

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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**BILL:** CS/CS/SB 196

**INTRODUCER:** Appropriations Committee (Recommended by Appropriations Subcommittee on Criminal and Civil Justice); Criminal Justice Committee; and Senator Flores and others

**SUBJECT:** Juvenile Civil Citation and Similar Diversion Programs

**DATE:** April 14, 2017

**REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Hrdlicka</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Sadberry</u>	<u>Sadberry</u>	<u>ACJ</u>	<u>Recommend: Fav/CS</u>
3.	<u>Sadberry</u>	<u>Hansen</u>	<u>AP</u>	<u>Fav/CS</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 196 requires the Supreme Court to provide an annual report on its cases that do not have a decision or disposition within the 180-day period.

The bill also requires a law enforcement officer to issue a civil citation or require the juvenile's participation in a similar diversion program when the juvenile admits to committing one of the following first-time misdemeanor offenses:

- Possession of alcoholic beverages by a person under age 21 (s. 562.111, F.S.);
- Battery (s. 784.03(1), F.S.), excluding battery relating to domestic violence as defined in s. 741.28, F.S.;
- Criminal Mischief (s. 806.13, F.S.);
- Trespass (ss. 810.08, and 810.09, F.S.);
- Theft (ss. 812.04(2)(e) and (3)(a), F.S.);
- Retail and farm theft (s. 812.015(2), F.S.);
- Loitering and prowling (s. 856.021, F.S.);
- Affrays and riots (s. 870.01(1), F.S.);
- Disorderly conduct (s. 877.03, F.S.);
- Possession of 20 grams or less of cannabis (s. 893.13(6)(b), F.S.);
- Use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia (s. 893.147, F.S.); or

- Resisting an officer without violence (s. 843.02, F.S.).

The bill requires the Department of Juvenile Justice (DJJ) to report annually on the best practices of juvenile civil citation or similar diversion programs and on the participation and outcomes for such programs from the previous calendar year.

The bill also requires the DJJ, beginning March 1, 2018, to collect data regarding children who qualify to be prosecuted as adults. The department must work with Office of Program Policy and Analysis and Government Accountability to generate a report. The report must be presented to the Governor, President of the Senate, and Speaker of the House by January 31 annually, beginning January 31, 2019.

The bill also includes a severability clause.

The bill may have a fiscal impact on many different agencies. See Section V. Fiscal Impact Statement.

Except as otherwise provided, the bill is effective July 1, 2017.

## II. Present Situation:

### Supreme Court Reporting

Article V, s. 2 of the Florida Constitution requires the Supreme Court to adopt rules for the practice and procedure in all courts and rules for the administrative supervision of all courts.<sup>1</sup> Florida Rule of Judicial Administration 2.250 provides time standards for all courts to dispose of cases.<sup>2</sup> The general time standard for the Supreme Court and the District Courts of Appeal requires a decision to be rendered in a case within 180 days of either oral argument or submission of the case to the court panel for a decision without oral argument.<sup>3</sup>

Rule 2.250 also requires a report from each trial and district court on cases not resolved within the time standards.<sup>4</sup> All pending cases in circuit courts and district courts of appeal exceeding the time standards must be listed separately in a report submitted quarterly to the Chief Justice of the Supreme Court.<sup>5</sup>

The Supreme Court, by practice, also produces a report detailing its pending cases exceeding the appellate time standard, which it files with itself. Pursuant to Rule 2.250(b), the report must include the case number, case type, case status, the date of arrest in criminal cases, and the original filing date in civil cases for each case in the report.<sup>6</sup>

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<sup>1</sup> Article V, s. 2(a), Fla. Const.

<sup>2</sup> Fla. R. Jud. Admin. 2.250(a).

<sup>3</sup> *Id.* The time standard for juvenile dependency and termination of parental rights appeals, however, is within 60 days of oral arguments or submission to the court without oral arguments.

