

By Senator Evers

2-00321A-16

2016618__

1 A bill to be entitled
2 An act relating to prearrest diversion programs;
3 creating s. 901.40, F.S.; encouraging local
4 communities to implement prearrest diversion programs
5 for certain offenders; authorizing law enforcement
6 officers of participating law enforcement agencies, at
7 their sole discretion, to issue civil citations to
8 adults under specified circumstances; requiring that
9 an adult who is issued a civil citation by a
10 participating law enforcement agency report for intake
11 as required by the local prearrest diversion program;
12 requiring the provision of appropriate behavioral
13 health care services; requiring that an adult who is
14 issued a citation fulfill a community service
15 requirement specified by the local program; requiring
16 the diversion program to refer for prosecution an
17 adult who fails to complete the prearrest diversion
18 program; authorizing a court to issue a bench warrant;
19 requiring that there be no arrest record for adults
20 who successfully complete the program; requiring local
21 prearrest diversion programs to specify eligible
22 misdemeanor offenses; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 901.40, Florida Statutes, is created to
27 read:

28 901.40 Prearrest diversion programs.—The Legislature
29 encourages local communities to implement prearrest diversion

2-00321A-16

2016618__

30 programs that afford certain adults who fulfill specified
31 intervention and community service obligations the opportunity
32 to avoid an arrest record. Such programs shall allow law
33 enforcement officers, at their sole discretion, to issue civil
34 citations to certain adults who commit nonviolent misdemeanor
35 offenses. A civil citation may be issued under this section only
36 if the adult admits that he or she committed the offense and if
37 the alleged violation is the adult's first offense.

38 (1) An adult who receives a civil citation shall report for
39 intake as required by the local prearrest diversion program and
40 shall be provided appropriate behavioral health care services.
41 While in the local prearrest diversion program, the adult shall
42 perform community service hours as specified by the local
43 prearrest diversion program. If the adult does not successfully
44 complete the prearrest diversion program, he or she shall be
45 referred back for prosecution by the law enforcement agency that
46 issued the citation, and a bench warrant may be issued. If the
47 adult successfully completes the program, an arrest record may
48 not be associated with the offense.

49 (2) A local prearrest diversion program shall specify the
50 misdemeanor offenses that may be included in the diversion
51 program.

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