



750328

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Fiscal Policy (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 43 - 87  
and insert:  
obligations. If a prearrest diversion program is implemented,  
the program must share information with other prearrest  
diversion programs.

(2) MODEL ADULT CIVIL CITATION PROGRAM.—Local communities  
and public or private educational institutions may adopt a  
program that does the following:



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11        (a) Law enforcement officers, at their sole discretion, may  
12 issue civil citations to certain adults who commit a qualifying  
13 nonviolent misdemeanor offense listed in subsection (3). A civil  
14 citation may be issued only if the adult admits that he or she  
15 committed the offense and if the adult has not previously been  
16 arrested and has not received an adult civil citation. However,  
17 an adult may not be issued a civil citation if the nonviolent  
18 misdemeanor offense involves a victim and the victim objects to  
19 issuance of the civil citation.

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

35        (c) A steering committee shall be created for the prearrest  
36 diversion program to develop policies and procedures for the  
37 program, including, but not limited to, eligibility criteria,  
38 program implementation and operation, and the fee to be paid by  
39 adults participating in the program. At a minimum, the steering



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40 committee must be composed of representatives of the law  
41 enforcement agencies participating in the program, a  
42 representative of the program services provider, and other  
43 interested stakeholders.

44 (3) QUALIFYING OFFENSES.—Nonviolent misdemeanor offenses  
45 that qualify for a prearrest diversion program include, but are  
46 not limited to:

47 (a) Disorderly conduct in violation of s. 877.03.

48 (b) An open house party in violation of s. 856.015.

49 (c) Petit theft of property valued at less than \$50 in  
50 violation of s. 812.014.

51 (d) Possession of alcohol by a person younger than 21 years  
52 of age in violation of s. 856.015.

53 (e) Possession of 20 grams or less of cannabis in violation  
54 of s. 893.13.

55 (f) Selling or providing alcoholic beverages to a minor in  
56 violation of s. 562.11.

57 (g) Trespass in a structure or conveyance in violation of  
58 s. 810.08.

59

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

61 And the title is amended as follows:

62 Delete lines 6 - 16

63 and insert:

64 for certain offenders; requiring that a prearrest  
65 diversion program share information with other  
66 prearrest diversion programs under certain  
67 circumstances; authorizing law enforcement officers of  
68 participating law enforcement agencies, at their sole



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69       discretion, to issue civil citations to adults under  
70       specified circumstances; requiring an adult who is  
71       issued a civil citation by a participating law  
72       enforcement agency to report for intake as required by  
73       the prearrest diversion program; requiring the  
74       provision of appropriate behavioral health care  
75       services; requiring that an adult who is issued a  
76       civil citation fulfill a community service  
77       requirement; requiring the adult to pay restitution to  
78       a victim; providing for criminal prosecution of