

Tab 1	SB 192 by Powell (CO-INTRODUCERS) Rouson; Juvenile Justice
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Tab 2	SB 196 by Flores (CO-INTRODUCERS) Bracy, Garcia, Baxley; (Similar to H 0205) Juvenile Civil Citation and Similar Diversion Programs
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343896	A	S	RCS	CJ, Flores	Delete L.31 - 140:	01/23 05:54 PM
811412	SA	S	WD	CJ, Brandes	Delete L.15 - 140:	01/23 05:54 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Bracy, Chair
Senator Baxley, Vice Chair

MEETING DATE: Monday, January 23, 2017
TIME: 4:00—6:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Bracy, Chair; Senator Baxley, Vice Chair; Senators Bean, Bradley, Brandes, Clemens, and Rouson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 192 Powell	Juvenile Justice; Revising the circumstances under which a state attorney may file an information when a child of a certain age range commits or attempts to commit specified crimes; prohibiting the transfer of a child to adult court under certain circumstances based on the child's competency; providing specified sanctions to which a juvenile may be sentenced, etc. CJ 01/23/2017 Temporarily Postponed ACJ AP	Temporarily Postponed
2	SB 196 Flores (Similar H 205, H 213)	Juvenile Civil Citation and Similar Diversion Programs; Requiring the establishment of civil citation or similar diversion programs for juveniles, etc. CJ 01/23/2017 Fav/CS ACJ AP	Fav/CS Yeas 5 Nays 2

Other Related Meeting Documents

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.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 192

INTRODUCER: Senators Powell and Rouson

SUBJECT: Juvenile Justice

DATE: January 20, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Hrdlicka	CJ	Pre-meeting
2.			ACJ	
3.			AP	

I. Summary:

SB 192 eliminates mandatory direct file of a child and modifies the discretionary direct file to create a system based on the child's age at the time of the offense and the type of the offense.

Specifically, the bill allows a state attorney to file an information (direct file a child) if, in the state attorney's judgment and discretion, the public interest requires that adult sanctions be considered for a child who was:

- 16 years of age or older and younger than 18 years of age at the time of the alleged offense and is charged with an enumerated offense;
- 14 years of age or older and younger than 16 years of age at the time of the alleged offense and is charged with an enumerated offense;
- 15 years of age or older and younger than 18 years of age at the time the of alleged offense and has had a prior adjudication for an offense that would be a felony if committed by an adult; or
- 17 years of age or older and younger than 18 years of age at the time of the alleged offense, has had a prior adjudication for an offense that would be a felony if committed by an adult, and has had the victim request that the offense be filed in adult court.

The bill prohibits a child eligible for direct file or who was indicted to be transferred to adult court if he or she has a pending competency hearing in juvenile court or has been previously found incompetent to proceed and has not been restored to competency by the court.

The bill removes the prohibition against imposing both adult and juvenile sanctions and creates a new blended sentencing scheme that allows the court to sentence a child to a combination of adult or juvenile sanctions. The bill provides that a child transferred to adult court may be sentenced as an adult, a youthful offender under ch. 958, F.S., or a juvenile or to a blended sentence. The bill also modifies and adds criteria that the court must consider when determining what type of sanctions are appropriate.

The bill specifies the sanctions available for a blended sanction sentence and requires the court to render an order including specific findings of fact and the reasons for its decisions to impose adult or blended sanctions.

The bill requires the Department of Juvenile Justice (DJJ) to collect and annually report data to the President of the Senate and Speaker of the House of Representatives regarding children who qualify for direct file.

The bill will likely reduce the number of children transferred to the adult system, thus increasing the DJJ's population. To the extent that this reduction occurs, the bill will likely result in a negative prison bed impact on the Department of Corrections and a positive residential bed impact on the DJJ. Please see V. Fiscal Impact Statement.

The bill is effective July 1, 2017.

II. Present Situation:

Transferring of a Child to Adult Court

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;¹
- 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;² 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 felony³ 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.⁴

If the state attorney files a motion to transfer a child to adult court, the court must hold a hearing determining whether the child should be transferred.⁵ The court must consider a variety of

¹ Section 985.556(1), F.S.

² Section 985.556(2), F.S.

³ 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.

⁴ Section 985.556(3), F.S.

⁵ Section 985.556(4), F.S.

factors in determining whether transfer is appropriate.⁶ The court must provide an order specifying the reasons for its decision to impose adult sanctions.⁷

If a child is transferred to adult court by a voluntary waiver or involuntary discretionary waiver and 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.⁸ If the transfer was by an involuntary mandatory waiver, the court must impose adult sanctions.⁹

Indictment

Section 985.56, F.S., specifies that a child charged with an offense punishable by death or life imprisonment is subject to the jurisdiction of the juvenile courts unless and until an indictment by a grand jury. If the grand jury returns an indictment on the charge, the child's case must be transferred to adult court.¹⁰

If the child is found to have committed the offense punishable by death or life imprisonment, the court must sentence the child as an adult.¹¹ If the child is instead found to have committed a lesser included offense or any other offense for which he or she was indicted as part of the criminal episode, the court may sentence the child as an adult, a youthful offender, or a juvenile.¹²

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.¹³

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;

⁶ Section 985.556(4)(c), F.S. Factors include the seriousness of the offense, the sophistication and maturity of the child, the record and previous history of the child, and whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

⁷ Section 985.556(4)(e), F.S.

⁸ Section 985.565(4)(a)2., F.S.

⁹ Section 985.565(4)(a)3., F.S.

¹⁰ Section 985.56(1), F.S.

¹¹ Section 985.565(4)(a)1., F.S.

¹² Section 985.565(4)(a)1.a.-c., F.S.

¹³ *2016 Bill Analysis for SB 314 (2016)*, Department of Juvenile Justice, (September 28, 2015) (on file with the Senate Criminal Justice Committee).

- 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.¹⁴
- 16 or 17 years of age and is charged with any felony offense;¹⁵ 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.¹⁶

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.¹⁷

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;¹⁸

¹⁴ Section 985.557(1)(a)1.-19., F.S.

¹⁵ Section 985.557(1)(b), F.S.

¹⁶ *Id.*

¹⁷ Sections 985.565(4)(a)2. and (b), F.S.

¹⁸ 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 felony¹⁹ and has been previously adjudicated delinquent or had adjudication withheld for three felonies that each occurred at least 45 days apart from each other;²⁰ or
- Is charged with committing or attempting to commit an offense listed in s. 775.087(2)(a)1.a.-p., F.S.,²¹ and during the commission of the offense the child actually possessed or discharged a firearm or destructive device;²² 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.

The court has the discretion to sentence a child transferred to adult court by mandatory direct file as an adult, a youthful offender, or a juvenile if:

- The child was 16 or 17 years old at the time of the offense, the charged offense is listed in s. 775.087(2)(a)1.a.-p., F.S., and during the commission of the offense the child actually possessed or discharged a firearm or destructive device; or
- The charged offense 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.²³

However, the court must impose adult sanctions for a child transferred to adult court by mandatory direct file who was 16 or 17 years old at the time of the offense and:

- Is charged with committing a second or subsequent violent crime against a person and has been previously adjudicated delinquent for an enumerated felony; or
- Is charged with committing a forcible felony and has been previously adjudicated delinquent or had adjudication withheld for three felonies that each occurred at least 45 days apart from each other.²⁴

¹⁹ 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.

²⁰ 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.

²¹ 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.

²² The terms “firearm” and “destructive device” are defined in s. 790.001, F.S.

²³ Section 985.565(4)(a)2., F.S.

²⁴ Section 985.565(4)(a)3., F.S.

Imposing Adult or Juvenile Sanctions

Judges often have discretion to impose adult or juvenile sanctions when a child is transferred to adult court and found to have committed an offense. In determining whether adult or juvenile sanctions are appropriate the judge must consider the following factors:

- The seriousness of the offense to the community and whether the community would best be protected by juvenile or adult sanctions;
- Whether the offense was committed in an aggressive, violent, premeditated, or willful manner;
- Whether the offense was against persons or against property;²⁵
- The sophistication and maturity of the offender;
- The record and previous history of the offender including:
 - Previous contacts with the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), the former Department of Health and Rehabilitative Services (HRS), the Department of Children and Families (DCF), law enforcement agencies, and the courts;
 - Prior periods of probation;
 - Prior adjudications that the offender committed a delinquent act or violation of law as a child; and
 - Prior commitments to the DJJ, the former HRS, the DCF, or other facilities or institutions;
- The prospects for adequate protection of the public and the likelihood of deterrence and reasonable rehabilitation of the offender if assigned to the DJJ services and facilities;
- Whether the DJJ has appropriate programs, facilities, and services immediately available; and
- Whether adult sanctions would provide more appropriate punishment and deterrence to further violations of law than juvenile sanctions.²⁶

The court is required to consider a presentence investigation (PSI) report prepared by the DOC regarding the suitability of a child for disposition as an adult or juvenile. The PSI report must include recommendations as to disposition prepared by the DJJ.²⁷ The court must give all parties²⁸ present at the disposition hearing an opportunity to comment on the issue of sentence and any proposed rehabilitative plan, and may receive and consider any other relevant and material evidence.²⁹

²⁵ Greater weight is given to offenses against persons, especially if personal injury resulted.

²⁶ Section 985.565(1)(b), F.S.

²⁷ Section 985.565(3)(a), F.S. This report requirement may be waived by the offender.

²⁸ Section 985.565(3)(b), F.S. This includes the parent, guardian, or legal custodian of the offender; the offender's counsel; the state attorney; representatives of the DOC and DJJ; the victim or victim's representative; representatives of the school system; and law enforcement involved in the case.

²⁹ Section 985.565(3)(b) and (c), F.S. Other relevant evidence may include other reports, written or oral, in its effort to determine the action to be taken with regard to the child. This evidence may be relied upon by the court to the extent of its probative value even if the evidence would not be competent in an adjudicatory hearing.

If juvenile sanctions are imposed, the court must adjudge the child to have committed a delinquent act³⁰ and may:

- Place the child on probation with the DJJ for an indeterminate period of time until he or she reaches the age of 19 years or sooner if discharged by order of the court;
- Commit the child to the DJJ for treatment in an appropriate program for an indeterminate period of time until he or she reaches 21 years of age or sooner if discharged by the DJJ;³¹ or
- Order, if the court determines not to impose youthful offender or adult sanctions, any of the following:
 - Probation and postcommitment probation or community service under s. 985.435, F.S.;
 - Restitution under s. 985.437, F.S.;
 - Violation of probation or postcommitment probation under s. 985.439, F.S.;
 - Commitment under s. 985.441, F.S.;
 - Work program liability and remuneration under s. 985.45, F.S.; and
 - Other dispositional issues under s. 985.455, F.S.³²

If the court imposes a juvenile sanction and the DJJ determines that the sanction is unsuitable for the child, the DJJ must return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions.³³

Any sentence imposing adult sanctions is presumed appropriate, and the court is not required to set forth specific findings or list the criteria used as any basis for its decision to impose adult sanctions.³⁴

The court may not sentence a child to a combination of adult and juvenile sanctions.³⁵

Effect of Transferring a Child to Adult Court

If a child transferred to adult court is found to have committed the offense or a lesser included offense, the child must have any subsequent violations of law handled in adult court.³⁶ The court must also immediately transfer and certify all unresolved³⁷ felony cases pertaining to the child to adult court for prosecution.³⁸

³⁰ Section 985.565(4)(b), F.S. Adjudication of delinquency is not deemed a conviction, nor does it operate to impose any of the civil disabilities ordinarily resulting from a conviction.

³¹ The DJJ must notify the court of its intent to discharge the child from the commitment program no later than 14 days prior to discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

³² Section 985.565(4)(b)1.-3., F.S.

³³ Section 985.565(4)(b) and (c), F.S.

³⁴ Section 985.565(4)(a)4., F.S.

³⁵ Section 985.565(4)(b), F.S.

³⁶ Sections 985.556(5), 985.56(4), and 985.557(3), F.S. This provision does not apply if the adult court imposes juvenile sanctions under s. 985.565, F.S.

³⁷ Unresolved cases include those which have not yet resulted in a plea of guilty or nolo contendere or in which a finding of guilt has not yet been made. *See* s. 985.557(3)(b), F.S.

³⁸ Sections 985.556(5), 985.56(4), and 985.557(3), F.S.

If the child is acquitted of all charged offenses (or lesser included offenses) contained in the original direct filed case, all felony cases transferred to adult court as a result of the direct file case must be subject to juvenile sanctions.³⁹

III. Effect of Proposed Changes:

Direct File (Section 1 amending s. 985.557, F.S.)

