

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WITHDRAWN	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: Judiciary Committee
2 Representative Plakon offered the following:

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4 **Amendment (with title amendment)**

5 Between lines 31 and 32, insert:

6 Section 1. Section 901.40, Florida Statutes, is created to
7 read:

8 901.40 Prearrest diversion programs.-

9 (1) INTENT.-The Legislature encourages local communities
10 and public or private educational institutions to implement
11 prearrest diversion programs that afford certain adults who
12 fulfill specified intervention and community service obligations
13 the opportunity to avoid an arrest record. The Legislature does
14 not mandate that a particular prearrest diversion program for
15 adults be adopted, but finds that the adoption of the model
16 provided in this section would allow certain adults to avoid an

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17 arrest record, while ensuring that those adults receive
18 appropriate intervention and fulfill community service
19 obligations. If a prearrest diversion program is implemented,
20 the program is encouraged to share information with other
21 prearrest diversion programs.

22 (2) MODEL ADULT CIVIL CITATION PROGRAM.—Local communities
23 and public or private educational institutions may adopt a
24 program in which:

25 (a) Law enforcement officers, at their sole discretion,
26 may issue a civil citation or similar prearrest diversion
27 program notice to certain adults who commit a qualifying
28 misdemeanor offense selected by the program. A civil citation or
29 similar notice may be issued only if the adult does not contest
30 that he or she committed the offense and if the adult has not
31 previously been arrested and has not previously received an
32 adult civil citation or similar notice, unless the terms of the
33 program allow otherwise.

34 (b) An adult who receives a civil citation or similar
35 notice shall report for intake as required by the prearrest
36 diversion program and shall be provided appropriate assessment,
37 intervention, education, and behavioral health care services by
38 the program. While in the program, the adult shall perform
39 community service hours as specified by the program. The adult
40 shall pay restitution due to the victim as a program
41 requirement. If the adult does not successfully complete the

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42 prearrest diversion program, the law enforcement agency that
43 issued the civil citation or similar notice may criminally
44 charge the adult for the original offense and refer the case to
45 the state attorney to determine if prosecution is appropriate.
46 If the adult successfully completes the program, an arrest
47 record may not be associated with the offense.

48 (3) PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—
49 Representatives of participating law enforcement agencies, a
50 representative of the program services provider, the public
51 defender, the state attorney, and the clerk of the circuit court
52 shall create the prearrest diversion program and develop its
53 policies and procedures including, but not limited to,
54 eligibility criteria, program implementation and operation, and
55 the determination of the fee, if any, to be paid by adults
56 participating in the program. In developing the policies and
57 procedures for the program, the parties must solicit input from
58 other interested stakeholders. The program may be operated by an
59 entity such as a law enforcement agency, the county or
60 municipality, or another entity selected by the county or
61 municipality.

62 (4) QUALIFYING OFFENSES.—Misdemeanor offenses that qualify
63 the offender for a prearrest diversion program must be selected
64 as part of the program development under subsection (3).

65 (5) APPLICABILITY.—This section does not preempt a county
66 or municipality from enacting noncriminal sanctions for a

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67 | violation of an ordinance or other violation, and it does not
68 | preempt a county, a municipality, or a public or private
69 | educational institution from creating its own model for a
70 | prearrest diversion program for adults.

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

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Remove line 2 and insert:

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An act relating to diversion programs; creating s. 901.40, F.S.;

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encouraging local communities and public or private educational

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institutions to implement prearrest diversion programs for

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certain offenders; encouraging prearrest diversion programs to

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share information with other prearrest diversion programs;

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authorizing law enforcement officers, at their sole discretion,

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to issue a civil citation or similar prearrest diversion program

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notice to adults under specified circumstances; requiring an

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adult who is issued a civil citation or similar notice by a

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participating law enforcement agency to report for intake as

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required by the prearrest diversion program; requiring the

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program to provide certain appropriate services; requiring that

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an adult who is issued a civil citation or similar notice

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fulfill a community service requirement; requiring the adult to

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pay restitution to a victim; specifying that a law enforcement

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agency may criminally charge an adult who fails to complete the

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prearrest diversion program and refer the case for prosecution;

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92 | prohibiting an arrest record from being associated with a
93 | certain offense for an adult who successfully completes the
94 | program; requiring specified entities to create the prearrest
95 | diversion program; requiring the entities to develop policies
96 | and procedures for the development and operation of the program
97 | and to solicit input from other interested stakeholders;
98 | authorizing specified entities to operate the program;
99 | specifying how the misdemeanor offenses that are eligible for
100 | the prearrest diversion program are selected; providing
101 | applicability;