



343896

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2017	.	
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The Committee on Criminal Justice (Flores) recommended the following:

Senate Amendment

Delete lines 31 - 140
and insert:
misdemeanor offense if committed by an adult. Such programs must meet the requirements of this section and be established at the local level with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved. At least one program must be operated by the county. Additional programs ~~The program~~ may



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11 be operated by an entity such as a law enforcement agency, the
12 department, a juvenile assessment center, the county or
13 municipality, or another entity selected by the county or
14 municipality. Any additional programs shall complement the
15 established county program. An entity operating such a ~~the civil~~
16 ~~citation or similar diversion~~ program must do so in consultation
17 and agreement with the state attorney and local law enforcement
18 agencies.

19 (2) As used in this section, the term:

20 (a) "Law enforcement officer" has the same meaning as
21 provided in s. 943.10.

22 (b) "Misdemeanor offense" means one or more misdemeanor
23 violations of law arising out of the same criminal episode, act,
24 or transaction.

25 (3) Under ~~such~~ a juvenile civil citation or similar
26 diversion program, a law enforcement officer who makes, ~~upon~~
27 ~~making~~ contact with a juvenile who admits having committed a
28 first-time misdemeanor offense: misdemeanor, ~~may choose to issue~~
29 ~~a simple warning or inform the child's guardian or parent of the~~
30 ~~child's infraction, or may~~

31 (a) Shall issue a civil citation to the juvenile or require
32 the juvenile's participation in a similar diversion program if
33 each violation of law in the misdemeanor offense is one of the
34 following:

35 1. Section 562.111, relating to possession of alcoholic
36 beverages by persons under age 21;

37 2. Section 784.03(1), relating to battery;

38 3. Section 806.13, relating to criminal mischief;

39 4. Section 810.08 or s. 810.09, relating to trespass;



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- 40 5. Section 812.014(2)(e) or s. 812.014(3)(a), relating to
41 theft;
- 42 6. Section 812.015(2), relating to retail and farm theft;
43 7. Section 856.021, relating to loitering or prowling;
44 8. Section 870.01(1), relating to affrays and riots;
45 9. Section 877.03, relating to disorderly conduct;
46 10. Section 893.13(6)(b), relating to possession of certain
47 amounts of cannabis or controlled substances;
- 48 11. Section 893.147, relating to use, possession,
49 manufacture, delivery, transportation, advertisement, or retail
50 sale of drug paraphernalia; or
- 51 12. Section 843.02, relating to resisting an officer
52 without violence.
- 53 (b) May issue a civil citation to the juvenile or require
54 the juvenile's participation in a similar diversion program if
55 the violations of law are misdemeanors not enumerated in
56 paragraph (a).
- 57 (4) Under a juvenile civil citation or similar diversion
58 program, a law enforcement officer who makes contact with a
59 juvenile who admits having committed a second-time or third-time
60 misdemeanor offense may issue a civil citation to the juvenile
61 or require the juvenile's participation in a similar diversion
62 program, regardless of whether the violations of law are in
63 paragraph (3)(a).
- 64 (5) If an arrest is made for a misdemeanor offense subject
65 to paragraph (3)(b) or subsection (4), a law enforcement officer
66 must provide written documentation as to why the arrest was
67 warranted.
- 68 (6) A law enforcement officer shall advise a juvenile who



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69 is subject to subsection (3) or subsection (4) that the juvenile
70 has the option to refuse the civil citation or other similar
71 diversion program and be referred to the department. This option
72 may be exercised at any time before completion of the community
73 service assignment required under subsection (8). Participation
74 in a civil citation or similar diversion program is not
75 considered a referral to the department.

76 (7) Upon issuance of the civil citation or documentation
77 requiring a similar diversion program, the law enforcement
78 officer shall send a copy to the county sheriff, the state
79 attorney, the department or the entity operating the program as
80 designated by the department, the parent or guardian of the
81 juvenile, and the victim. The entity operating the program shall
82 enter such information into the juvenile justice information
83 system.

84 (8) A juvenile who elects to participate in a civil
85 citation or similar diversion program shall complete, and assess
86 up to 50 community service hours, and participate require
87 participation in intervention services as indicated by an
88 assessment of the needs of the juvenile, including family
89 counseling, urinalysis monitoring, and substance abuse and
90 mental health treatment services.

91 (a) The juvenile shall report to the entity operating the
92 program within 10 business days after the date of issuance of
93 the civil citation or documentation for a similar diversion
94 program. The juvenile shall spend a minimum of 5 hours per week
95 completing the community service assignment. The entity
96 operating the program shall immediately notify the department
97 through the juvenile justice information system that a juvenile



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98 has reported to the entity operating the program and the
99 expected date on which the juvenile will complete the community
100 service assignment ~~A copy of each citation issued under this~~
101 ~~section shall be provided to the department, and the department~~
102 ~~shall enter appropriate information into the juvenile offender~~
103 ~~information system. Use of the civil citation or similar~~
104 ~~diversion program is not limited to first-time misdemeanors and~~
105 ~~may be used in up to two subsequent misdemeanors. If an arrest~~
106 ~~is made, a law enforcement officer must provide written~~
107 ~~documentation as to why an arrest was warranted.~~

108 (b) At the conclusion of a juvenile's civil citation
109 ~~program~~ or similar diversion program, the entity agency
110 operating the program shall report the outcome of the program to
111 the department.

112 (c) If the juvenile fails to timely report for a community
113 service assignment, complete such assignment, or comply with
114 assigned intervention services within the prescribed time, the
115 entity operating the program shall notify the law enforcement
116 officer and the law enforcement officer shall proceed with an
117 arrest of the juvenile.

118 (d) If the juvenile commits a subsequent delinquent act
119 then the entity operating the program shall notify the law
120 enforcement officer and the law enforcement officer shall
121 proceed with an arrest of the juvenile ~~The issuance of a civil~~
122 ~~citation is not~~