The bill substantially rewords s. 985.557, F.S., by eliminating the mandatory direct file system and modifying the discretionary direct file system to create a system based on the child's age at the time of the offense.

Children 16 and 17 years of age

A state attorney may file an information (direct file a child) if, in the state attorney's judgment and discretion, the public interest requires that adult sanctions be considered for a child who:

- Was 16 years of age or older and younger than 18 years of age at the time of the alleged offense; and
- Is charged with:
 - Murder;
 - Manslaughter;
 - Sexual battery;
 - Robbery;
 - Aggravated assault;
 - Aggravated child abuse;
 - Arson;
 - Kidnapping;
 - Unlawful throwing, placing, or discharging of a destructive device and bomb;
 - Aggravated battery;
 - Carrying, displaying, using, or threatening or attempting to use a weapon or firearm in furtherance of the commission of a felony;
 - Possessing or discharging a firearm on school property in violation of s. 790.115, F.S.;
 - Home invasion robbery;
 - Aggravated stalking;
 - Carjacking;
 - Aggravated animal cruelty by intentional acts;
 - DUI or BUI resulting in fatality, great bodily harm, permanent disability, or permanent disfigurement to a person;
 - Felony DUI or BUI in violation of s. 316.193(2)(b)1. or 3., F.S., or s. 327.35(2)(b)1. or 3., F.S., respectively;
 - Leaving the scene of an accident resulting in fatality, great bodily harm, permanent disability, or permanent disfigurement to a person;
 - Any lewd or lascivious offense committed upon or in the presence of a person younger than 16 years of age; or
 - Burglary in violation of s. 810.02(2)(a), F.S., burglary of dwelling in violation of ss. 810.02(2) or (3), F.S., or burglary in violation of ss. 810.02(3)(c) or (d), F.S.

³⁹ *Id.*

Children 14 and 15 years of age

A state attorney may file an information (direct file a child) in adult court if, in the state attorney's judgment and discretion, the public interest requires that adult sanctions be considered for a child who:

- Was 14 years of age or older and younger than 16 years of age at the time of the alleged offense; and
- Is charged with:
 - Murder;
 - Manslaughter;
 - Sexual battery;
 - Robbery;
 - Arson;
 - Kidnapping;
 - Aggravated battery;
 - Possessing or discharging any weapon or firearm on school property in violation of s. 790.115, F.S.;
 - Home invasion robbery;
 - Carjacking; or
 - Burglary of a dwelling or burglary in violation of s. 810.02(2)(a), F.S.

Children 15, 16, and 17 years of age with prior adjudication

A state attorney may file an information (direct file a child) in adult court if, in the state attorney's judgment and discretion, the public interest requires that adult sanctions be considered for a child who:

- Was 15 years of age or older and younger than 18 years of age at the time of the alleged offense; and
- Has had a prior adjudication for an offense that would be a felony if committed by an adult.

Children 17 years of age charged with simple battery

A state attorney may file an information (direct file a child) in adult court for a simple battery if, in the state attorney's judgment and discretion, the public interest requires that adult sanctions be considered for a child who:

- Is 17 years of age or older and younger than 18 years of age at the time of the alleged offense;
- Has had a prior adjudication for an offense that would be a felony if committed by an adult; and
- Has had the victim request that the case be filed in adult court.

Competency Transfer Prohibitions (Section 1, amending s. 985.557, F.S., and Section 2, amending s. 985.56, F.S.)

A child eligible for direct file or who is indicted cannot be transferred to adult court if he or she has:

- A pending competency hearing in juvenile court; or

- Been previously found to be incompetent to proceed and has not been restored to competency by a court.

Effect of Transferring a Child to Adult Court (Section 1, amending s. 985.557, F.S.)

If a child transferred to adult court is found to have committed the offense or a lesser included offense, the child must have any subsequent violations of law handled in adult court. The court must also immediately transfer and certify all unresolved⁴⁰ felony cases pertaining to the child to adult court for prosecution.

If the child is acquitted of all charged offenses (or lesser included offenses) contained in the original direct filed case, all felony cases transferred to adult court as a result of the direct file case must receive the sanctions available before they were transferred.

Direct File Data Collection (Section 1, amending s. 985.557, F.S.)

The bill requires the DJJ to collect and annually report the following data regarding children who qualify for direct file to the President of the Senate and Speaker of the House of Representatives. This data includes, but is not limited to:

- Age;
- Race and ethnicity;
- Gender;
- Circuit and county of residence and offense;
- Prior adjudicated offenses and periods of probation;
- Previous contacts with law enforcement agencies or the courts;
- Initial charges;
- Charges at disposition;
- Whether adult codefendants were involved;
- 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 abuse or neglect;
- The child's history of foster care placements, including the number of prior placements;
- Whether the child has been the subject of a children-in-need-of-services or families-in-need-of-services petition or dependency petition; and
- The case resolution in juvenile court or adult court.

If a child is transferred to adult court the DJJ must also collect disposition data, including, but not limited to, whether the child received adult, juvenile, or blended sanctions, or diversion and, if the child was sentenced to prison, the length of the sentence or enhanced sentence.

The bill does not specify when this annual report must be made.

⁴⁰ Unresolved cases include those which have not yet resulted in a plea of guilty or nolo contendere or in which a finding of guilt has not been made. *See* s. 985.557(3)(b), F.S.

Potential Sanctions (Section 3, amending s. 985.565, F.S.)

Unlike current law, the bill does not require the court to impose adult sanctions. The bill also removes the prohibition against imposing both adult and juvenile sanctions and creates a new blended sentencing scheme that allows the court to sentence a child to a combination of adult or juvenile sanctions. The bill provides that a child transferred pursuant to an information (direct file), indictment, or waiver of juvenile court jurisdiction and found to have committed a violation of law or a lesser included offense may be sentenced:

- As an adult;
- As a youthful offender under ch. 958, F.S.;
- As a juvenile; or
- To a blended sentence.

Specifically, a child's sentence may include a term of imprisonment, community control, probation, commitment to the DJJ for treatment in an appropriate program, juvenile probation, any combination of these sanctions, or any other sanction authorized by law. The sentence may not exceed the maximum term that an adult may serve for the same offense.

Determining Whether to Impose Adult, Juvenile, or Blended Sanctions

The bill adds additional criteria and modifies existing criteria that the court must consider when determining whether to impose adult, juvenile, or blended sanctions.

The bill adds the following additional criteria that courts must consider:

- The extent of the child's participation in the offense.
- The effect, if any, of familial or peer pressure on the child's actions.
- Whether the DOC has appropriate programs, facilities, and services immediately available for the child.

The bill modifies the following existing criteria that courts must consider:

- The sophistication and maturity of the child to include:
 - The child's age, maturity, intellectual capacity, and mental and emotional health at the time of the offense;
 - The child's background, including his or her family, home, and community environment;
 - The effect, if any, of immaturity, impetuosity, or failure to appreciate the risks and consequences on the child's participation in the offense; and
 - The effect, if any, of characteristics attributable to the child's age on the child's judgment.
- The record and previous history of the child to include:
 - Previous contacts or commitments with the DOC, DJJ, the former HRS, and DCF and *the adequacy and appropriateness of the services provided to address the child's needs*;
 - Previous contacts with law enforcement agencies and the courts;
 - History of abuse, abandonment or neglect, or foster care placements; and
 - Identification of the child as having a disability or having previously received mental health services or treatment.

The court may consider any reports that may assist in its decision, including, but not limited to, prior predisposition reports, psychosocial assessments, individualized education plans, developmental assessments, school records, abuse or neglect reports, home studies, protective investigations, and psychological or psychiatric evaluations. The child, the state, and defense counsel have the right to examine the reports, and to question the parties responsible for them at the sentencing hearing.

Blended Sanctions

If the court imposes blended sanctions it must withhold adjudication of guilt as an adult and adjudge the child to have committed a delinquent act.⁴¹ The court must also place the child on adult probation, youthful offender probation, or community control through the DOC with a special condition to successfully complete a residential commitment program with the appropriate restrictiveness level. The judge may also impose any other adult sanction authorized by law and the enforcement of an order of restitution or probation previously ordered in any juvenile proceeding.

In determining the appropriate restrictiveness level for a child the court must consider the recommendations of the DJJ, the state attorney, and the child's attorney when determining placement, but is not bound by any recommendation. The court may order the child's incarceration in a juvenile detention center or county jail pending placement in the residential commitment program.

The DJJ is required to notify the court and the DOC of its intent to discharge a child from the residential commitment program no later than 14 days prior to discharge. Failure of the court's timely response to the notice is considered approval for discharge.

The bill requires the court to render an order including specific findings of fact and the reasons for its decisions to impose adult or blended sanctions.

The bill also amends s. 985.556, F.S., to reflect changes made in the act and reenacts ss. 985.15, 985.265, 985.514, 985.56, and 985.556, F.S., to incorporate amendments by the bill to statutes that are cross-referenced in the reenacted sections.

The bill is effective July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴¹ An adjudication of delinquency may not be deemed a conviction and may not impose any civil disabilities resulting from a conviction.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill is likely to reduce the number of children transferred to the adult system, thus increasing the DJJ's population. To the extent that this reduction occurs, the bill will likely result in a negative prison bed impact (a decrease in the number of prison beds) on the DOC and a positive residential bed impact (an increase in the number of beds) on the DJJ.

The DJJ's conservative estimate is that the bill will avert approximately 644 youth from direct file. Based on the average lengths of stay for each level and using current average per diem rates and current cost per youth under supervision for FY 2014-15, the DJJ estimates the fiscal impact of the bill to be a minimum of \$35.7 million annually.⁴²

This fiscal impact estimate does not take into consideration the need to procure additional programs and to build or procure facilities to accommodate this additional population. The DJJ current operating capacity is just over 2,100 residential beds and has a utilization rate of 92 percent. If sufficient beds were not made available, youth awaiting placement to a residential program would be housed in secure detention or in their home communities, creating a significant back log of youth awaiting placement.

Alternatively, the DJJ would require funding to procure additional programs and to build or procure facilities to house these youths in addition to the \$35.7 million addressed previously. Construction costs could exceed \$100 million to provide bed space sufficient for the high-risk and max-risk residential programs. The per diem rates used are based on per diems for programs that utilize the DJJ (state-owned) facilities. Per diem rates for programs that do not utilize state-owned facilities are potentially higher.

Additionally, the bill requires the DJJ to collect additional data for review and analysis which 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.

⁴² 2016 Bill Analysis for HB 129 (2016), Department of Juvenile Justice, (October 26, 2015) (on file with the Senate Criminal Justice Committee).

VI. Technical Deficiencies:

None.

VII. Related Issues:

Data of the DJJ's Office of Research and Data Integrity show a downward trend in adult court transfers between FY 2010-2011 and FY 2014-2015, which exceeded the decline in felony arrests. Transfers declined 46 percent over the five-year period, while felony arrests declined 20 percent. During FY 2014-2015, a total of 1,282 individual youths were transferred to the adult court in Florida.⁴³

Under current law and the bill children under 14 years of age cannot be subject to a direct file.

The bill is likely to reduce the number of children transferred to the adult system, thus increasing the DJJ's population which could make implementation by the July 1, 2017, effective date difficult.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 985.557, 985.56, 985.565, and 985.556.

This bill reenacts the following sections of the Florida Statutes: 985.15, 985.265, and 985.514.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁴³ 2016 Bill Analysis for SB 314 (2016), Department of Juvenile Justice, (September 28, 2015) (on file with the Senate Criminal Justice Committee).

By Senator Powell

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A bill to be entitled

An act relating to juvenile justice; amending s. 985.557, F.S.; revising the circumstances under which a state attorney may file an information when a child of a certain age range commits or attempts to commit specified crimes; deleting a requirement that a state attorney file an information under certain circumstances; prohibiting the transfer of a child to adult court under certain circumstances based on the child's competency; requiring the Department of Juvenile Justice to collect specified data under certain circumstances; requiring the department to provide an annual report to the Legislature; amending s. 985.56, F.S.; prohibiting the transfer of a child to adult court under certain circumstances based on the child's competency; amending s. 985.565, F.S.; providing specified sanctions to which a juvenile may be sentenced; prohibiting a sentence from exceeding the maximum term that an adult may serve for the same offense; revising the criteria to be used in determining whether to impose juvenile or adult sanctions; requiring the adult court to enter an order including specific findings of fact and the reasons for its decision; authorizing the court to consider certain reports that may assist it; providing for the examination of the reports by certain parties; revising how a child may be sanctioned under certain circumstances; removing a provision that requires a court to impose adult sanctions under certain circumstances; requiring the court to explain the basis for imposing adult sanctions; revising when juvenile sanctions may be imposed; providing criteria

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for blended sanctions; amending s. 985.556, F.S.; conforming a cross-reference; reenacting ss. 985.15(1) and 985.265(5), F.S., relating to filing decisions and detention transfer and release, education, and adult jails, respectively, to incorporate the amendment made to s. 985.557, F.S., in references thereto; reenacting ss. 985.514(3) and 985.56(3) and (4)(a), F.S., relating to responsibility for cost of care and fees and indictment of a juvenile, respectively, to incorporate the amendment made to s. 985.565, F.S., in references thereto; reenacting s. 985.556(3) and (5)(a), F.S., relating to waiver of juvenile court jurisdiction and hearings, to incorporate the amendments made to ss. 985.557 and 985.565, F.S., in references thereto; providing an effective date.