<sup>4</sup> Fla. R. Jud. Admin. 2.250(b).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

## Juvenile Civil Citations

Section 985.12, F.S., establishes a civil citation process that provides law enforcement an alternative to arresting juveniles for nonserious delinquent acts. The Department of Juvenile Justice (DJJ) is required to assist in the implementation of civil citation or other similar diversion programs. The DJJ must also develop guidelines for these programs that include intervention services based upon proven civil citation or similar diversion programs within the state.<sup>7</sup>

These civil citation or similar diversion programs are discretionary and are established at the local level in concurrence with the chief judge, state attorney, public defender, and head of each local law enforcement agency. The program may be operated by law enforcement, the DJJ, a juvenile assessment center, a county or municipality, or an entity selected by the county or municipality.

Currently, if a juvenile admits to committing a misdemeanor<sup>8</sup> a law enforcement officer has the discretion to:

- Issue a warning or inform the juvenile's parent of the child's infraction;
- Issue a civil citation or require participation in a similar diversion program; or
- Arrest the juvenile.<sup>9</sup>

A law enforcement officer can issue a civil citation to any juvenile who admits to committing a first-time, second-time, or third-time misdemeanor.<sup>10</sup> When issuing a civil citation the law enforcement officer must advise the juvenile that he or she has the option of refusing the civil citation and of being referred to the DJJ.<sup>11</sup> If an arrest is made, the law enforcement officer must provide written documentation as to why an arrest was warranted.<sup>12</sup>

A juvenile issued a civil citation or required to participate in a similar diversion program may be assessed up to 50 hours of community service and must participate in intervention services as indicated by a needs assessment. Intervention services include family counseling, urinalysis monitoring, and substance abuse and mental health treatment services.

A juvenile is required to report to a community service performance monitor within seven working days after the civil citation has been issued and complete at least five community service hours per week. The monitor also reports information regarding the juvenile's service hour completion and the expected completion date to the DJJ.<sup>13</sup>

If a juvenile fails to timely report or complete a work assignment, fails to timely comply with assigned intervention services, or commits a subsequent misdemeanor, the law enforcement

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<sup>7</sup> Section 985.12(1) and (2), F.S.

<sup>8</sup> Misdemeanors involving sexual or firearm offenses are currently ineligible for civil citation programs under the DJJ Civil Citation Model Plan. *2017 Bill Analysis for SB 196*, Department of Juvenile Justice, (January 18, 2017) (on file with the Senate Criminal Justice Committee).

<sup>9</sup> Section 985.12(1), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 985.12(6), F.S. A juvenile may refuse the civil citation at any time before completion of the work assignment.

<sup>12</sup> Section 985.12(1), F.S.

<sup>13</sup> Section 985.12(4), F.S.

officer must issue a report to the DJJ alleging that the juvenile has committed a delinquent act, thereby initiating formal judicial processing.<sup>14</sup>

Sixty counties have implemented a civil citation or similar program in Florida. Taylor and Polk counties are in the process of implementing programs. Bradford, Calhoun, Gulf, Hardee, and Washington counties have not established civil citation programs; however, these counties do utilize a different type of diversion program.<sup>15</sup>

For Fiscal Year 2015-16, 19,386 juveniles were eligible for a civil citation, and only 9,636 eligible juveniles were issued a civil citation. The recidivism rate for the juveniles who completed a civil citation program in Fiscal Year 2014-15 was 3.8 percent.<sup>16</sup>

### **Reporting on Children Who Are Eligible to be Prosecuted as an Adult**

There are three methods of transferring a child to adult court for prosecution: judicial waiver, indictment by a grand jury, or direct filing an information.

#### ***Judicial Waiver***

The judicial waiver process allows juvenile courts to waive jurisdiction to adult court on a case-by-case basis. Section 985.556, F.S., provides three types of judicial waivers:

- Voluntary Waiver – the child requests to have his or her case transferred to adult court;<sup>17</sup>
- Involuntary Discretionary Waiver – the state attorney may file a motion requesting the court to transfer any case where the child is 14 years of age or older;<sup>18</sup> and
- Involuntary Mandatory Waiver – the state attorney must request the transfer of a child 14 years of age or older if the child:
  - Has been previously adjudicated delinquent for an enumerated felony<sup>19</sup> and the child is currently charged with a second or subsequent violent crime against a person; or
  - Was 14 years of age or older at the time of commission of a fourth or subsequent felony offense and was previously adjudicated delinquent or had adjudication withheld for three felony offenses, one or more of which involved the use or possession of a firearm or violence against a person.<sup>20</sup>

#### ***Direct File***

Direct file is when a state attorney files an information charging a child in adult court. Direct file under s. 985.557, F.S., can either be discretionary or mandatory. Direct file is the predominant transfer method to adult court accounting for 98 percent of the transfers each year.<sup>21</sup>

<sup>14</sup> Section 985.12(5), F.S.

