

HB 997

2011

1                   A bill to be entitled  
2     An act relating to juvenile civil citations; amending s.  
3     985.12, F.S.; requiring that a juvenile civil citation  
4     program be established at the local level with the  
5     concurrence of the chief judge of the circuit and other  
6     designated persons; authorizing a law enforcement agency,  
7     the Department of Juvenile Justice, a juvenile assessment  
8     center, the county or municipality, or an entity selected  
9     by the county or municipality to operate the program;  
10    authorizing a law enforcement officer, upon making contact  
11    with a juvenile who admits to having committed a  
12    misdemeanor, to require participation in intervention  
13    services based upon an assessment of the needs of the  
14    juvenile; restricting eligibility of participants for the  
15    civil citation program to first-time misdemeanor  
16    offenders; requiring the issuing agency to report on the  
17    outcome to the Department of Juvenile Justice at the  
18    conclusion of a youth's civil citation program; providing  
19    that the issuance of a civil citation is not considered a  
20    referral to the department; requiring the department to  
21    develop a civil citation model that includes intervention  
22    services and is based upon proven civil citation programs  
23    within the state; requiring a law enforcement officer to  
24    issue a report if the child has not complied with the  
25    requirements of the civil citation program; providing an  
26    effective date.

27  
28    Be It Enacted by the Legislature of the State of Florida:

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29  
30 Section 1. Section 985.12, Florida Statutes, is amended to  
31 read:

32 985.12 Civil citation.—

33 (1) There is established a juvenile civil citation process  
34 for the purpose of providing an efficient and innovative  
35 alternative to custody by the Department of Juvenile Justice for  
36 ~~of~~ children who commit nonserious delinquent acts and to ensure  
37 swift and appropriate consequences. The civil citation program  
38 shall ~~may~~ be established at the local level with the concurrence  
39 of the chief judge of the circuit, state attorney, public  
40 defender, and the head of each local law enforcement agency  
41 involved and may be operated by a law enforcement agency, the  
42 department, a juvenile assessment center, the county or  
43 municipality, or an entity selected by the county or  
44 municipality. Under such a juvenile civil citation program, any  
45 law enforcement officer, upon making contact with a juvenile who  
46 admits having committed a misdemeanor, may issue a civil  
47 citation assessing not more than 50 community service hours, and  
48 ~~may~~ require participation in intervention services as indicated  
49 by an assessment of the ~~appropriate to identified~~ needs of the  
50 juvenile, including family counseling, urinalysis monitoring,  
51 and substance abuse and mental health treatment services. A copy  
52 of each citation issued under this section shall be provided to  
53 the department, and the department shall enter appropriate  
54 information into the juvenile offender information system. Only  
55 first-time misdemeanor offenders are eligible for the civil  
56 citation program. At the conclusion of a youth's civil citation

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57 program, the issuing agency shall report the outcome to the  
58 department. The issuance of a civil citation is not considered a  
59 referral to the department.

60 (2) The department shall develop a civil citation model  
61 that includes intervention services and is based upon proven  
62 civil citation programs within Florida.

63 (3)~~(2)~~ Upon issuing such citation, the law enforcement  
64 officer shall send a copy to the county sheriff, state attorney,  
65 the appropriate intake office of the department, the community  
66 service performance monitor designated by the department, the  
67 parent or guardian of the child, and the victim.

68 (4)~~(3)~~ The child shall report to the community service  
69 performance monitor within 7 working days after the date of  
70 issuance of the citation. The work assignment shall be  
71 accomplished at a rate of not less than 5 hours per week. The  
72 monitor shall advise the intake office immediately upon  
73 reporting by the child to the monitor, that the child has in  
74 fact reported and the expected date upon which completion of the  
75 work assignment will be accomplished.

76 (5)~~(4)~~ If the child ~~juvenile~~ fails to report timely for a  
77 work assignment, complete a work assignment, or comply with  
78 assigned intervention services within the prescribed time, ~~or if~~  
79 ~~the juvenile commits a third or subsequent misdemeanor,~~ the law  
80 enforcement officer shall issue a report stating that the child  
81 has not complied with the requirements of the civil citation  
82 ~~alleging the child has committed a delinquent act,~~ at which  
83 point a juvenile probation officer shall process the original  
84 delinquent act as a referral to the department ~~perform a~~

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~~preliminary determination as provided under s. 985.145.~~

(6)~~(5)~~ At the time of issuance of the citation by the law enforcement officer, such officer shall advise the child that the child has the option to refuse the citation and to be referred to the intake office of the department. That option may be exercised at any time prior to completion of the work assignment.

Section 2. This act shall take effect July 1, 2011.