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

Section 1. Section 985.557, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 985.557, F.S., for present text.)
985.557 Direct filing of an information.-
(1) DIRECT FILE.-

(a) With respect to a child who was 16 years of age or older and younger than 18 years of age at the time the alleged offense was committed, the state attorney may file an information if, in the state attorney's judgment and discretion, the public interest requires that adult sanctions be considered

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62 and the offense charged is for the commission of or attempt to
 63 commit:
 64 1. Murder;
 65 2. Manslaughter;
 66 3. Sexual battery;
 67 4. Robbery;
 68 5. Aggravated assault;
 69 6. Aggravated child abuse;
 70 7. Arson;
 71 8. Kidnapping;
 72 9. Unlawful throwing, placing, or discharging of a
 73 destructive device or bomb;
 74 10. Aggravated battery;
 75 11. Carrying, displaying, using, or threatening or
 76 attempting to use a weapon or firearm in furtherance of the
 77 commission of a felony;
 78 12. Possessing or discharging a weapon or firearm on school
 79 property in violation of s. 790.115;
 80 13. Home invasion robbery;
 81 14. Aggravated stalking;
 82 15. Carjacking;
 83 16. Aggravated animal cruelty by intentional acts;
 84 17. DUI or BUI resulting in fatality, great bodily harm,
 85 permanent disability, or permanent disfigurement to a person;
 86 18. Felony DUI or BUI in violation of s. 316.193(2)(b)1. or
 87 3. or s. 327.35(2)(b)1. or 3., respectively;
 88 19. Leaving the scene of an accident resulting in fatality,
 89 great bodily harm, permanent disability, or permanent
 90 disfigurement to a person;

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91 20. Any lewd or lascivious offense committed upon or in the
 92 presence of a person younger than 16 years of age; or
 93 21. Burglary in violation of s. 810.02(2)(a), burglary of a
 94 dwelling in violation of s. 810.02(2) or (3), or burglary in
 95 violation of s. 810.02(3)(c) or (d).
 96 (b) With respect to a child who was 14 years of age or
 97 older and younger than 16 years of age at the time the alleged
 98 offense was committed, the state attorney may file an
 99 information if, in the state attorney's judgment and discretion,
 100 the public interest requires that adult sanctions be considered
 101 and the offense charged is for the commission of or attempt to
 102 commit:
 103 1. Murder;
 104 2. Manslaughter;
 105 3. Sexual battery;
 106 4. Robbery;
 107 5. Aggravated battery;
 108 6. Carjacking;
 109 7. Home invasion robbery;
 110 8. Kidnapping;
 111 9. Burglary of a dwelling or burglary in violation of s.
 112 810.02(2)(a);
 113 10. Arson; or
 114 11. Possessing or discharging any weapon or firearm on
 115 school property in violation of s. 790.115.
 116 (c) With respect to a child who was 15 years of age or
 117 older and younger than 18 years of age at the time the alleged
 118 offense was committed, the state attorney may file an
 119 information for a felony if, in the state attorney's judgment

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120 and discretion, the public interest requires that adult
 121 sanctions be considered and the child has had a prior
 122 adjudication for an offense that would be a felony if committed
 123 by an adult.

124 (d) With respect to a child who is 17 years of age or older
 125 and younger than 18 years of age at the time the alleged offense
 126 was committed, the state attorney may file an information for a
 127 violation of s. 784.03(1)(b) if, in the state attorney's
 128 judgment and discretion, the public interest requires that adult
 129 sanctions be considered, the child has had a prior adjudication
 130 for an offense that would be a felony if committed by an adult,
 131 and the victim requests that the offense be filed in adult
 132 court.

133 (2) EFFECT OF DIRECT FILE.—

134 (a) If a child is transferred for criminal prosecution as
 135 an adult, the court must transfer and certify to the adult
 136 circuit court all felony cases pertaining to the child which
 137 have not yet resulted in a plea of guilty or nolo contendere or
 138 in which a finding of guilt has not been made. If the child is
 139 acquitted of all charged offenses or lesser included offenses
 140 contained in the original case transferred to adult court, any
 141 felony cases that were transferred to adult court under this
 142 subsection are subject to the same penalties they were subject
 143 to before their transfer.

144 (b) If a child has been transferred to adult court pursuant
 145 to this section and found to have committed the presenting
 146 offense or a lesser included offense, he or she must be treated
 147 as an adult for each subsequent violation of state law, unless
 148 the court imposes juvenile sanctions under s. 985.565.

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149 (3) TRANSFER PROHIBITION.—Notwithstanding any other law, a
 150 child who is eligible for direct file and who has a pending
 151 competency hearing in juvenile court or has previously been
 152 found to be incompetent and has not been restored to competency
 153 by a court may not be transferred to adult court for criminal
 154 prosecution.

155 (4) DATA COLLECTION RELATING TO DIRECT FILE.—

156 (a) The department shall collect data regarding children
 157 who qualify for direct file under subsection (1), including, but
 158 not limited to:

- 159 1. Age.
- 160 2. Race and ethnicity.
- 161 3. Gender.
- 162 4. Circuit and county of residence.
- 163 5. Circuit and county of offense.
- 164 6. Prior adjudicated offenses.
- 165 7. Prior periods of probation.
- 166 8. Previous contacts with law enforcement agencies or the
 167 courts.
- 168 9. Initial charges.
- 169 10. Charges at disposition.
- 170 11. Whether adult codefendants were involved.
- 171 12. Whether child codefendants were involved who were
 172 transferred to adult court.
- 173 13. Whether the child was represented by counsel.
- 174 14. Whether the child has waived counsel.
- 175 15. Risk assessment instrument score.
- 176 16. The child's medical, mental health, substance abuse, or
 177 trauma history.

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178 17. The child's history of abuse or neglect.
 179 18. The child's history of foster care placements,
 180 including the number of prior placements.
 181 19. Whether the child has been the subject of a children-
 182 in-need-of-services or families-in-need-of-services petition or
 183 dependency petition.
 184 20. The case resolution in juvenile court.
 185 21. The case resolution in adult court.
 186 (b) If a child is transferred for criminal prosecution as
 187 an adult, the department must also collect disposition data,
 188 including, but not limited to, whether the child received adult
 189 sanctions, juvenile sanctions, blended sanctions, or diversion
 190 and, if sentenced to prison, the length of prison sentence or
 191 enhanced sentence.
 192 (c) The department shall annually provide a report
 193 analyzing this aggregated data to the President of the Senate
 194 and the Speaker of the House of Representatives.
 195 Section 2. Subsection (5) is added to section 985.56,
 196 Florida Statutes, to read:
 197 985.56 Indictment of a juvenile.-
 198 (5) Notwithstanding any other law, a child who is eligible
 199 for indictment and who has a pending competency hearing in
 200 juvenile court or has previously been found to be incompetent
 201 and has not been restored to competency by a court may not be
 202 transferred to adult court for criminal prosecution.
 203 Section 3. Subsection (1), paragraphs (a) and (c) of
 204 subsection (3), and subsection (4) of section 985.565, Florida
 205 Statutes, are amended to read:
 206 985.565 Sentencing powers; procedures; alternatives for

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207 juveniles prosecuted as adults.-
 208 (1) POWERS OF DISPOSITION.-
 209 (a) A child in adult court who is found to have committed a
 210 violation of law may be sentenced to adult sanctions, juvenile
 211 sanctions, or blended sanctions consisting of both juvenile and
 212 adult sanctions. The child's sentence may include a term of
 213 imprisonment, community control, probation, commitment,~~as an~~
 214 ~~alternative to adult dispositions, be committed to the~~
 215 ~~department for treatment in an appropriate program, for children~~
 216 ~~outside the adult correctional system or be placed on juvenile~~
 217 ~~probation, or any combination thereof. The sentence may also~~
 218 include any other sanction authorized by law. A sentence imposed
 219 under this section may not exceed the maximum term that an adult
 220 may serve for the same offense.
 221 (b) In determining whether to impose juvenile sanctions,
 222 ~~instead of adult sanctions, or blended sanctions,~~ the court
 223 shall consider the following criteria:
 224 1. The seriousness of the offense to the community and
 225 whether the protection of the community would be best served be
 226 ~~protected by juvenile, or adult, or blended sanctions.~~
 227 2. The extent of the child's participation in the offense.
 228 3. The effect, if any, of familial or peer pressure on the
 229 child's actions.
 230 ~~4.2-~~ Whether the offense was committed in an aggressive,
 231 violent, premeditated, or willful manner.
 232 ~~5.3-~~ Whether the offense was against persons or against
 233 property, with greater weight being given to offenses against
 234 persons, especially if personal injury resulted.
 235 ~~6.4-~~ The sophistication and maturity of the child,

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236 ~~including: offender.~~

237 a. The child's age, maturity, intellectual capacity, and
238 mental and emotional health at the time of the offense.

239 b. The child's background, including his or her family,
240 home, and community environment.

241 c. The effect, if any, of immaturity, impetuosity, or
242 failure to appreciate the risks and consequences on the child's
243 participation in the offense.

244 d. The effect, if any, of characteristics attributable to
245 the child's age on the child's judgment.

246 ~~7.5-~~ The record and previous history of the ~~child offender,~~
247 including:

248 a. Previous contacts with the Department of Corrections,
249 the Department of Juvenile Justice, the former Department of
250 Health and Rehabilitative Services, or the Department of
251 Children and Families, and the adequacy and appropriateness of
252 the services provided to address the child's needs ~~law~~
253 ~~enforcement agencies, and the courts.~~

254 b. Prior periods of probation.

255 c. Prior adjudications that the offender committed a
256 delinquent act or violation of law as a child.

257 d. Prior commitments to the Department of Juvenile Justice,
258 the former Department of Health and Rehabilitative Services, the
259 Department of Children and Families, or other facilities or
260 institutions, and the adequacy and appropriateness of the
261 services provided to address the child's needs.

262 e. Previous contacts with law enforcement agencies and the
263 courts.

264 f. History of abuse, abandonment or neglect, or foster care

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265 placements.

266 g. Identification of the child as having a disability or
267 having previously received mental health services or treatment.

268 ~~8.6-~~ The prospects for adequate protection of the public
269 and the likelihood of deterrence and reasonable rehabilitation
270 of the offender if assigned to services and facilities of the
271 Department of Juvenile Justice.

272 ~~9.7-~~ Whether the Department of Juvenile Justice has
273 appropriate programs, facilities, and services immediately
274 available.

275 ~~10.8-~~ Whether adult sanctions would provide more
276 appropriate punishment and deterrence to further violations of
277 law than the imposition of juvenile sanctions.

278 11. Whether the Department of Corrections has appropriate
279 programs, facilities, and services immediately available.

280 (c) The adult court shall enter an order under paragraph
281 (4) (b) for its sentencing decision.

282 (3) SENTENCING HEARING.-

283 (a) At the sentencing hearing the court shall receive and
284 consider a presentence investigation report by the Department of
285 Corrections regarding the suitability of the offender for
286 ~~disposition as an adult sanctions, or as a juvenile sanctions,~~
287 or blended sanctions. The presentence investigation report must
288 include a comments section prepared by the Department of
289 Juvenile Justice, with its recommendations as to disposition.
290 This report requirement may be waived by the offender.

291 (c) The court may receive and consider any other relevant
292 and material evidence, including other reports, written or oral,
293 in its effort to determine the action to be taken with regard to

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294 the child, and may rely upon such evidence to the extent of its
 295 probative value even if the evidence would not be competent in
 296 an adjudicatory hearing. Reports the court may consider include,
 297 but are not limited to, prior predisposition reports,
 298 psychosocial assessments, individualized educational plans,
 299 developmental assessments, school records, abuse or neglect
 300 reports, home studies, protective investigations, and
 301 psychological or psychiatric evaluations. The child, the child's
 302 defense counsel, and the state attorney have the right to
 303 examine the reports and to question the parties responsible for
 304 the reports at the hearing.

