

Juvenile Diversion Programs

HB 195/SB 342

and HB 197/ SB 344

The main goal of any diversion program is to reduce the occurrence of juvenile crime by diverting young people (generally first time offenders) away from the traditional juvenile justice system to give the youth a second chance to go down the right path and provide an alternative to formal processing into a voluntary program that offers a variety of resources including mental health counseling, substance abuse treatment, anger management and other services. Diversion programs are designed to provide offenders with necessary services that can get to the root of the underlying problem that caused them to commit a delinquent act in the first place. Studies have shown that a minor is less likely to commit the same crime after completing a diversion program. If the conditions are completed, then the charges are then dropped by the prosecutor.

The dropping of the case is so important in that these diversion cases can then be processed by FDLE for a records expunction which is the subject of HB 197/SB 344. The records expunction makes it legal for the offender to deny the existence of the record in most situations and further the record is confidential and exempt from public disclosure. HB 195/SB 342 expands eligibility for diversion from misdemeanors to felony offenses, except for forcible felonies and felonies that involve the manufacture, sale, purchase, transport, possession, or use of firearms.

In the 2021 and 2022 Legislative Session, the bills received unanimous approval in both the House and Senate. Governor Ron DeSantis vetoed the measure in 2021 after an objection by the Florida Police Chief's Association. Some tweaks were made and on May 12, 2022, he signed the bill into law that will take effect July 1, 2022. FLPTA is so proud of our advocacy efforts in this area working with the bill sponsors Representative David Smith and Senator Keith Perry as well as the No Place for a Child Coalition and the Juvenile Justice Association.

Numerous studies have shown that a child's brain is still developing throughout their mid-20's. They can learn, grow, and become rehabilitated. *Every child should have the opportunity to reach their full potential—even if they make a mistake while growing up. Second chances are important as children learn and grow into adulthood. **The bill provides for retroactive application of the public records exemption and is expected to impact over 23, 000 juveniles.***