<sup>15</sup> Department of Juvenile Justice, *2017 Bill Analysis for SB 196*, (January 18, 2017) (on file with the Senate Criminal Justice Committee).

<sup>16</sup> *Id.*

<sup>17</sup> Section 985.556(1), F.S.

<sup>18</sup> Section 985.556(2), F.S.

<sup>19</sup> The enumerated felonies are: murder; sexual battery; armed or strong-armed robbery; carjacking; home-invasion robbery; aggravated battery; aggravated assault; or burglary with an assault or battery.

<sup>20</sup> Section 985.556(3), F.S.

<sup>21</sup> Department of Juvenile Justice, *2016 Bill Analysis for SB 314 (2016)*, (September 28, 2015) (on file with the Senate Criminal Justice Committee).

Discretionary Direct File

Section 985.557(1), F.S., provides the state attorney with the discretion to file a case in adult court for certain juvenile cases when he or she believes the offense requires that adult sanctions be considered or imposed. Specifically, the state attorney may file an information (direct file a child) in adult court when a child is:

- 14 or 15 years of age and is charged with one of the following felony offenses:
  - Murder; manslaughter; sexual battery; robbery; aggravated assault; aggravated child abuse; arson; kidnapping; unlawful throwing, placing, or discharging of a destructive device or bomb; aggravated battery; carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony; possessing or discharging any weapon or firearm on school property in violation of s. 790.115, F.S.; home invasion robbery; aggravated stalking; carjacking; any lewd or lascivious offense committed upon or in the presence of a person less than 16; burglary with an assault or battery in violation of s. 810.02(2)(a), F.S.; specified burglary of a dwelling or structure in violation of s. 810.02(2)(c), F.S.; armed burglary in violation of s. 810.02(2)(b), F.S.; grand theft in violation of s. 812.014(2)(a), F.S.; grand theft of a motor vehicle in violation of s. 812.014(2)(c)6., F.S.; or grand theft of a motor vehicle valued at \$20,000 or more in violation of s. 812.014(2)(b), F.S., if the child has a previous adjudication for grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or (2)(b), F.S.<sup>22</sup>
- 16 or 17 years of age and is charged with any felony offense;<sup>23</sup> or
- 16 or 17 years of age and is charged with any misdemeanor, provided the child has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which was a felony.<sup>24</sup>

If a child transferred to adult court by discretionary direct file is found to have committed the offense or a lesser included offense, the court may sentence the child as an adult, a youthful offender, or a juvenile.<sup>25</sup>

Mandatory Direct File

Section 985.557(2), F.S., requires the state attorney to file a case in adult court when the child is:

- 16 or 17 years of age at the time of the alleged offense:
  - Is charged with a second or subsequent violent crime against a person and has been previously adjudicated delinquent for an enumerated felony;<sup>26</sup>

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<sup>22</sup> Section 985.557(1)(a)1.-19., F.S.

<sup>23</sup> Section 985.557(1)(b), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> Sections 985.565(4)(a)2. and (b), F.S.

<sup>26</sup> The enumerated felonies include: murder; sexual battery; armed or strong-armed robbery; carjacking; home-invasion robbery; aggravated battery; or aggravated assault.

- Is charged with a forcible felony<sup>27</sup> and has been previously adjudicated delinquent or had adjudication withheld for three felonies that each occurred at least 45 days apart from each other;<sup>28</sup> or
- Is charged with committing or attempting to commit an offense listed in s. 775.087(2)(a)1.a.-p., F.S.,<sup>29</sup> and during the commission of the offense the child actually possessed or discharged a firearm or destructive device;<sup>30</sup> or
- Any age and is alleged to have committed an act that involves stealing a vehicle in which the child, while possessing the vehicle, caused serious bodily injury or death to a person who was not involved in the underlying offense.

