

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2021-28-Ufc (Amended)

**CREATION OF THE SEVENTEENTH JUDICIAL CIRCUIT JUVENILE
CIVIL CITATION PROGRAM**

- (a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Florida Rule of General Practice and Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (c) Section 985.12, Florida Statutes, mandates the establishment of a civil citation or prearrest diversion program (“Civil Citation Program”) to promote public safety, aid interagency cooperation, and reduce the crime and recidivism rate of juveniles in the State of Florida, and requires the State Attorney, Public Defender, Clerk of Court, and representatives from law enforcement agencies within the Circuit to create such a program and develop its policies and procedures. The Florida Legislature further found that “widespread use of civil citation and similar prearrest diversion programs has a positive effect on the criminal justice system and contributes to an overall reduction in the crime rate and recidivism in the state.”
- (d) Section 985.145, Florida Statutes, (i) designates the Department of Juvenile Justice as the primary case manager of all services provided to juveniles alleged to have committed a delinquent act or violation of law; (ii) requires the department to make a preliminary determination, in conjunction with the state attorney, as to the completeness of a probable cause affidavit; (iii) requires the department to determine the appropriateness for the juvenile to be referred to a diversionary program; (iv) permits the department to make recommendations to the filing of a petition or information; and (v) authorizes the state attorney and department to enter into an interagency agreement denoting which cases will require a recommendation from the department and which cases will not.

(e) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, Florida Rule of General Practice and Judicial Administration 2.215, and upon notification of the agreement among the State Attorney, Public Defender, Clerk of Court, and law enforcement, it is hereby **ORDERED**:

- I. The Seventeenth Judicial Circuit Juvenile Civil Citation Program is hereby established. The Program shall be coordinated and overseen by the State Attorney.
- II. Law Enforcement Referrals. The law enforcement agencies located within Broward County shall forward all juvenile referral arrest forms for juveniles issued a Misdemeanor Notice to Appear or are not in custody (“referrals”), including all required documents and records, directly to the Office of the State Attorney, Broward County. The State Attorney shall notify the sending law enforcement agency if additional information pertaining to the referral is needed. The State Attorney shall review the referrals and forward to the Clerk’s juvenile division those referrals in which court case numbers are to be assigned. The State Attorney shall hold those referrals that are eligible for the Program and issue a Civil Citation through the Office of the State Attorney, Broward County.
- III. Law Enforcement Referrals Received by the Clerk of Court. In the event that a law enforcement agency provides a referral to the Clerk of Courts instead of to the State Attorney, the Clerk’s juvenile division shall develop written policies and procedures for forwarding the referrals received by local law enforcement agencies to the State Attorney without assigning the referral a court case number within the Clerk’s case management system.
- IV. Upon notification from the State Attorney that charges are to be filed, the Clerk shall assign a court case number to a referral and the matter shall proceed as required under Florida Law. The Clerk shall immediately notify the law enforcement agency and/or State Attorney if additional information is needed prior to assigning a case number to the referral.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 25th day of June, 2021.

/s/ Jack Tuter
Jack Tuter, Chief Judge