

By Senator Evers

2-00321A-16

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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.

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

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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

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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.