



607808

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/17/2015	.	
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The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

901.40 Prearrest diversion programs.—The Legislature
encourages local communities and public or private educational
institutions to implement prearrest diversion programs that
afford certain adults who fulfill specified intervention and



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11 community service obligations the opportunity to avoid an arrest
12 record. Such programs shall allow law enforcement officers, at
13 their sole discretion, to issue civil citations to certain
14 adults who commit misdemeanor offenses. A civil citation may be
15 issued under this section only if the adult admits that he or
16 she committed the offense and if the adult has not been
17 previously arrested as an adult for an offense. However, an
18 adult may not be issued a civil citation if the misdemeanor
19 offense involves a victim and the victim objects to issuance of
20 the civil citation.

21 (1) An adult who receives a civil citation shall report for
22 intake as required by the local prearrest diversion program and
23 shall be provided appropriate assessment, intervention,
24 education, and behavioral health care services. While in the
25 local prearrest diversion program, the adult shall perform
26 community service hours as specified by the local prearrest
27 diversion program. If the adult does not successfully complete
28 the prearrest diversion program, the law enforcement agency that
29 issued the civil citation shall criminally charge the adult for
30 the original offense and refer the case to the state attorney to
31 determine if prosecution is appropriate. If the adult
32 successfully completes the program, an arrest record may not be
33 associated with the offense.

34 (2) Misdemeanor offenses that qualify for a prearrest
35 diversion program include, but are not limited to:

36 (a) Disorderly conduct.

37 (b) Nondomestic assault as defined in s. 784.011 or
38 nondomestic battery as provided in s. 784.03(1).

39 (c) Open house parties.



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40 (d) Petit theft of stolen property valued at less than \$50.

41 (e) Possession of alcohol by a person younger than 21 years
42 of age.

43 (f) Possession of 20 grams or less of cannabis.

44 (g) Selling or providing alcoholic beverages to a minor.

45 (h) Trespass in structure or conveyance.

46 Section 2. This act shall take effect July 1, 2016.

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

49 And the title is amended as follows:

50 Delete everything before the enacting clause

51 and insert:

52 A bill to be entitled
53 An act relating to prearrest diversion programs;
54 creating s. 901.40, F.S.; encouraging local
55 communities and public or private educational
56 institutions to implement prearrest diversion programs
57 for certain offenders; requiring that the programs
58 allow law enforcement officers of participating
59 agencies, at their sole discretion, to issue civil
60 citations to adults under specified circumstances;
61 prohibiting the issuance of the civil citation if the
62 misdemeanor offense involves a victim and he or she
63 objects to its issuance; requiring that an adult who
64 receives a civil citation from a participating law
65 enforcement agency report for intake as required by
66 the local prearrest diversion program; requiring the
67 provision of appropriate assessment, intervention,
68 education, and behavioral health care services;



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69 requiring that an adult who is issued a citation
70 fulfill a community service requirement specified by
71 the local prearrest diversion program; requiring the
72 law enforcement agency that issued the civil citation
73 to criminally charge an adult who fails to complete
74 the prearrest diversion program and refer that adult
75 to the state attorney for prosecution; prohibiting the
76 association of an arrest record with adults who
77 successfully complete the program; specifying
78 misdemeanor offenses that qualify for the local
79 prearrest diversion program; providing an effective
80 date.