### III. Effect of Proposed Changes:

#### Supreme Court Reporting (Section 1)

The bill creates s. 25.052, F.S, requiring the Supreme Court to provide an annual report on its cases that do not have a decision or disposition within the 180-day period. The report must be provided to the Governor, the Attorney General, the President of the Senate, and the Speaker of the House of Representatives by October 15 and contain data as of September 30 of that year.

The report must include the cases on the court's docket have not been disposed of within 180 days. The following information about these cases must be included:

- Case name and number;
- Case type;
- A brief description of the case;
- The date on which the case was added to the court's docket;
- The date of oral argument or submission to the court panel without oral argument;
- The number of days that have elapsed since the date of oral argument or submission without oral argument for each case;
- A detailed explanation of the court's failure to render a decision or disposition within 180 days; and
- The date on which, or time period within which, the court expects to render a decision or disposition.

<sup>27</sup> Section 776.08, F.S., defines “forcible felony” as treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

<sup>28</sup> Section 985.557(2)(b), F.S., provides that this provision does not apply when the state attorney has good cause to believe that exceptional circumstances exist which preclude the just prosecution of the child in adult court.

<sup>29</sup> The offenses include murder; sexual battery; robbery; burglary; arson; aggravated assault; aggravated battery; kidnapping; escape; aircraft piracy; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; unlawful throwing, placing, or discharging of a destructive device or bomb; carjacking; home-invasion robbery; aggravated stalking; trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1), F.S.

<sup>30</sup> The terms “firearm” and “destructive device” are defined in s. 790.001, F.S.

The report also must include data for cases that were decided outside of the 180 period. The following information about these cases must be included:

- Case name and number;
- Case type;
- A brief description of the case;
- The date on which the case was added to the court's docket;
- The date of oral argument or submission to the court panel without oral argument;
- A detailed explanation of the court's failure to render a decision or disposition within 180 days;
- The date that a decision or disposition was issued; and
- The number of days that had elapsed between the date oral argument was heard or the date that the case was submitted to the court panel for a decision without oral argument and the date on which a decision or disposition was issued.

The bill requires the report be submitted in an electronic spreadsheet format capable of being sorted and filtered by the:

- Case number;
- Case type;
- Date on which the case was added to the court's docket;
- Date of oral argument or submission without oral argument;
- Number of days that have elapsed since oral argument or submission without oral argument; and
- Date of decision or disposition.

The case type of each case reported must specify the following: civil, criminal not seeking the death penalty, criminal seeking the death penalty, court rules, bar discipline, and judicial discipline.

This section is repealed on July 1, 2022, unless it is reviewed and reenacted by the Legislature before that date.

### **Juvenile Civil Citations (Section 2)**

Section 985.12, F.S., is amended to require the establishment of one or more civil citation or similar diversion programs in each county. At least one program must be applicable countywide. Any additional programs must complement the countywide program. Programs can work with any other programs in the state to best serve the juveniles in the jurisdiction.

The bill requires a law enforcement officer<sup>31</sup> to issue a civil citation or require the juvenile's participation in a similar diversion program when the juvenile admits to committing one of the following first-time misdemeanor offenses:<sup>32</sup>

- Possession of alcoholic beverages by a person under age 21 (s. 562.111, F.S.);
- Battery (s. 784.03(1), F.S.), excluding battery relating to domestic violence as defined in s. 741.28, F.S.;
- Criminal Mischief (s. 806.13, F.S.);
- Trespass (ss. 810.08 and 810.09, F.S.);
- Theft (ss. 812.04(2)(e) and (3)(a), F.S.);
- Retail and farm theft (s. 812.015(2), F.S.);
- Loitering and prowling (s. 853.021, F.S.);
- Affrays and riots (s. 870.01(1), F.S.);
- Disorderly conduct (s. 877.03, F.S.);
- Possession of 20 grams or less of cannabis (s. 893.13(6)(b), F.S.);
- Use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia (s. 893.147, F.S.); or
- Resisting an officer without violence (s. 843.02, F.S.).

The bill permits a law enforcement officer to issue a civil citation or require the juvenile's participation in a similar diversion program when the juvenile admits to committing:

- A misdemeanor offense not enumerated in the bill;
- More than one misdemeanor offense arising out of the same criminal episode;
- A misdemeanor offense not enumerated in the bill and the juvenile has one or two prior misdemeanors from a separate criminal episode; or
- A misdemeanor offense not enumerated in the bill and the juvenile is currently alleged to have committed, or is currently charged with, a felony.

