



333852

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2017	.	
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Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 81 - 104

and insert:

(3) PROGRAM DEVELOPMENT; IMPLEMENTATION; OPERATION.-

(a) Representatives of participating law enforcement agencies, a representative of the program services provider, the public defender, the state attorney, and the clerk of the circuit court shall create the prearrest diversion program and develop its policies and procedures, including, but not limited



333852

11 to, eligibility criteria, program implementation and operation,
12 and the determination of the fee, if any, to be paid by adults
13 participating in the program. In developing the policies and
14 procedures for the program, the parties must solicit input from
15 other interested stakeholders. The program may be operated by an
16 entity such as a law enforcement agency, the county or
17 municipality, or another entity selected by the county or
18 municipality.

19 (b) Upon intake of any person participating in the program,
20 the program operator shall electronically provide a
21 participant's personal identifying information to the clerk of
22 the circuit court for the county in which the program provides
23 services. Such information is not a court record, and the clerk
24 must maintain confidentiality of the participant's personal
25 identifying information in accordance with subsection (6). The
26 clerk shall maintain such information in a statewide database,
27 which must provide a single point of access for all such
28 statewide information. If the program includes a fee for
29 participation, the clerk must receive a reasonable portion, to
30 be determined by the stakeholders creating the program, for
31 receiving and maintaining the personal identifying information.
32 The fee must be deposited by the clerk into the clerk's fine and
33 forfeiture fund established pursuant to s. 142.01.

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

37 (5) APPLICABILITY.—This section does not preempt a county
38 or municipality from enacting noncriminal sanctions for a
39 violation of an ordinance or other violation, and it does not



333852

40 preempt a county, a municipality, or a public or private
41 educational institution from creating its own model for a
42 prearrest diversion program for adults.

43 Section 1. This act shall take effect July 1, 2018.

44

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

46 And the title is amended as follows:

47 Delete line 30

48 and insert:

49 entities to operate the program; requiring the
50 prearrest diversion program operator to electronically
51 provide a participant's personal identifying
52 information to the clerk of the circuit court;
53 specifying requirements for the clerk on the handling
54 of the information and maintaining it in a statewide
55 database; providing for fee sharing under certain
56 circumstances; requiring fees received by the clerk to
57 be deposited in a certain fund; specifying how the