305 (4) SENTENCING ALTERNATIVES.-

306 (a) ~~Adult Sanctions.~~-

307 ~~1. Cases prosecuted on indictment. If the child is found to~~
 308 ~~have committed the offense punishable by death or life~~
 309 ~~imprisonment, the child shall be sentenced as an adult. If the~~
 310 ~~juvenile is not found to have committed the indictable offense~~
 311 ~~but is found to have committed a lesser included offense or any~~
 312 ~~other offense for which he or she was indicted as a part of the~~
 313 ~~criminal episode, the court may sentence as follows:~~

314 a. ~~As an adult,~~

315 b. ~~Under chapter 958, or~~

316 c. ~~As a juvenile under this section.~~

317 ~~2. Other cases.~~-If a child who has been transferred to
 318 adult court for criminal prosecution pursuant to indictment,
 319 information, or waiver of juvenile court jurisdiction is found
 320 to have committed a violation of state law or a lesser included
 321 offense for which he or she was charged as a part of the
 322 criminal episode, the court may sentence as follows:

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323 ~~1.a.~~ As an adult;
 324 ~~2.b.~~ As a youthful offender under chapter 958; ~~or~~
 325 ~~3.e.~~ As a juvenile under this section; or
 326 ~~4. To a blended sanction as provided in paragraph (e).~~
 327 ~~3. Notwithstanding any other provision to the contrary, if~~
 328 ~~the state attorney is required to file a motion to transfer and~~
 329 ~~certify the juvenile for prosecution as an adult under s.~~
 330 ~~985.556(3) and that motion is granted, or if the state attorney~~
 331 ~~is required to file an information under s. 985.557(2)(a) or~~
 332 ~~(b), the court must impose adult sanctions.~~
 333 ~~(b)4. Findings.~~-The court must Any sentence imposing adult
 334 sanctions is presumed appropriate, and the court is not required
 335 to set forth specific findings or enumerate the criteria in
 336 paragraph (1) (b) this subsection as the any basis for its
 337 decision to impose adult or blended sanctions.
 338 ~~(c)5. Restitution.~~-If ~~When~~ a child has been transferred for
 339 criminal prosecution as an adult and ~~has been~~ found to have
 340 committed a violation of state law, the disposition of the case
 341 may include the enforcement of any restitution ordered in any
 342 juvenile proceeding.
 343 ~~(d)(b) Juvenile sanctions.~~-If juvenile sanctions ~~For~~
 344 juveniles transferred to adult court but who do not qualify for
 345 such transfer under s. 985.556(3) or s. 985.557(2)(a) or (b),
 346 the court may impose juvenile sanctions under this paragraph. If
 347 juvenile sentences are imposed, the court shall, under this
 348 paragraph, adjudge the child to have committed a delinquent act.
 349 An adjudication of delinquency may shall not be deemed a
 350 conviction and may not, nor shall it operate to impose any of
 351 the civil disabilities ordinarily resulting from a conviction.

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352 ~~The court shall impose an adult sanction or a juvenile sanction~~
 353 ~~and may not sentence the child to a combination of adult and~~
 354 ~~juvenile punishments. An adult sanction or~~ A juvenile sanction
 355 may include enforcement of an order of restitution or probation
 356 previously ordered in any juvenile proceeding. However, if the
 357 court imposes a juvenile sanction and the department determines
 358 that the sanction is unsuitable for the child, the department
 359 shall return custody of the child to the sentencing court for
 360 further proceedings, including the imposition of adult
 361 sanctions. Upon adjudicating a child delinquent under this
 362 paragraph subsection (1), the court may:

363 1. Place the child in a probation program under the
 364 supervision of the department for an indeterminate period of
 365 time until the child reaches the age of 19 years or sooner if
 366 discharged by order of the court.

367 2. Commit the child to the department for treatment in an
 368 appropriate program for children for an indeterminate period of
 369 time until the child is 21 or sooner if discharged by the
 370 department. The department shall notify the court of its intent
 371 to discharge no later than 14 days before ~~prior to~~ discharge.
 372 Failure of the court to timely respond to the department's
 373 notice shall be considered approval for discharge.

374 3. Order disposition under ss. 985.435, 985.437, 985.439,
 375 985.441, 985.45, and 985.455 as an alternative to youthful
 376 offender or adult sentencing if the court determines not to
 377 impose youthful offender or adult sanctions.

378 (e) Blended sanctions.—If blended sanctions are imposed,
 379 the court must withhold adjudication of guilt as an adult and
 380 adjudge the child to have committed a delinquent act. An

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381 adjudication of delinquency under this paragraph may not be
 382 deemed a conviction and may not operate to impose any of the
 383 civil disabilities ordinarily resulting from a conviction.

384 1. The court shall place the child on adult probation,
 385 youthful offender probation under chapter 958, or community
 386 control through the Department of Corrections with a special
 387 condition to successfully complete a residential commitment
 388 program with an appropriate restrictiveness level. The sentence
 389 may also include any other adult sanction authorized by law. A
 390 blended sanction may include enforcement of an order of
 391 restitution or probation previously ordered in any juvenile
 392 proceeding.

393 2. Notwithstanding any law to the contrary, the court
 394 determining the appropriate restrictiveness level for a child
 395 shall consider the recommendations of the department, the state
 396 attorney, and the child's attorney but is not bound by any such
 397 recommendation. The court may order the child's incarceration in
 398 the juvenile detention center or county jail pending placement
 399 in the residential commitment program.

400 3. The department shall notify the court and the Department
 401 of Corrections of its intent to discharge the child from the
 402 residential commitment program no later than 14 days before
 403 discharge. Failure of the court to timely respond to the
 404 department's notice shall be considered approval for discharge.

405 (f)(e) Resentencing Adult sanctions upon failure of
 406 juvenile sanctions.—If a child proves not to be suitable to a
 407 commitment program, juvenile probation program, or treatment
 408 program under paragraph (d) ~~(b)~~, the department shall provide
 409 the sentencing court with a written report outlining the basis

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410 for its objections to the juvenile sanction and shall
 411 simultaneously provide a copy of the report to the state
 412 attorney and the defense counsel. The department shall schedule
 413 a hearing within 30 days. Upon hearing, the court may revoke the
 414 previous adjudication of delinquency, impose an adjudication of
 415 guilt, and impose any sentence ~~that which~~ it may lawfully
 416 impose, giving credit for all time spent by the child in the
 417 department. The court may also classify the child as a youthful
 418 offender under s. 958.04, if appropriate. For purposes of this
 419 paragraph, a child may be found not suitable to a commitment
 420 program, community control program, or treatment program under
 421 paragraph (d) ~~(b)~~ if the child commits a new violation of law
 422 while under juvenile sanctions, if the child commits any other
 423 violation of the conditions of juvenile sanctions, if the child
 424 is found to be noncompliant with the commitment program, or if
 425 the child's actions are otherwise determined by the court to
 426 demonstrate a failure of juvenile sanctions.

427 (g) ~~(d)~~ Further proceedings heard in adult court.—If ~~when~~ a
 428 child is sentenced to juvenile sanctions or blended sanctions,
 429 further proceedings involving those sanctions shall continue to
 430 be heard in the adult court.

431 (h) ~~(e)~~ School attendance.—If the child is attending or is
 432 eligible to attend public school and the court finds that the
 433 victim or a sibling of the victim in the case is attending or
 434 may attend the same school as the child, the court placement
 435 order shall include a finding pursuant to the proceeding
 436 described in s. 985.455(2), regardless of whether adjudication
 437 is withheld.

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439 It is the intent of the Legislature that the criteria and
 440 guidelines in this subsection are mandatory and that a
 441 determination of disposition under this subsection is subject to
 442 the right of the child to appellate review under s. 985.534.

443 Section 4. Subsection (1) of section 985.556, Florida
 444 Statutes, is amended to read:

445 985.556 Waiver of juvenile court jurisdiction; hearing.—

446 (1) VOLUNTARY WAIVER.—The court shall transfer and certify
 447 a child's criminal case for trial as an adult if the child is
 448 alleged to have committed a violation of law and, before ~~prior~~
 449 ~~to~~ the commencement of an adjudicatory hearing, the child,
 450 joined by a parent or, in the absence of a parent, by the
 451 guardian or guardian ad litem, demands in writing to be tried as
 452 an adult. Once a child has been transferred for criminal
 453 prosecution pursuant to a voluntary waiver hearing and has been
 454 found to have committed the presenting offense or a lesser
 455 included offense, the child shall be handled thereafter in every
 456 respect as an adult for any subsequent violation of state law,
 457 unless the court imposes juvenile sanctions under s.
 458 985.565(4) (d) ~~s. 985.565(4) (b)~~.

459 Section 5. For the purpose of incorporating the amendment
 460 made by this act to section 985.557, Florida Statutes, in a
 461 reference thereto, subsection (1) of section 985.15, Florida
 462 Statutes, is reenacted to read:

463 985.15 Filing decisions.—

464 (1) The state attorney may in all cases take action
 465 independent of the action or lack of action of the juvenile
 466 probation officer and shall determine the action that is in the
 467 best interest of the public and the child. If the child meets

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468 the criteria requiring prosecution as an adult under s. 985.556,
 469 the state attorney shall request the court to transfer and
 470 certify the child for prosecution as an adult or shall provide
 471 written reasons to the court for not making such a request. In
 472 all other cases, the state attorney may:

473 (a) File a petition for dependency;
 474 (b) File a petition under chapter 984;
 475 (c) File a petition for delinquency;
 476 (d) File a petition for delinquency with a motion to
 477 transfer and certify the child for prosecution as an adult;
 478 (e) File an information under s. 985.557;
 479 (f) Refer the case to a grand jury;
 480 (g) Refer the child to a diversionary, pretrial
 481 intervention, arbitration, or mediation program, or to some
 482 other treatment or care program if such program commitment is
 483 voluntarily accepted by the child or the child's parents or
 484 legal guardian; or
 485 (h) Decline to file.

486 Section 6. For the purpose of incorporating the amendment
 487 made by this act to section 985.557, Florida Statutes, in a
 488 reference thereto, subsection (5) of section 985.265, Florida
 489 Statutes, is reenacted to read:

490 985.265 Detention transfer and release; education; adult
 491 jails.-
 492 (5) The court shall order the delivery of a child to a jail
 493 or other facility intended or used for the detention of adults:
 494 (a) When the child has been transferred or indicted for
 495 criminal prosecution as an adult under part X, except that the
 496 court may not order or allow a child alleged to have committed a

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497 misdemeanor who is being transferred for criminal prosecution
 498 pursuant to either s. 985.556 or s. 985.557 to be detained or
 499 held in a jail or other facility intended or used for the
 500 detention of adults; however, such child may be held temporarily
 501 in a detention facility; or
 502 (b) When a child taken into custody in this state is wanted
 503 by another jurisdiction for prosecution as an adult.
 504

505 The child shall be housed separately from adult inmates to
 506 prohibit a child from having regular contact with incarcerated
 507 adults, including trustees. "Regular contact" means sight and
 508 sound contact. Separation of children from adults shall permit
 509 no more than haphazard or accidental contact. The receiving jail
 510 or other facility shall contain a separate section for children
 511 and shall have an adequate staff to supervise and monitor the
 512 child's activities at all times. Supervision and monitoring of
 513 children includes physical observation and documented checks by
 514 jail or receiving facility supervisory personnel at intervals
 515 not to exceed 10 minutes. This subsection does not prohibit
 516 placing two or more children in the same cell. Under no
 517 circumstances shall a child be placed in the same cell with an
 518 adult.

519 Section 7. For the purpose of incorporating the amendment
 520 made by this act to section 985.565, Florida Statutes, in a
 521 reference thereto, subsection (3) of section 985.514, Florida
 522 Statutes, is reenacted to read:

523 985.514 Responsibility for cost of care; fees.-
 524 (3) When the court under s. 985.565 orders any child
 525 prosecuted as an adult to be supervised by or committed to the

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526 department for treatment in any of the department's programs for
 527 children, the court shall order the child's parents to pay fees
 528 as provided in s. 985.039.

529 Section 8. For the purpose of incorporating the amendment
 530 made by this act to section 985.565, Florida Statutes, in
 531 references thereto, subsection (3) and paragraph (a) of
 532 subsection (4) of section 985.56, Florida Statutes, are
 533 reenacted to read:

534 985.56 Indictment of a juvenile.—

535 (3) If the child is found to have committed the offense
 536 punishable by death or by life imprisonment, the child shall be
 537 sentenced as an adult. If the juvenile is not found to have
 538 committed the indictable offense but is found to have committed
 539 a lesser included offense or any other offense for which he or
 540 she was indicted as a part of the criminal episode, the court
 541 may sentence under s. 985.565.

542 (4) (a) Once a child has been indicted pursuant to this
 543 section and has been found to have committed any offense for
 544 which he or she was indicted as a part of the criminal episode,
 545 the child shall be handled thereafter in every respect as if an
 546 adult for any subsequent violation of state law, unless the
 547 court imposes juvenile sanctions under s. 985.565.

548 Section 9. For the purpose of incorporating the amendments
 549 made by this act to sections 985.557 and 985.565, Florida

550 Statutes, in references thereto, subsection (3) and paragraph
 551 (a) of subsection (5) of section 985.556, Florida Statutes, are
 552 reenacted to read:

553 985.556 Waiver of juvenile court jurisdiction; hearing.—

554 (3) INVOLUNTARY MANDATORY WAIVER.—

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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555 (a) If the child was 14 years of age or older, and if the
 556 child has been previously adjudicated delinquent for an act
 557 classified as a felony, which adjudication was for the
 558 commission of, attempt to commit, or conspiracy to commit
 559 murder, sexual battery, armed or strong-armed robbery,
 560 carjacking, home-invasion robbery, aggravated battery,
 561 aggravated assault, or burglary with an assault or battery, and
 562 the child is currently charged with a second or subsequent
 563 violent crime against a person; or

564 (b) If the child was 14 years of age or older at the time
 565 of commission of a fourth or subsequent alleged felony offense
 566 and the child was previously adjudicated delinquent or had
 567 adjudication withheld for or was found to have committed, or to
 568 have attempted or conspired to commit, three offenses that are
 569 felony offenses if committed by an adult, and one or more of
 570 such felony offenses involved the use or possession of a firearm
 571 or violence against a person;

572
 573 the state attorney shall request the court to transfer and
 574 certify the child for prosecution as an adult or shall provide
 575 written reasons to the court for not making such request, or
 576 proceed under s. 985.557(1). Upon the state attorney's request,
 577 the court shall either enter an order transferring the case and
 578 certifying the case for trial as if the child were an adult or
 579 provide written reasons for not issuing such an order.

580 (5) EFFECT OF ORDER WAIVING JURISDICTION.—

581 (a) Once a child has been transferred for criminal
 582 prosecution pursuant to an involuntary waiver hearing and has
 583 been found to have committed the presenting offense or a lesser

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2017192__

584 included offense, the child shall thereafter be handled in every
585 respect as an adult for any subsequent violation of state law,
586 unless the court imposes juvenile sanctions under s. 985.565.

587 Section 10. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/17

Meeting Date

192

Bill Number (if applicable)

Topic Juvenile Justice

Amendment Barcode (if applicable)

Name Arthur Rosenberg

Job Title Attorney

Address 3000 Biscayne Blvd, #106

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City

FL

State

33137

Zip

Email arthur@floridalegal.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Legal Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

23 Jan 17

Meeting Date

192

Bill Number (if applicable)

Topic Juvenile Justice

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title President & CEO

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Street

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Tallahassee, FL 32301

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State

Zip

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Email justicealliance.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 196

INTRODUCER: Criminal Justice Committee and Senator Flores and others

SUBJECT: Juvenile Civil Citation and Similar Diversion Programs

DATE: January 24, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Hrdlicka	CJ	Fav/CS
2.			ACJ	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 196 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.);
- 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 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; or
- A second-time or third-time misdemeanor offense not enumerated in the bill.

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 specifies that the option of the issuance of a civil citation or referral to a similar diversion program does not apply to:

- A juvenile who is alleged to have committed, is currently charged with, or has plead or has been convicted of a felony; or
- A misdemeanor offense arising out of an episode in which the juvenile is also alleged to have committed a felony.

The bill could have positive fiscal impact to state and local governments because an increase in civil citation or similar diversion programs could lead to juveniles being diverted from the costlier juvenile justice system.

The bill is effective July 1, 2017.

II. Present Situation:

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.¹

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 misdemeanor² 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.³

¹ Section 985.12(1) and (2), F.S.

² 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).

³ Section 985.12(1), F.S.

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.⁴ 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.⁵ If an arrest is made, the law enforcement officer must provide written documentation as to why an arrest was warranted.⁶

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.⁷

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 officer must issue a report to the DJJ alleging that the juvenile has committed a delinquent act, thereby initiating formal judicial processing.⁸

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.⁹

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.¹⁰

III. Effect of Proposed Changes:

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 operated by the county.

⁴ *Id.*

⁵ Section 985.12(6), F.S. A juvenile may refuse the civil citation at any time before completion of the work assignment.

⁶ Section 985.12(1), F.S.

⁷ Section 985.12(4), F.S.

⁸ Section 985.12(5), F.S.

⁹ *2017 Bill Analysis for SB 196*, Department of Juvenile Justice, (January 18, 2017) (on file with the Senate Criminal Justice Committee).

¹⁰ *Id.*

The bill requires a law enforcement officer¹¹ 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:¹²

- Possession of alcoholic beverages by a person under age 21 (s. 562.111, F.S.);
- Battery (s. 784.03(1), 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; or
- A second-time or third-time misdemeanor offense not enumerated in the bill.

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 specifies that the option for receiving a civil citation or referral to a similar diversion program does not apply to:

- A juvenile who is alleged to have committed, is currently charged with, or has plead or has been convicted of a felony; or
- A misdemeanor offense arising out of an episode in which the juvenile is also alleged to have committed a felony.

The bill provides that the civil citation statute, s. 985.12, F.S., does not modify the authority of a law enforcement officer to issue a simple warning to a juvenile or to notice the juvenile's guardian or parent for an alleged misdemeanor offense.

¹¹ 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.

¹² A "misdemeanor offense" is defined as one or more violations of law arising out of the same criminal episode, act, or transaction.

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 civil citations 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.

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.

The bill amends ss. 943.051 and 985.11, F.S., to make conforming changes.

The bill is effective July 1, 2017.

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 bill could have positive fiscal impacts to state and local governments because an increase in civil citation or similar diversion programs could lead to juveniles being diverted from the costlier juvenile justice system.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

The bill requires all counties to establish a civil citation or similar diversion program which could make implementation by the July 1, 2017, effective date difficult.

VIII. **Statutes Affected:**

This bill substantially amends section 985.12 of the Florida Statutes.

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

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 Criminal Justice on January 23, 2017:

The Committee Substitute does the following:

- 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.



343896

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2017	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Flores) recommended the following:

Senate Amendment

Delete lines 31 - 140
and insert:
misdemeanor offense if committed by an adult. Such programs must meet the requirements of this section and 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. At least one program must be operated by the county. Additional programs ~~The program~~ may



343896

11 be operated by an entity such as a law enforcement agency, the
12 department, a juvenile assessment center, the county or
13 municipality, or another entity selected by the county or
14 municipality. Any additional programs shall complement the
15 established county program. An entity operating such a ~~the civil~~
16 ~~citation or similar diversion~~ program must do so in consultation
17 and agreement with the state attorney and local law enforcement
18 agencies.

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

20 (a) "Law enforcement officer" has the same meaning as
21 provided in s. 943.10.

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

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

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

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

37 2. Section 784.03(1), relating to battery;

38 3. Section 806.13, relating to criminal mischief;

39 4. Section 810.08 or s. 810.09, relating to trespass;



343896

- 40 5. Section 812.014(2)(e) or s. 812.014(3)(a), relating to
41 theft;
- 42 6. Section 812.015(2), relating to retail and farm theft;
43 7. Section 856.021, relating to loitering or prowling;
44 8. Section 870.01(1), relating to affrays and riots;
45 9. Section 877.03, relating to disorderly conduct;
46 10. Section 893.13(6)(b), relating to possession of certain
47 amounts of cannabis or controlled substances;
- 48 11. Section 893.147, relating to use, possession,
49 manufacture, delivery, transportation, advertisement, or retail
50 sale of drug paraphernalia; or
- 51 12. Section 843.02, relating to resisting an officer
52 without violence.
- 53 (b) May issue a civil citation to the juvenile or require
54 the juvenile's participation in a similar diversion program if
55 the violations of law are misdemeanors not enumerated in
56 paragraph (a).
- 57 (4) Under a juvenile civil citation or similar diversion
58 program, a law enforcement officer who makes contact with a
59 juvenile who admits having committed a second-time or third-time
60 misdemeanor offense may issue a civil citation to the juvenile
61 or require the juvenile's participation in a similar diversion
62 program, regardless of whether the violations of law are in
63 paragraph (3)(a).
- 64 (5) If an arrest is made for a misdemeanor offense subject
65 to paragraph (3)(b) or subsection (4), a law enforcement officer
66 must provide written documentation as to why the arrest was
67 warranted.
- 68 (6) A law enforcement officer shall advise a juvenile who



343896

69 is subject to subsection (3) or subsection (4) that the juvenile
70 has the option to refuse the civil citation or other similar
71 diversion program and be referred to the department. This option
72 may be exercised at any time before completion of the community
73 service assignment required under subsection (8). Participation
74 in a civil citation or similar diversion program is not
75 considered a referral to the department.

76 (7) Upon issuance of the civil citation or documentation
77 requiring a similar diversion program, the law enforcement
78 officer shall send a copy to the county sheriff, the state
79 attorney, the department or the entity operating the program as
80 designated by the department, the parent or guardian of the
81 juvenile, and the victim. The entity operating the program shall
82 enter such information into the juvenile justice information
83 system.

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

91 (a) The juvenile shall report to the entity operating the
92 program within 10 business days after the date of issuance of
93 the civil citation or documentation for a similar diversion
94 program. The juvenile shall spend a minimum of 5 hours per week
95 completing the community service assignment. The entity
96 operating the program shall immediately notify the department
97 through the juvenile justice information system that a juvenile



343896

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

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

112 (c) If the juvenile fails to timely report for a community
113 service assignment, complete such assignment, or comply with
114 assigned intervention services within the prescribed time, the
115 entity operating the program shall notify the law enforcement
116 officer and the law enforcement officer shall proceed with an
117 arrest of the juvenile.

118 (d) If the juvenile commits a subsequent delinquent act
119 then the entity operating the program shall notify the law
120 enforcement officer and the law enforcement officer shall
121 proceed with an arrest of the juvenile ~~The issuance of a civil~~
122 ~~citation is not~~



811412

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/23/2017	.	
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	.	
	.	

The Committee on Criminal Justice (Brandes) recommended the following:

1 **Senate Substitute for Amendment (343896) (with title**
2 **amendment)**

3
4 Delete lines 15 - 140
5 and insert:

6 Section 1. Subsections (1), (2), and (3) of section
7 943.0582, Florida Statutes, are amended to read:

8 943.0582 Prearrest, postarrest, or teen court diversion
9 program expunction.—

10 (1) Notwithstanding any law dealing generally with the



811412

11 preservation and destruction of public records, the department
12 shall adopt rules to ~~may provide, by rule adopted pursuant to~~
13 ~~chapter 120,~~ for the expunction of any nonjudicial records
14 ~~record~~ of the arrest of a minor who has successfully completed a
15 prearrest or postarrest diversion program for minors as
16 authorized by s. 985.125.

17 (2) ~~(a)~~ As used in this section, the term:

18 (a) "Eligible offense" means a criminal offense to which
19 the diversion program applies as determined under s. 985.125(1).

20 (b) "Expunction" has the same meaning ascribed in and
21 effect as s. 943.0585, except that:

22 1. The provisions of s. 943.0585(4) (a) do not apply, except
23 that the criminal history record of a person whose record is
24 expunged pursuant to this section shall be made available only
25 to criminal justice agencies for the purpose of determining
26 eligibility for prearrest, postarrest, or teen court diversion
27 programs; when the record is sought as part of a criminal
28 investigation; or when the subject of the record is a candidate
29 for employment with a criminal justice agency. For all other
30 purposes, a person whose record is expunged under this section
31 may lawfully deny or fail to acknowledge the arrest and the
32 charge covered by the expunged record.

33 2. Records maintained by local criminal justice agencies in
34 the county in which the arrest occurred that are eligible for
35 expunction pursuant to this section shall be sealed as the term
36 is used in s. 943.059.

37 ~~(b) As used in this section, the term "nonviolent~~
38 ~~misdemeanor" includes simple assault or battery when prearrest~~
39 ~~or postarrest diversion expunction is approved in writing by the~~



811412

40 ~~state attorney for the county in which the arrest occurred.~~

41 (3) The department shall expunge the nonjudicial arrest
42 record of a minor who has successfully completed a prearrest or
43 postarrest diversion program if that minor meets all of the
44 following conditions:

45 (a) Submits an application for prearrest or postarrest
46 diversion expunction, on a form prescribed by the department,
47 signed by the minor's parent or legal guardian, or by the minor
48 if he or she has reached the age of majority at the time of
49 applying.

50 (b) Submits to the department, with the application, an
51 official written statement from the state attorney for the
52 county in which the arrest occurred certifying that he or she
53 has successfully completed that county's prearrest or postarrest
54 diversion program, that his or her participation in the program
55 was based on an arrest for an eligible offense ~~a nonviolent~~
56 ~~misdemeanor~~, and that he or she has not otherwise been charged
57 by the state attorney with, or found to have committed, any
58 criminal offense or comparable ordinance violation.

59 ~~(c) Participated in a prearrest or postarrest diversion~~
60 ~~program that expressly authorizes or permits such expunction.~~

61 ~~(d) Participated in a prearrest or postarrest diversion~~
62 ~~program based on an arrest for a nonviolent misdemeanor that~~
63 ~~would not qualify as an act of domestic violence as that term is~~
64 ~~defined in s. 741.28.~~

65 ~~(e) Has never been, before filing the application for~~
66 ~~expunction, charged by the state attorney with, or found to have~~
67 ~~committed, any criminal offense or comparable ordinance~~
68 ~~violation.~~



811412

69 Section 2. Section 985.125, Florida Statutes, is amended to
70 read:

71 985.125 Prearrest or postarrest diversion programs.—

72 (1) A law enforcement agency or school district, in
73 cooperation with the state attorney, may establish a prearrest
74 or postarrest diversion program. The diversion program, as
75 determined by the agency or school district establishing the
76 program, may be applicable to all, or a subset of, misdemeanor
77 offenses.

78 (2) As part of the ~~prearrest or postarrest diversion~~
79 ~~program:~~

80 (a) A child who is alleged to have committed a delinquent
81 act may be required to surrender his or her driver license, or
82 refrain from applying for a driver license, for not more than 90
83 days. If the child fails to comply with the requirements of the
84 program, the state attorney may notify the Department of Highway
85 Safety and Motor Vehicles in writing to suspend the child's
86 driver license for a period that may not exceed 90 days.

87 (b) ~~(3) The prearrest or postarrest diversion program may,~~
88 ~~upon agreement of the agencies that establish the program,~~
89 ~~provide for the expunction of~~ The nonjudicial arrest record of a
90 minor who successfully completes the such a program must be
91 expunged if the requirements of pursuant to s. 943.0582 are
92 satisfied.

93 Section 3. Section 985.12, Florida Statutes, is amended to
94 read:

95 985.12 Civil citation and similar diversion programs.—

96 (1) (a) There is established a process for the use of
97 juvenile civil citation and similar diversion programs to



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98 ~~provide process for the purpose of providing~~ an efficient and
99 innovative alternative to custody by the department ~~of Juvenile~~
100 ~~Justice~~ for juveniles ~~children~~ who commit nonserious delinquent
101 acts and to ensure swift and appropriate consequences. The
102 department shall encourage and assist in the implementation and
103 improvement of civil citation and ~~programs or other~~ similar
104 diversion programs in ~~around~~ the state.

105 (b) One or more ~~The~~ civil citation or similar diversion
106 programs ~~program~~ shall be established in each county which must
107 individually or collectively serve all juveniles who are alleged
108 to have committed a violation of law which would be a
109 misdemeanor offense if committed by an adult. Such programs must
110 meet the requirements of this section and be established ~~at the~~
111 ~~local level~~ with the concurrence of the chief judge of the
112 circuit, state attorney, public defender, and the head of each
113 local law enforcement agency involved. At least one program must
114 be operated by the county. Additional programs ~~The program~~ may
115 be operated by an entity such as a law enforcement agency, the
116 department, a juvenile assessment center, the county or
117 municipality, or another entity selected by the county or
118 municipality. Any additional programs shall complement the
119 established county program. An entity operating such a ~~the civil~~
120 ~~citation or similar diversion~~ program must do so in consultation
121 and agreement with the state attorney and local law enforcement
122 agencies.

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

124 (a) "Law enforcement officer" has the same meaning as
125 provided in s. 943.10.

126 (b) "Misdemeanor offense" means one or more misdemeanor



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127 violations of law arising out of the same criminal episode, act,
128 or transaction.

129 (3) Under ~~such~~ a juvenile civil citation or similar
130 diversion program, a law enforcement officer ~~who makes,~~ ~~upon~~
131 ~~making~~ contact with a juvenile who admits having committed a
132 ~~first-time misdemeanor offense: misdemeanor, may choose to issue~~
133 ~~a simple warning or inform the child's guardian or parent of the~~
134 ~~child's infraction, or may~~

135 (a) Shall issue a civil citation to the juvenile, or
136 require the juvenile's participation in a similar diversion
137 program, if the juvenile is younger than 14 years of age and if
138 each violation of law in the misdemeanor offense is one of the
139 following:

140 1. Section 562.111, relating to possession of alcoholic
141 beverages by persons younger than 21 years of age;

142 2. Section 784.03(1), relating to battery. This
143 subparagraph excludes battery related to domestic violence as
144 defined in s. 741.28;

145 3. Section 806.13, relating to criminal mischief;

146 4. Section 810.08 or s. 810.09, relating to trespass;

147 5. Section 812.014(2)(e) or (3)(a), relating to theft;

148 6. Section 812.015(2), relating to retail and farm theft
149 and transit fare evasion;

150 7. Section 843.02, relating to resisting an officer without
151 violence;

152 8. Section 870.01(1), relating to affrays;

153 9. Section 877.03, relating to disorderly conduct;

154 10. Section 893.13(6)(b), relating to possession of certain
155 amounts of cannabis;



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156 11. Section 893.147, relating to the use, possession,
157 manufacture, delivery, transportation, advertisement, or retail
158 sale of drug paraphernalia. This subparagraph applies only to
159 the use, possession, manufacture, delivery, transportation,
160 advertisement, or retail sale of drug paraphernalia related to
161 cannabis; or

162 12. Section 843.02, relating to resisting an officer
163 without violence.

164 (b) May issue a civil citation to the juvenile, or require
165 the juvenile's participation in a similar diversion program, if
166 the violations of law are misdemeanors not enumerated in
167 paragraph (a), or if the violations of law are one of the
168 enumerated offenses in paragraph (a) and the juvenile is 14
169 years of age or older.

170 (4) Under a juvenile civil citation or similar diversion
171 program, a law enforcement officer who makes contact with a
172 juvenile who admits having committed a second-time or third-time
173 misdemeanor offense may issue a civil citation to the juvenile
174 or require the juvenile's participation in a similar diversion
175 program, regardless of whether the violations of law are in
176 paragraph (3) (a).

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

181 (6) A law enforcement officer shall advise a juvenile who
182 is subject to subsection (3) or subsection (4) that the juvenile
183 has the option to refuse the civil citation or other similar
184 diversion program and be referred to the department. This option



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185 may be exercised at any time before completion of the community
186 service assignment required under subsection (8). Participation
187 in a civil citation or similar diversion program is not
188 considered a referral to the department.

189 (7) Upon issuance of the civil citation or documentation
190 requiring a similar diversion program, the law enforcement
191 officer shall send a copy to the county sheriff, the state
192 attorney, the department or the entity operating the program as
193 designated by the department, the parent or guardian of the
194 juvenile, and the victim. The entity operating the program shall
195 enter such information into the juvenile justice information
196 system.

197 (8) A juvenile who elects to participate in a civil
198 citation or similar diversion program shall complete, and assess
199 up to 50 community service hours, and participate require
200 participation in intervention services as indicated by an
201 assessment of the needs of the juvenile, including family
202 counseling, urinalysis monitoring, and substance abuse and
203 mental health treatment services.

204 (a) The juvenile shall report to the entity operating the
205 program within 10 business days after the date of issuance of
206 the civil citation or documentation for a similar diversion
207 program. The juvenile shall spend a minimum of 5 hours per week
208 completing the community service assignment. The entity
209 operating the program shall immediately notify the department
210 through the juvenile justice information system that a juvenile
211 has reported to the entity operating the program and the
212 expected date on which the juvenile will complete the community
213 service assignment ~~A copy of each citation issued under this~~



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214 ~~section shall be provided to the department, and the department~~
215 ~~shall enter appropriate information into the juvenile offender~~
216 ~~information system. Use of the civil citation or similar~~
217 ~~diversion program is not limited to first-time misdemeanors and~~
218 ~~may be used in up to two subsequent misdemeanors. If an arrest~~
219 ~~is made, a law enforcement officer must provide written~~
220 ~~documentation as to why an arrest was warranted.~~

221 (b) At the conclusion of a juvenile's civil citation
222 program or similar diversion program, the entity agency
223 operating the program shall report the outcome of the program to
224 the department.

225 (c) If the juvenile fails to timely report for a community
226 service assignment, complete such assignment, or comply with
227 assigned intervention services within the prescribed time, the
228 entity operating the program shall notify the law enforcement
229 officer and the law enforcement officer shall proceed with an
230 arrest of the juvenile.

231 (d) If the juvenile commits a subsequent delinquent act
232 then the entity operating the program shall notify the law
233 enforcement officer and the law enforcement officer shall
234 proceed with an arrest of the juvenile ~~The issuance of a civil~~
235 ~~citation is not~~

236
237 ===== T I T L E A M E N D M E N T =====

238 And the title is amended as follows:

239 Delete line 3

240 and insert:

241 diversion programs; amending s. 943.0582, F.S.;

242 requiring, rather than authorizing, the Department of



811412

243 Law Enforcement to adopt rules to provide for the
244 expunction of nonjudicial records of the arrest of a
245 minor; defining the term "eligible offense"; deleting
246 the definition of the term "nonviolent misdemeanor";
247 revising the circumstances under which the department
248 must expunge the nonjudicial arrest record of a minor
249 who successfully completes a diversion program;
250 amending s. 985.125, F.S.; specifying that the
251 diversion program may apply to misdemeanor offenses;
252 requiring the expunction of the nonjudicial arrest
253 record of a minor who successfully satisfies certain
254 requirements; amending s. 985.12, F.S.;

By Senator Flores

39-00240C-17

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1 A bill to be entitled
 2 An act relating to juvenile civil citation and similar
 3 diversion programs; amending s. 985.12, F.S.;
 4 requiring the establishment of civil citation or
 5 similar diversion programs for juveniles; providing
 6 definitions; specifying program eligibility,
 7 participation, and implementation requirements;
 8 providing exceptions; providing applicability;
 9 amending ss. 943.051 and 985.11, F.S.; conforming
 10 provisions to changes made by the act; providing an
 11 effective date.

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

15 Section 1. Section 985.12, Florida Statutes, is amended to
 16 read:

17 985.12 Civil citation and similar diversion programs.—

18 (1) (a) There is established a process for the use of
 19 juvenile civil citation and similar diversion programs to
 20 provide process for the purpose of providing an efficient and
 21 innovative alternative to custody by the department ~~of Juvenile~~
 22 ~~Justice~~ for juveniles ~~children~~ who commit nonserious delinquent
 23 acts and to ensure swift and appropriate consequences. The
 24 department shall encourage and assist in the implementation and
 25 improvement of civil citation and programs or other similar
 26 diversion programs in around the state.

27 (b) One or more ~~The~~ civil citation or similar diversion
 28 programs ~~program~~ shall be established in each county which must
 29 individually or collectively serve all juveniles who are alleged
 30 to have committed a violation of law which would be a
 31 misdemeanor offense if committed by an adult. Such programs must
 32 be established at the local level with the concurrence of the

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33 chief judge of the circuit, state attorney, public defender, and
 34 the head of each local law enforcement agency involved and. ~~The~~
 35 ~~program~~ may be operated by an entity such as a law enforcement
 36 agency, the department, a juvenile assessment center, the county
 37 or municipality, or another entity selected by the county or
 38 municipality. An entity operating such a ~~the civil citation or~~
 39 ~~similar diversion~~ program must do so in consultation and
 40 agreement with the state attorney and local law enforcement
 41 agencies.

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

43 (a) "Law enforcement officer" has the same meaning as
 44 provided in s. 943.10.

45 (b) "Misdemeanor offense" means one or more misdemeanor
 46 violations of law arising out of the same criminal episode, act,
 47 or transaction.

48 (3) Under ~~such~~ a juvenile civil citation or similar
 49 diversion program, a law enforcement officer who makes, ~~upon~~
 50 ~~making~~ contact with a juvenile who admits having committed a
 51 first-time misdemeanor offense: misdemeanor, ~~may choose to issue~~
 52 ~~a simple warning or inform the child's guardian or parent of the~~
 53 ~~child's infraction, or may~~

54 (a) Shall issue a civil citation to the juvenile or require
 55 the juvenile's participation in a similar diversion program if
 56 each violation of law in the misdemeanor offense is one of the
 57 following:

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

60 2. Section 784.03(1), relating to battery;

61 3. Section 806.13, relating to criminal mischief;

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62 4. Section 810.08 or s. 810.09, relating to trespass;
 63 5. Section 812.014(2) (e) or s. 812.014(3) (a), relating to
 64 theft;
 65 6. Section 812.015(2), relating to retail and farm theft;
 66 7. Section 870.01(1), relating to affrays and riots;
 67 8. Section 877.03, relating to disorderly conduct;
 68 9. Section 893.13(6) (b), relating to possession of certain
 69 amounts of cannabis or controlled substances;
 70 10. Section 893.147, relating to use, possession,
 71 manufacture, delivery, transportation, advertisement, or retail
 72 sale of drug paraphernalia; or
 73 11. Section 843.02, relating to resisting an officer
 74 without violence.
 75 (b) May issue a civil citation to the juvenile or require
 76 the juvenile's participation in a similar diversion program if
 77 the violations of law are not enumerated in paragraph (a).
 78 (4) Under a juvenile civil citation or similar diversion
 79 program, a law enforcement officer who makes contact with a
 80 juvenile who admits having committed a second-time or third-time
 81 misdemeanor offense may issue a civil citation to the juvenile
 82 or require the juvenile's participation in a similar diversion
 83 program, regardless of whether the violations of law are in
 84 paragraph (3) (a).
 85 (5) If an arrest is made for a misdemeanor offense subject
 86 to paragraph (3) (b) or subsection (4), a law enforcement officer
 87 must provide written documentation as to why the arrest was
 88 warranted.
 89 (6) A law enforcement officer shall advise a juvenile who
 90 is subject to subsection (3) or subsection (4) that the juvenile

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91 has the option to refuse the civil citation or other similar
 92 diversion program and be referred to the department. This option
 93 may be exercised at any time before completion of the community
 94 service assignment required under subsection (8). Participation
 95 in a civil citation or similar diversion program is not
 96 considered a referral to the department.
 97 (7) Upon issuance of the civil citation or documentation
 98 requiring a similar diversion program, the law enforcement
 99 officer shall send a copy to the county sheriff, the state
 100 attorney, the appropriate intake office of the department or the
 101 community service performance monitor designated by the
 102 department, the parent or guardian of the juvenile, and the
 103 victim. The department shall enter such information into the
 104 juvenile offender information system.
 105 (8) A juvenile who elects to participate in a civil
 106 citation or similar diversion program shall complete, ~~and assess~~
 107 up to 50 community service hours, and participate ~~require~~
 108 participation in intervention services as indicated by an
 109 assessment of the needs of the juvenile, including family
 110 counseling, urinalysis monitoring, and substance abuse and
 111 mental health treatment services.
 112 (a) The juvenile shall report to the community service
 113 performance monitor within 10 business days after the date of
 114 issuance of the civil citation or documentation for a similar
 115 diversion program. The juvenile shall spend a minimum of 5 hours
 116 per week completing the community service assignment. The
 117 monitor shall immediately notify the intake office of the
 118 department that a juvenile has reported to the monitor and the
 119 expected date on which the juvenile will complete the community

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120 ~~service assignment. A copy of each citation issued under this~~
 121 ~~section shall be provided to the department, and the department~~
 122 ~~shall enter appropriate information into the juvenile offender~~
 123 ~~information system. Use of the civil citation or similar~~
 124 ~~diversion program is not limited to first time misdemeanors and~~
 125 ~~may be used in up to two subsequent misdemeanors. If an arrest~~
 126 ~~is made, a law enforcement officer must provide written~~
 127 ~~documentation as to why an arrest was warranted.~~

128 (b) At the conclusion of a juvenile's civil citation
 129 program or similar diversion program, the entity agency
 130 operating the program shall report the outcome of the program to
 131 the department.

132 (c) If the juvenile fails to timely report for a community
 133 service assignment, complete such assignment, or comply with
 134 assigned intervention services within the prescribed time, or if
 135 the juvenile commits a subsequent misdemeanor, the law
 136 enforcement officer shall issue a report alleging the juvenile
 137 has committed a delinquent act, at which time a juvenile
 138 probation officer shall process the original delinquent act as a
 139 referral to the department and refer the report to the state
 140 attorney for review. The issuance of a civil citation is not
 141 considered a referral to the department.

142 ~~(9)(2)~~ The department shall develop guidelines for the
 143 civil citation and similar diversion programs program which
 144 include intervention services that are based on ~~upon~~ proven
 145 civil citation or similar diversion programs in ~~within~~ the
 146 state.

147 (10) This section does not apply to:

148 (a) A juvenile who is currently alleged to have committed,

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149 or is currently charged with, and awaiting final disposition of
 150 an offense that would be a felony if committed by an adult.

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

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

157 (11) This section does not modify the authority of a law
 158 enforcement officer who comes into contact with a juvenile who
 159 is alleged to have committed a misdemeanor offense to issue only
 160 a simple warning to the juvenile or notice to a juvenile's
 161 parent or guardian of the alleged offense.

162 ~~(3) Upon issuing such citation, the law enforcement officer~~
 163 ~~shall send a copy to the county sheriff, state attorney, the~~
 164 ~~appropriate intake office of the department, or the community~~
 165 ~~service performance monitor designated by the department, the~~
 166 ~~parent or guardian of the child, and the victim.~~

167 ~~(4) The child shall report to the community service~~
 168 ~~performance monitor within 7 working days after the date of~~
 169 ~~issuance of the citation. The work assignment shall be~~
 170 ~~accomplished at a rate of not less than 5 hours per week. The~~
 171 ~~monitor shall advise the intake office immediately upon~~
 172 ~~reporting by the child to the monitor, that the child has in~~
 173 ~~fact reported and the expected date upon which completion of the~~
 174 ~~work assignment will be accomplished.~~

175 ~~(5) If the child fails to report timely for a work~~
 176 ~~assignment, complete a work assignment, or comply with assigned~~
 177 ~~intervention services within the prescribed time, or if the~~

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178 ~~juvenile commits a subsequent misdemeanor, the law enforcement~~
 179 ~~officer shall issue a report alleging the child has committed a~~
 180 ~~delinquent act, at which point a juvenile probation officer~~
 181 ~~shall process the original delinquent act as a referral to the~~
 182 ~~department and refer the report to the state attorney for~~
 183 ~~review.~~

184 ~~(6) At the time of issuance of the citation by the law~~
 185 ~~enforcement officer, such officer shall advise the child that~~
 186 ~~the child has the option to refuse the citation and to be~~
 187 ~~referred to the intake office of the department. That option may~~
 188 ~~be exercised at any time before completion of the work~~
 189 ~~assignment.~~

190 Section 2. Paragraph (b) of subsection (3) of section
 191 943.051, Florida Statutes, is amended to read:

192 943.051 Criminal justice information; collection and
 193 storage; fingerprinting.—

194 (3)

195 (b) A minor who is charged with or found to have committed
 196 the following offenses shall be fingerprinted and the
 197 fingerprints shall be submitted electronically to the
 198 department, unless the minor participates in ~~is issued~~ a civil
 199 citation or similar diversion program pursuant to s. 985.12:

- 200 1. Assault, as defined in s. 784.011.
- 201 2. Battery, as defined in s. 784.03.
- 202 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 203 4. Unlawful use of destructive devices or bombs, as defined
 204 in s. 790.1615(1).
- 205 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 206 6. Assault or battery on a law enforcement officer, a

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207 firefighter, or other specified officers, as defined in s.
 208 784.07(2) (a) and (b).

209 7. Open carrying of a weapon, as defined in s. 790.053.

210 8. Exposure of sexual organs, as defined in s. 800.03.

211 9. Unlawful possession of a firearm, as defined in s.

212 790.22(5).

213 10. Petit theft, as defined in s. 812.014(3).

214 11. Cruelty to animals, as defined in s. 828.12(1).

215 12. Arson, as defined in s. 806.031(1).

216 13. Unlawful possession or discharge of a weapon or firearm
 217 at a school-sponsored event or on school property, as provided
 218 in s. 790.115.

219 Section 3. Paragraph (b) of subsection (1) of section
 220 985.11, Florida Statutes, is amended to read:

221 985.11 Fingerprinting and photographing.—

222 (1)

223 (b) Unless the child is participating in ~~is issued~~ a civil
 224 citation or is participating in ~~is participating in~~ a similar diversion program
 225 pursuant to s. 985.12, a child who is charged with or found to
 226 have committed one of the following offenses shall be
 227 fingerprinted, and the fingerprints shall be submitted to the
 228 Department of Law Enforcement as provided in s. 943.051(3)(b):

- 229 1. Assault, as defined in s. 784.011.
- 230 2. Battery, as defined in s. 784.03.
- 231 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 232 4. Unlawful use of destructive devices or bombs, as defined
 233 in s. 790.1615(1).
- 234 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 235 6. Assault on a law enforcement officer, a firefighter, or

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236 other specified officers, as defined in s. 784.07(2) (a).
 237 7. Open carrying of a weapon, as defined in s. 790.053.
 238 8. Exposure of sexual organs, as defined in s. 800.03.
 239 9. Unlawful possession of a firearm, as defined in s.
 240 790.22(5).
 241 10. Petit theft, as defined in s. 812.014.
 242 11. Cruelty to animals, as defined in s. 828.12(1).
 243 12. Arson, resulting in bodily harm to a firefighter, as
 244 defined in s. 806.031(1).
 245 13. Unlawful possession or discharge of a weapon or firearm
 246 at a school-sponsored event or on school property as defined in
 247 s. 790.115.
 248
 249 A law enforcement agency may fingerprint and photograph a child
 250 taken into custody upon probable cause that such child has
 251 committed any other violation of law, as the agency deems
 252 appropriate. Such fingerprint records and photographs shall be
 253 retained by the law enforcement agency in a separate file, and
 254 these records and all copies thereof must be marked "Juvenile
 255 Confidential." These records are not available for public
 256 disclosure and inspection under s. 119.07(1) except as provided
 257 in ss. 943.053 and 985.04(2), but shall be available to other
 258 law enforcement agencies, criminal justice agencies, state
 259 attorneys, the courts, the child, the parents or legal
 260 custodians of the child, their attorneys, and any other person
 261 authorized by the court to have access to such records. In
 262 addition, such records may be submitted to the Department of Law
 263 Enforcement for inclusion in the state criminal history records
 264 and used by criminal justice agencies for criminal justice

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265 purposes. These records may, in the discretion of the court, be
 266 open to inspection by anyone upon a showing of cause. The
 267 fingerprint and photograph records shall be produced in the
 268 court whenever directed by the court. Any photograph taken
 269 pursuant to this section may be shown by a law enforcement
 270 officer to any victim or witness of a crime for the purpose of
 271 identifying the person who committed such crime.

272 Section 4. This act shall take effect July 1, 2017.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/23/17

Meeting Date

SB196

Bill Number (if applicable)

Topic Civil Citation

811412

Amendment Barcode (if applicable)

Name Colleen Mackin

BRANDS

Job Title Constituency Services

Address Magnolia DR #4

Phone 727 244 1032

Street

Tallahassee, FL

City

State

Zip

Email cmackin@tamfor

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Children's Campaign

Kids.org

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

23 Jan 17
Meeting Date

196
Bill Number (if applicable)

Topic Juvenile Civil Citations

811412
Amendment Barcode (if applicable)

Name Barney Bishop

Job Title Pres & CEO

Address 204 So. Monroe St., Ste. 201
Street

Phone 850.510.9922

Tall FL 32301
City State Zip

Email barney@smartjusticealliance.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

23 Jan 16

Meeting Date

196

Bill Number (if applicable)

343896

Amendment Barcode (if applicable)

Topic Juvenile Justice

Name Barney Bishop

Job Title Pres & CEO

Address 204 S. Monroe, Ste. 201

Street

Tall

City

FL

State

32301

Zip

Phone 850.510.9922

Email barney@smart
justicealliance.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 196

Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date _____

Topic Civil Citation

Name Wansley Walter

Job Title _____

Address 121 N Monroe St

Street

Tallahassee

City

State

Zip

Phone (305) 333-1469

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Former Secretary of DSS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/2017

Meeting Date

196

Bill Number (if applicable)

Topic Juvenile Civil Citation and Similar Diversion Programs

Amendment Barcode (if applicable)

Name Sheriff Bob Gualtieri

Job Title Sheriff of Pinellas County

Address 10750 Ulmerton Road

Street

Phone 727-582-6200

Largo

FL

33778

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Sheriffs Associaton

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-23-17

Meeting Date

196

Bill Number (if applicable)

Topic Juvenile Justice Civil Citations

Name Samantha Padgett

Amendment Barcode (if applicable)

Job Title VP & General Counsel

Address ~~227~~ 227 South Adams St.