As in current law, a law enforcement officer can choose to issue a simple warning or inform the child's guardian or parent of the child's infraction.

A law enforcement officer must provide written documentation articulating why an arrest is warranted when he or she has the discretion to issue a civil citation but instead chooses to arrest the juvenile.

The bill extends the time period in which a juvenile is required to report to a community service performance monitor from seven to ten working days after the civil citation or documentation for a similar diversion program has been issued.

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<sup>31</sup> The bill defines "law enforcement officer" to have the same meaning as in s. 943.10, F.S. Section 943.10, F.S., defines the term to mean any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>32</sup> A "misdemeanor offense" is defined as one or more violations of law arising out of the same criminal episode, act, or transaction.



If a juvenile fails to timely report for a community service assignment, complete such assignment, or comply with assigned intervention services within a prescribed time, the entity operating the program must notify the law enforcement officer. The law enforcement officer then must determine if there is a good cause to arrest the juvenile for the original misdemeanor offense and refer the case to the state attorney or to allow the juvenile to continue in the program.

If the juvenile commits a subsequent delinquent act, the entity operating the program must notify the law enforcement officer and the law enforcement officer shall arrest of the juvenile for the original misdemeanor offense and refer the case to the state attorney.

The bill requires the DJJ to annually report to the Governor, President of the Senate, and Speaker of the House of Representatives on the best practices of the programs. The report must also be electronically provided to the civil citation and similar diversion programs. The report must be provided no later than January 31 of each year.

The DJJ must also annually report the participation and outcomes for the civil citation and similar diversion programs. The DJJ must post the report on its website by January 31 of each and provide an electronic copy to each civil citation and similar diversion program. The data must be reported as statewide aggregate data and include data for each civil citation and similar diversion program from the previous year. The data must also include:

- The race, ethnicity, gender, and age of the juvenile;
- The juvenile's county of residence;
- The misdemeanor offenses committed;
- The county where the misdemeanor offenses were committed;
- Whether the juvenile has previously participated in a civil citation or similar diversion program;
- Whether the juvenile successfully completed or failed to complete a civil citation or similar diversion program; and
- The recidivism data for juveniles who completed or failed to complete a civil citation or similar diversion program.

The bill retains current statutory provisions relating to:

- The program requirements placed upon juveniles participating in a civil citation program, including community service hours, intervention services, and time frames to complete the program;
- The ability of juveniles to refuse participation in a civil citation or similar diversion program;
- The requirement of law enforcement officers to forward the civil citation or documentation requiring a similar diversion program to specified parties;
- The requirement for civil citation or similar diversion programs to report the juveniles' outcomes to the DJJ and law enforcement officers; and
- Participation in a civil citation or similar diversion program not being considered a referral to the DJJ.

A juvenile may not be given a civil citation or require the juvenile's participation in a similar diversion program if the juvenile:

- Has entered a plea of nolo contendere or guilty to, or has been found to have committed, a felony; or
- Has committed a misdemeanor offense arising out of an episode in which the juvenile is also alleged to have committed a felony.

The bill amends ss. 943.051 and 985.11, F.S., to make conforming changes. (Sections 3 and 4).

This portion of the bill is effective October 1, 2017.

### **Direct File Reporting (Section 5)**

The bill requires the DJJ, beginning March 1, 2018, to collect data regarding children who qualify to be prosecuted as adults. This data includes, but is not limited to:

- Age;
- Race and ethnicity;
- Gender;
- Circuit and county of residence and offense;
- Prior adjudications or adjudications withheld;
- Prior periods of probation including any violations of probation;
- Previous contacts with law enforcement agencies or the courts which resulted in a civil citation, arrest, or charges being filed with the state;
- Initial charges;
- Charges at disposition;
- Whether child codefendants were involved who were transferred to adult court;
- Whether the child was represented by counsel or had waived counsel;
- Risk assessment instrument score;
- The child's medical, mental health, substance abuse, or trauma history;
- The child's history of mental impairment or disability-related accommodations;
- The child's history of abuse or neglect;
- The child's history of foster care placements, including the number of prior placements;
- Whether the child has below average intellectual functioning;
- Whether the child has received mental health services or treatment;
- Whether the child has been the subject of a children-in-need-of-services or families-in-need-of-services petition or dependency petition;
- Whether the child was transferred for criminal prosecution as an adult; and
- The case resolution in juvenile court or adult court.

