

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

There are a number of programs created by statute which seek to divert youth arrested for delinquent acts from prosecution. For example, s. 985.306, F.S. provides a delinquency pretrial intervention program for juveniles charged with second or third degree felony violations of ch. 893, F.S. (entitled Drug Abuse Prevention and Control) who have not been previously adjudicated for a felony or admitted to a delinquency pretrial intervention program. At the end of successful completion of such a program, the court may dismiss the charges. Youths who have not successfully completed the program are either continued in the program, or ordered to be prosecuted through the normal channels. The programs exist if approved by the chief judge or alternative sanctions coordinator of the circuit "to the extent that funded programs are available." Misdemeanor violations of ch. 893, F.S. are not eligible for these programs as described by the statute.¹

Teen Courts are not specifically defined by statute, but in the counties in which they exist they serve as a delinquency diversion program as an alternative to formal prosecution in circuit court. To participate, a child must waive his or her right to a speedy trial, and admit the offense. According to an internet website for Florida Teen Court, "Teen Court is a program that gives first-time offenders between the ages of 10 and 17 a second chance, yet holds them accountable for their actions. A juvenile law violator must stand before a jury of their peers, plead guilty and accept whatever sanctions they impose. Teens ages 13 to 17 act as Defense Attorney, Prosecuting Attorney, Bailiff, Clerk and Jury. The only participating adult in the courtroom is the Judge. If the offender pleads guilty, accepts the sentence, and successfully completes the sanctions, their record is cleared. Teen Court is based on the philosophy that a juvenile law violator is less likely to continue to be an offender when a jury of their peers decides the punishment."² Under s. 938.19, F.S., county governments are authorized to fund Teen Courts through a \$3 fine for traffic violations. Under s. 943.0582, F.S., a Teen Court participant may have his or her arrest record expunged.

HB 961 would amend s. 938.19, F.S. to give counties the option of funding Teen Courts or Juvenile Drug Courts with the \$3 fine for motor vehicle infractions. The bill also provides that Teen Courts and juvenile drug courts are diversion programs for the purposes of possible record expungement under s. 943.0582, F.S. and for possible referral during post-arrest screening by a Juvenile Probation Officer under s. 985.21, F.S.

C. SECTION DIRECTORY:

¹ The charges of Possession of Less Than 20 Grams of Cannabis and Possession of Drug Paraphernalia are examples of misdemeanor violations of ch. 893, F.S.

² www.flteencourt.org

Section 1. Amends s. 938.19, F.S.
Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

2. Expenditures:

Unless the State makes an appropriation for a Teen Court or Juvenile Drug Court Program, there is no impact on State expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

2. Expenditures:

County governments would have the option of using the \$3 fine for motor vehicles to fund Teen Courts or Juvenile Drug Courts.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Because county governments are not mandated to fund juvenile drug courts, there is no mandates issue.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

Florida law already provides for a delinquency pretrial intervention program for drug violations under s. 985.306. In giving judges the ability to dismiss charges for youths who successfully complete the program, this program is a diversion program for the purposes of s. 985.21, F.S.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES