

ENROLLED  
CS/HB 997

2011 Legislature

1                           A bill to be entitled  
2       An act relating to juvenile civil citations; amending s.  
3       985.12, F.S.; requiring the Department of Juvenile Justice  
4       to encourage and assist in the implementation and  
5       improvement of civil citation and similar diversion  
6       programs; requiring that a juvenile civil citation or  
7       similar diversion program be established at the local  
8       level with the concurrence of the chief judge of the  
9       circuit and other designated persons; authorizing a law  
10      enforcement agency, the Department of Juvenile Justice, a  
11      juvenile assessment center, the county or municipality, or  
12      an entity selected by the county or municipality to  
13      operate the civil citation or similar diversion program;  
14      requiring the entity operating the program to be selected  
15      in consultation and agreement with the state attorney and  
16      the local law enforcement agencies; authorizing a law  
17      enforcement officer, upon making contact with a juvenile  
18      who admits to having committed a misdemeanor, to require  
19      participation in intervention services based upon an  
20      assessment of the needs of the juvenile; restricting  
21      eligibility of participants for the civil citation or  
22      similar diversion program to first-time misdemeanor  
23      offenders unless the participation is approved by the  
24      state attorney or assistant state attorney; requiring the  
25      agency operating the program to report on the outcome to  
26      the Department of Juvenile Justice at the conclusion of a  
27      youth's civil citation or similar diversion program;  
28      providing that the issuance of a civil citation is not

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29 considered a referral to the department; requiring the  
30 department to develop guidelines for the civil citation  
31 program which include intervention services that are based  
32 upon proven civil citation or similar diversion programs  
33 within the state; requiring a juvenile probation officer  
34 to process the original delinquent act as a referral to  
35 the department in specified circumstances and to refer  
36 certain reports to the state attorney for review;  
37 providing an effective date.

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. Section 985.12, Florida Statutes, is amended to  
42 read:

43 985.12 Civil citation.—

44 (1) There is established a juvenile civil citation process  
45 for the purpose of providing an efficient and innovative  
46 alternative to custody by the Department of Juvenile Justice for  
47 ~~of~~ children who commit nonserious delinquent acts and to ensure  
48 swift and appropriate consequences. The department shall  
49 encourage and assist in the implementation and improvement of  
50 civil citation programs or other similar diversion programs  
51 around the state. The civil citation or similar diversion  
52 program shall ~~may~~ be established at the local level with the  
53 concurrence of the chief judge of the circuit, state attorney,  
54 public defender, and the head of each local law enforcement  
55 agency involved. The program may be operated by an entity such  
56 as a law enforcement agency, the department, a juvenile

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57 assessment center, the county or municipality, or some other  
58 entity selected by the county or municipality. An entity  
59 operating the civil citation or similar diversion program must  
60 do so in consultation and agreement with the state attorney and  
61 local law enforcement agencies. Under such a juvenile civil  
62 citation or similar diversion program, any law enforcement  
63 officer, upon making contact with a juvenile who admits having  
64 committed a misdemeanor, may issue a civil citation and assess  
65 ~~assessing~~ not more than 50 community service hours, and ~~may~~  
66 require participation in intervention services as indicated by  
67 an assessment of the ~~appropriate to identified~~ needs of the  
68 juvenile, including family counseling, urinalysis monitoring,  
69 and substance abuse and mental health treatment services. A copy  
70 of each citation issued under this section shall be provided to  
71 the department, and the department shall enter appropriate  
72 information into the juvenile offender information system. Only  
73 first-time misdemeanor offenders are eligible for the civil  
74 citation or similar diversion program. At the conclusion of a  
75 juvenile's civil citation or similar diversion program, the  
76 agency operating the program shall report the outcome to the  
77 department. The issuance of a civil citation is not considered a  
78 referral to the department.

79 (2) The department shall develop guidelines for the civil  
80 citation program which include intervention services that are  
81 based upon proven civil citation or similar diversion programs  
82 within the state.

83 (3) ~~(2)~~ Upon issuing such citation, the law enforcement  
84 officer shall send a copy to the county sheriff, state attorney,

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85 the appropriate intake office of the department, or the  
86 community service performance monitor designated by the  
87 department, the parent or guardian of the child, and the victim.

88 (4)~~(3)~~ The child shall report to the community service  
89 performance monitor within 7 working days after the date of  
90 issuance of the citation. The work assignment shall be  
91 accomplished at a rate of not less than 5 hours per week. The  
92 monitor shall advise the intake office immediately upon  
93 reporting by the child to the monitor, that the child has in  
94 fact reported and the expected date upon which completion of the  
95 work assignment will be accomplished.

96 (5)~~(4)~~ If the child ~~juvenile~~ fails to report timely for a  
97 work assignment, complete a work assignment, or comply with  
98 assigned intervention services within the prescribed time, or if  
99 the juvenile commits a ~~third or~~ subsequent misdemeanor, the law  
100 enforcement officer shall issue a report alleging the child has  
101 committed a delinquent act, at which point a juvenile probation  
102 officer shall process the original delinquent act as a referral  
103 to the department and refer the report to the state attorney for  
104 review ~~perform a preliminary determination as provided under s.~~  
105 ~~985.145.~~

106 (6)~~(5)~~ At the time of issuance of the citation by the law  
107 enforcement officer, such officer shall advise the child that  
108 the child has the option to refuse the citation and to be  
109 referred to the intake office of the department. That option may  
110 be exercised at any time before ~~prior to~~ completion of the work  
111 assignment.

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