Beginning March 1, 2018, the DJJ must also collect the following data on a child transferred for prosecution as an adult:

- Disposition data, including, but not limited to, whether the child received adult sanctions, juvenile sanctions, or diversion and, if sentenced to prison, the length of the prison sentence or the enhanced sentence; and
- Whether the child was previously found incompetent to proceed in juvenile court.

The DJJ must work with Office of Program Policy and Analysis and Government Accountability (OPPAGA) to generate a report analyzing the aggregate of data discussed above. Such report must be presented to the Governor, President of the Senate, and Speaker of the House by January 31 annually, beginning January 31, 2019.

Additionally, the DJJ must work with the OPPAGA to analyze every juvenile case transferred to adult court from July 1, 2016, and June 30, 2017. A report is due to the Governor, President of the Senate, and Speaker of the House by January 31, 2018.

#### **Severability Clause (Section 6)**

The bill includes the following severability clause: If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Except as otherwise provided, bill is effective July 1, 2017. (Section 7).

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Expanding the use of civil citation or similar diversion programs could result in more juveniles having future opportunities for employment since these juveniles will not have the hurdle of an arrest record.

C. Government Sector Impact:

The Office of the State Courts Administrator believes that the new requirements for Supreme Court will result in an indeterminate increase in court workload. The office is

unable to determine the exact fiscal impact of the reporting requirements because the data needed to quantify this is unavailable.<sup>33</sup>

An increase in civil citation or similar diversion programs could lead to juveniles being diverted from the DJJ's more costly residential program and could have positive fiscal impacts to state and local governments. The bill should have the impact of reducing the number of residential beds in the DJJ.

Additionally, the bill requires the DJJ to collect data regarding juveniles who are eligible to be prosecuted as an adult. This would require modification of the Juvenile Justice Information System at an estimated cost of \$93,600. The time necessary for analysis, design, testing, and implementation could take up to 6 months to complete.<sup>34</sup>

Any resources required by the OPPAGA to assist the DJJ with the annual reporting required by the bill is unknown at this time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 25.052 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 985.12 and 985.557.

This bill makes conforming technical changes to the following sections of the Florida Statutes: 943.051 and 985.11.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Appropriations on April 13, 2017:**

The committee substitute:

- Requires the Supreme Court to annually report on its cases without a decision or disposition beyond a 180-day period;
- Requires the Supreme Court include specified information in the annual report;

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<sup>33</sup> Office of the State Courts Administrator, *2017 Judicial Impact Statement SB 878*, (March 7, 2017) (on file with the Senate Criminal Justice Committee).

<sup>34</sup> Department of Juvenile Justice, *2016 Bill Analysis for SB 314 (2016)*, (September 28, 2015) (on file with the Senate Criminal Justice Committee).

- Provides discretion for a law enforcement officer to issue a civil citation if a juvenile has a pending felony charge;
- Allows a law enforcement officer to determine if there is good cause to arrest a juvenile who has failed to comply with program requirements or allow the juvenile to continue in the program;
- Specifies that at least one program must be countywide and that counties can work together;
- Provides a law enforcement officer the discretion to issue a civil citation or require the juvenile's participation in a similar diversion program if the juvenile commits more than one misdemeanor offense that arises out of the same criminal episode;
- Requires the DJJ to report annually on the best practices of the programs and the participation and outcomes for civil citation and similar diversion programs;
- Requires the DJJ to collect data regarding a juveniles who are eligible to be prosecuted as an adult; and
- Makes technical and stylistic changes.

**CS by Criminal Justice on January 23, 2017:**

The committee substitute:

- Adds the second degree misdemeanor of loitering and prowling to the list of qualifying offenses for a civil citation;
- Specifies that at least one program must be operated by the county;
- Clarifies program requirements; and
- Makes technical changes recommended by the DJJ.

**B. Amendments:**

None.