

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Justice Appropriations
 2 Subcommittee

3 Representative Trujillo offered the following:

4
 5 **Amendment**

6 Remove lines 28-153 and insert:

7 programs ~~program~~ shall be established in each county which must
 8 individually or collectively serve all juveniles who are alleged
 9 to have committed a violation of law which would be a
 10 misdemeanor offense if committed by an adult. Such programs must
 11 be established at the local level with the concurrence of the
 12 chief judge of the circuit, state attorney, public defender, and
 13 the head of each local law enforcement agency involved and. ~~The~~
 14 ~~program~~ may be operated by an entity such as a law enforcement
 15 agency, the department, a juvenile assessment center, the county
 16 or municipality, or another entity selected by the county or
 17 municipality. An entity operating such a ~~the civil citation or~~

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18 ~~similar diversion~~ program must do so in consultation and
19 agreement with the state attorney and local law enforcement
20 agencies.

21 (2) As used in this section, the term:

22 (a) "Misdemeanor offense" means one or more misdemeanor
23 violations of law arising out of the same criminal episode, act,
24 or transaction.

25 (b) "Law enforcement officer" has the same meaning as
26 provided in s. 943.10.

27 (3) Under such a juvenile civil citation or similar
28 diversion program, a law enforcement officer that makes ~~upon~~
29 ~~making~~ contact with a juvenile who admits having committed a
30 first-time misdemeanor: misdemeanor, may choose to issue a
31 ~~simple warning or inform the child's guardian or parent of the~~
32 ~~child's infraction, or may~~

33 (a) Shall issue a civil citation to the juvenile or
34 require the juvenile's participation in a similar diversion
35 program if each violation of law in the misdemeanor offense is
36 one of the following:

37 1. Section 562.111, relating to possession of alcoholic
38 beverages by persons under age 21;

39 2. Section 784.03(1), relating to battery, if the victim
40 approves the juvenile's participation in a civil citation or
41 similar diversion program.

42 3. Section 812.014(2) (e) or s. 812.014(3) (a), relating to
43 theft;

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44 4. Section 812.015(2), relating to retail and farm theft;

45 5. Section 870.01(1), relating to affrays and riots;

46 6. Section 877.03, relating to disorderly conduct;

47 7. Section 893.13(6) (b), relating to possession of certain
48 amounts of cannabis or controlled substances; or

49 8. Section 893.147, relating to use, possession,
50 manufacture, delivery, transportation, advertisement, or retail
51 sale of drug paraphernalia; or

52 (b) May issue a civil citation to the juvenile or require
53 the juvenile's participation in a similar diversion program if
54 the violations of law in the misdemeanor offense are not
55 enumerated in subparagraph (a).

56 (4) Under such a juvenile civil citation or similar
57 diversion program, a law enforcement officer that makes contact
58 with a juvenile who admits having committed a second-time or
59 third-time misdemeanor offense may issue a civil citation to the
60 juvenile or require the juvenile's participation in a similar
61 diversion program, regardless of whether the violations of law
62 are enumerated in subparagraph (3) (a).

63 (5) If an arrest is made for a misdemeanor offense subject
64 to paragraph (3) (b) or subsection (4), a law enforcement officer
65 must provide written documentation as to why the arrest was
66 warranted.

67 (6) A law enforcement officer shall advise a juvenile who
68 is subject to subsection (3) or subsection (4) that the juvenile
69 has the option to refuse the civil citation or other similar

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70 diversion program and be referred to the department. This option
71 may be exercised at any time before completion of the community
72 service assignment required under subsection (8). Participation
73 in a civil citation or similar diversion program is not
74 considered a referral to the department.

75 (7) Upon issuance of the civil citation or documentation
76 requiring a similar diversion program, the law enforcement
77 officer shall send a copy to the county sheriff, state attorney,
78 the appropriate intake office of the department or the community
79 service performance monitor designated by the department, the
80 parent or guardian of the child, and the victim. The department
81 shall enter such information into the juvenile offender
82 information system.

83 (8) A juvenile that elects to participate in a civil
84 citation or similar diversion program shall complete, and assess
85 up to 50 community service hours, and participate require
86 participation in intervention services as indicated indicates by
87 an assessment of the needs of the juvenile, including family
88 counseling, urinalysis monitoring, and substance abuse and
89 mental health treatment services.

90 (a) The juvenile shall report to the community service
91 performance monitor within 7 business days after the date of
92 issuance of the civil citation or documentation for a similar
93 diversion program. The juvenile shall spend a minimum of 5 hours
94 per week completing the community service assignment. The
95 monitor shall immediately notify the intake office of the

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96 department that a juvenile has reported to the monitor and the
97 expected date on which the juvenile will complete the community
98 service assignment ~~A copy of each citation issued under this~~
99 ~~section shall be provided to the department, and the department~~
100 ~~shall enter appropriate information into the juvenile offender~~
101 ~~information system. Use of the civil citation or similar~~
102 ~~diversion program is not limited to first-time misdemeanors and~~
103 ~~may be used in up to two subsequent misdemeanors. If an arrest~~
104 ~~is made, a law enforcement officer must provide written~~
105 ~~documentation as to why an arrest was warranted.~~

106 (b) At the conclusion of a juvenile's civil citation
107 ~~program~~ or similar diversion program, the entity agency
108 operating the program shall report the outcome of the program to
109 the department.

110 (c) If the juvenile fails to timely report for a community
111 service assignment, complete such assignment, or comply with
112 assigned intervention services within the prescribed time, or if
113 the juvenile commits a subsequent misdemeanor, the law
114 enforcement officer shall issue a report alleging the juvenile
115 has committed a delinquent act, at which time a juvenile
116 probation officer shall process the original delinquent act as a
117 referral to the department and refer the report to the state
118 attorney for review ~~The issuance of a civil citation is not~~
119 ~~considered a referral to the department.~~

120 (9)-(2) The department shall develop guidelines for ~~the~~
121 civil citation and similar diversion programs ~~program~~ which

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122 include intervention services that are based on ~~upon~~ proven
123 civil citation or similar diversion programs in ~~within~~ the
124 state.

125 (10) This section does not apply to:

126 (a) A juvenile who is currently alleged to have committed,
127 or is currently charged with, and awaiting final disposition of
128 an offense that would be a felony if committed by an adult.

129 (b) A juvenile who has entered a plea of nolo contendere
130 or guilty to, or has been found to have committed, an offense
131 that would be a felony if committed by an adult.

132 (c) A misdemeanor arising out of an episode in which the
133 juvenile is also alleged to have committed an offense that would
134 be a felony if committed by an adult.

135 (11) This section does not modify the authority of a law