Phone 222-4082

Tallahassee FL 32301

Email Samantha@frf.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Retail Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

23 Jan 17

Meeting Date

196

Bill Number (if applicable)

Topic Juvenile Civil Citations

Name Barney Bishop

Job Title President & CEO

Address 204 So. Monroe St., Suite 201

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850.510.9922

Email barney@smartjusticealliance.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/23/17

Meeting Date

B196

Bill Number (if applicable)

Topic Juvenile Civil Citation

Amendment Barcode (if applicable)

Name Aaron Lauer

Job Title Pastor

Address 1207 Malaga Street

Phone 651-252-7544

Coral Gables FL 33134

Email aaronjameslauer@gmail.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing PACT/DART

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/23/2017
Meeting Date

B196
Bill Number (if applicable)

Topic Civil Citations

Amendment Barcode (if applicable)

Name Geneva Pittman

Job Title _____

Address 2460 W, 25th Street
Street

Phone (904) 355-0295

Jacksonville, FL
City State Zip

Email tomco302@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ICARE / ^{Part} Interfaith Coalition for Action Reconciliation & Empowerment

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/23/17

Meeting Date

196

Bill Number (if applicable)

Topic CIVIL CITATIONS

Amendment Barcode (if applicable)

Name LOIS HOEFT

Job Title

Address 360 RALEIGH RD

Street

Phone 904-477-8320

JACKSONVILLE FL

City

State

32225

Zip

Email LBHJAX2@COMCAST.NET

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing ICARE/DART

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

January 23

Meeting Date

196

Bill Number (if applicable)

Topic Juvenile Civil Citation/Diversion Programs

Amendment Barcode (if applicable)

Name Hon. Carlos Martinez

Job Title Public Defender, 11th Judicial Circuit

Address 1320 NW 14th Street

Street

Miami

City

FL

State

33125

Zip

Phone 305-545-1600

Email cmartinez@pdmiami.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Public Defender Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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23 Jan 2017
Meeting Date

196
Bill Number (if applicable)

Topic civil citation Bill

Amendment Barcode (if applicable)

Name Bonnie L. Clark

Job Title Pastor First Chapel AME Church

Address 49 pine forest Dr Harms city
Street

Phone 863 224-2920

Harms city Florida 33841
City State Zip

Email pastorclark31@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing PEACE POLK county / D. A. R. T.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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1-23-17
Meeting Date

196
Bill Number (if applicable)

Topic JUV. CIVIL CITATION

Amendment Barcode (if applicable)

Name THAD LOWRIEY

Job Title VP Gov. Relations

Address 7720 WASHINGTON ST
Street

Phone 727-992-8508

PORT RICHEY FL 34668
City State Zip

Email Howrey@operation.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing OPERATION PAR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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1/23/2017
Meeting Date

SB 196
Bill Number (if applicable)

Topic Civil Citation

Amendment Barcode (if applicable)

Name Rev. Charles May

Job Title Clergy

Address 3424 Hancock Bridge Pkwy 1101

Phone 239-560-0065

North Fort Myers FL 33903
City State Zip

Email prrusty@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing LIFE (Lee Interfaith For Empowerment)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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January 23, 2017
Meeting Date

196
Bill Number (if applicable)

Topic Juvenile Civil Citation

Amendment Barcode (if applicable)

Name Robert Hardwick

Job Title Chief of Police

Address 2300 AIA SOUTH
Street

Phone 904-471-3600

ST. AUGUSTINE BEACH FL. 32080
City State Zip

Email HARDWICKRA@SABPD.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01-23-17

Meeting Date

1960

Bill Number (if applicable)

Topic Civil Citation - Juveniles

Amendment Barcode (if applicable)

Name Colleen Mackin

Job Title Constituency Services

Address Magnolia Dr #4

Phone 727 244 1032

Street

Tallahassee FL

City

State

Zip

Email cmackin@tamorkids.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Children's Campaign

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/23/17

Meeting Date

SB 196

Bill Number (if applicable)

Topic Juvenile Civil Citation and Similar Diversion Programs

Amendment Barcode (if applicable)

Name Jill Gran

Job Title Director of Policy and Advocacy

Address 2868 Mahan Drive

Street

Phone 850-878-2196

Tallahassee

FL

32308

City

State

Zip

Email jill@myfbha.org

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Florida Behavioral Health Association

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/23/17
Meeting Date

SB 196
Bill Number (if applicable)

Topic Juvenile Anti-Corruption

Amendment Barcode (if applicable)

Name Lisa Hurley

Job Title _____

Address 311 E Park Ave

Phone 850.224.5081

Street
Tallahassee FL 32301
City State Zip

Email lhurley@suicideregistry.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Assoc. of Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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1/23/17
Meeting Date

196
Bill Number (if applicable)

Topic Civil Citations

Amendment Barcode (if applicable)

Name Ingrid Delgado

Job Title Associate for Social Concerns & Respect Life

Address 201 W Park

Phone _____

Street

Tallahassee

FL

32301

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/23/2017

Meeting Date

196

Bill Number (if applicable)

Topic Civil Citations

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe St.

Phone (850) 681-0024

Street

Tallahassee FL 32301

City

State

Zip

Email jorge@flapartners.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

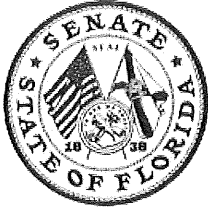
Representing Fla Association of Criminal Defense Lawyers (FACDL)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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The Florida Senate

Committee Agenda Request

To: Senator Randolph Bracy, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 17, 2016

I respectfully request that **Senate Bill #196**, relating to juvenile civil citation and similar diversion programs, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Anitere Flores

Senator Anitere Flores
Florida Senate, District 39



SB 196 Juvenile Civil Citations and Similar Diversion Programs

- FSJA fully supports the increasing use of Juvenile Civil Citations by law enforcement agencies, ***but not by mandating law enforcement usage***
- FSJA recommends that County Sheriffs and Police Chiefs establish departmental policies which promote and strongly encourage use of juvenile civil citations by their deputies and officers instead of mandating first-time usage
- FSJA recommends that appropriate funding be provided to non-profit agencies for 2nd and 3rd juvenile civil citations, if they are selected to provide the behavioral healthcare services in any county
- FSJA recommends that “Best Practices” be established and incorporated into each county’s or non-profit’s programming so that consistent services will be provided to the juveniles diverted:
 - Each juvenile will receive the same validated behavioral assessment and/or screening tool so that data collection and outcome performance can be properly measured and collated
 - Usage of *only* evidence-based intervention services based on the results of the behavioral assessment and/or screening tool
 - The intensity of the behavioral intervention services should be increased for 2nd and 3rd juvenile civil citations
- FSJA strongly recommends retention of law enforcement discretion in issuance of juvenile civil citations; mandating usage will have unintended and counter-productive consequences

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Criminal Justice Committee

Judge:

Started: 1/23/2017 4:04:19 PM

Ends: 1/23/2017 5:20:08 PM

Length: 01:15:50

4:04:18 PM Meeting called to order by Chair Bracy
4:04:28 PM Roll call
4:04:38 PM Quorum present
4:04:50 PM Comments by Chair Bracy
4:04:57 PM Comments by Vice Chair Baxley
4:05:18 PM Comments from Senator Brandes
4:06:15 PM Comments from Senator Bradley
4:07:49 PM Comments from Senator Clemens
4:08:51 PM Comments from Senator Rouson
4:09:21 PM Comments from Chair Bracy
4:10:15 PM Chair Bracy announces SB 192 Temporarily Postponed
4:11:03 PM Tab 2 - SB 196 Juvenile Civil Citation and Similar Diversion Programs
4:11:12 PM Explanation of SB 196 by Senator Flores
4:16:03 PM Question from Senator Rouson
4:16:17 PM Response from Senator Flores
4:17:14 PM Follow-up question from Senator Rouson
4:17:44 PM Response from Senator Flores
4:18:21 PM Question from Senator Brandes
4:18:30 PM Response from Senator Flores
4:20:07 PM Follow-up question from Senator Brandes
4:20:20 PM Response from Senator Flores
4:21:32 PM Additional question from Senator Brandes
4:21:49 PM Response from Senator Flores
4:23:06 PM Question from Senator Bean
4:23:51 PM Response from Senator Flores
4:25:59 PM Follow-up response from Senator Bean
4:26:10 PM Question from Senator Bradley
4:26:19 PM Response from Senator Flores
4:26:26 PM Follow-up question by Senator Bradley
4:26:37 PM Response from Senator Flores
4:27:35 PM Additional comments by Senator Bradley
4:27:56 PM Question from Senator Clemens
4:28:06 PM Response from Senator Flores
4:29:12 PM Question from Senator Rouson
4:29:21 PM Response from Senator Flores
4:30:04 PM Comments from Chair Bracy
4:30:11 PM Take up Amendment 343896, move to substitute amendment 811412
4:30:30 PM Explanation of 811412 by Senator Brandes
4:32:03 PM Amendment Barcode No. 811412 Withdrawn by Senator Brandes
4:32:14 PM Back on Amendment Barcode No. 343896 by Senator Flores
4:32:20 PM Explanation of Amendment Bar Code No. 343896 by Senator Flores
4:33:06 PM Comments from Chair Bracy
4:33:13 PM Barney Bishop, Florida Smart Justice Alliance waves in opposition
4:33:22 PM Question from Senator Bradley
4:33:31 PM Response from Senator Flores
4:33:54 PM Follow-up question from Senator Bradley
4:34:07 PM Question from Senator Baxley
4:34:52 PM Response from Senator Flores
4:35:03 PM Closure waived by Senator Flores
4:35:06 PM Amendment Barcode No. 343896 adopted
4:35:14 PM Speaker Rev. Charles May, LIFE in support
4:36:30 PM Thad Lowry, Operation PAR waives in support

4:36:42 PM Speaker Ronnie Clark, PEACE Polk County
4:38:26 PM Speaker Honorable Carlos Martinez in support, Florida Public Defender Association
4:41:20 PM Question from Senator Brandes
4:41:26 PM Response from Honorable Martinez
4:41:48 PM Follow-up question from Senator Brandes
4:41:56 PM Response from the Honorable Martinez
4:42:11 PM Additional Comments from Senator Brandes
4:42:31 PM Response from Honorable Martinez
4:42:42 PM Follow-up from Senator Brandes
4:42:57 PM Response from Honorable Martinez
4:43:58 PM Question from Senator Bradley
4:44:57 PM Speaker Lois Hoeft, ICARE/Dart in support
4:46:41 PM Speaker Geneva Pittman, ICARE in support
4:48:30 PM Speaker Aaron Lower, PACT/DART in support
4:50:28 PM Speaker Barney Bishop, Florida Smart Justice Alliance in support
4:56:50 PM Speaker Samantha Padgett, Florida Retail Federation
4:59:13 PM Speaker Sheriff Bob Gualtieri, Sheriff of Pinellas County against
5:03:49 PM Question from Senator Clemens
5:04:02 PM Response from Sheriff Gualtieri
5:04:44 PM Follow-up from Senator Clemens
5:04:53 PM Response from Sheriff Gualtieri
5:05:55 PM Additional comments from Senator Clemens
5:06:05 PM Response from Sheriff Gualtieri
5:06:22 PM Question from Senator Brandes
5:06:30 PM Response from Sheriff Gualtieri
5:06:41 PM Follow-up from Senator Brandes
5:06:48 PM Response from Sheriff Gualtieri
5:06:59 PM Additional question from Senator Brandes
5:07:08 PM Response from Sheriff Gualtieri
5:07:28 PM Speaker Wansley Walters, Former Secretary DJJ
5:09:48 PM Jorge Chamizo, Florida Association of Criminal Defense Lawyers waives in support
5:10:09 PM Colleen Mackin, The Children's Campaign waives in opposition
5:10:11 PM Lisa Hurley, Florida Association of Counties waives in support
5:10:13 PM Jill Gran, Florida Behavioral Health Association waives in support
5:10:20 PM Ingrid Delgado, Florida Conference of Catholic Bishops waives in support
5:10:39 PM Comments from Senator Baxley
5:12:40 PM Comments from Senator Rouson
5:13:58 PM Comments from Senator Bean
5:15:09 PM Closure from Senator Flores
5:19:25 PM Roll call on SB 196
5:19:38 PM CS/SB196 Reported favorably
5:19:51 PM Senator Brandes move to adjourn