8 agencies, at their sole discretion, to issue civil
9 citations to adults under specified circumstances;
10 prohibiting the issuance of the civil citation if the
11 misdemeanor offense involves a victim and he or she
12 objects to its issuance; requiring that an adult who
13 receives a civil citation from a participating law
14 enforcement agency report for intake as required by
15 the local prearrest diversion program; requiring the
16 provision of appropriate assessment, intervention,
17 education, and behavioral health care services;
18 requiring that an adult who is issued a citation
19 fulfill a community service requirement specified by
20 the local prearrest diversion program; requiring the
21 law enforcement agency that issued the civil citation
22 to criminally charge an adult who fails to complete
23 the prearrest diversion program and refer that adult
24 to the state attorney for prosecution; prohibiting the
25 association of an arrest record with adults who
26 successfully complete the program; specifying
27 misdemeanor offenses that qualify for the local
28 prearrest diversion program; providing an effective
29 date.

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31 Be It Enacted by the Legislature of the State of Florida:

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33 Section 1. Section 901.40, Florida Statutes, is created to
34 read:

35 901.40 Prearrest diversion programs.—The Legislature
36 encourages local communities and public or private educational
37 institutions to implement prearrest diversion programs that
38 afford certain adults who fulfill specified intervention and
39 community service obligations the opportunity to avoid an arrest
40 record. Such programs shall allow law enforcement officers, at
41 their sole discretion, to issue civil citations to certain
42 adults who commit misdemeanor offenses. A civil citation may be
43 issued under this section only if the adult admits that he or
44 she committed the offense and if the adult has not been
45 previously arrested as an adult for an offense. However, an
46 adult may not be issued a civil citation if the misdemeanor
47 offense involves a victim and the victim objects to issuance of
48 the civil citation.

49 (1) An adult who receives a civil citation shall report for
50 intake as required by the local prearrest diversion program and
51 shall be provided appropriate assessment, intervention,
52 education, and behavioral health care services. While in the
53 local prearrest diversion program, the adult shall perform
54 community service hours as specified by the local prearrest
55 diversion program. If the adult does not successfully complete
56 the prearrest diversion program, the law enforcement agency that
57 issued the civil citation shall criminally charge the adult for
58 the original offense and refer the case to the state attorney to

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59 determine if prosecution is appropriate. If the adult
60 successfully completes the program, an arrest record may not be
61 associated with the offense.

62 (2) Misdemeanor offenses that qualify for a prearrest
63 diversion program include, but are not limited to:

64 (a) Disorderly conduct.

65 (b) Nondomestic assault as defined in s. 784.011 or
66 nondomestic battery as provided in s. 784.03(1).

67 (c) Open house parties.

68 (d) Petit theft of stolen property valued at less than \$50.

69 (e) Possession of alcohol by a person younger than 21 years
70 of age.

71 (f) Possession of 20 grams or less of cannabis.

72 (g) Selling or providing alcoholic beverages to a minor.

73 (h) Trespass in structure or conveyance.

74 Section 2. This act shall take effect July 1, 2016.