



## Legislative Agenda Presented By Florida Juvenile Justice Association (FJJA) FY 2021 - 2022

### **HB 2987 - Support Retention Plan for DJJ Contracted Direct-Care Staff**

The Governor & Legislature in the FY 2018-2019 provided a 10% increase in the salaries of 'direct care' state workers at DJJ. This was for the recruitment and retention of those staff due to high turnover. Over 75% of DJJ's services are provided by private providers who are experiencing a 50% turnover rate costing the state and its taxpayers millions of dollars. Our workforce is our most important asset, yet we are experiencing increasing difficulty in finding and keeping quality staff. This is a request for \$2 million to provide those 'direct care' staff working with our children with retention bonuses. These bonuses were provided in FY 2018-2019 by the Legislature in order to aid retention efforts to stabilize the workforce. \$750,000 was provided in FY 2019-2020 **Appropriations Request: \$2,000,000**

### **Support SB 274 & HB 93 - Juvenile Diversion Program Expunction**

There are currently 4 options available to expunge (eliminate all public record) a juvenile arrest record in Florida.

1. Automatic - On the child's 21<sup>st</sup> birthday (or 26 if *committed* as a juvenile) all delinquency records are supposed to be destroyed by the Florida Department of Law Enforcement (FDLE), if the child is not charged with certain crimes as an adult before their 21<sup>st</sup> birthday
2. Early - Submit a request to FDLE when they are between the ages of 18 and 21 for an *early expungement* only if 5 years has passed since the conclusion of their last case
3. Petition - File a *petition* with the circuit court to have their record expunged at any time (complicated and usually requires an attorney)
4. *Juvenile Diversion Expungement* - Submit an application to FDLE at no cost only if the child completes a post arrest diversion program for a misdemeanor offense.

The legislature created this exception (#4) and eliminated any processing fee, so it is intended to provide children that complete diversion an opportunity to start with a clean slate; however, this provision only applies to children who complete a diversion program for a misdemeanor offense. It should also apply to children who complete a diversion program for a felony offense. Take the case of a child who steals an item one-dollar under the felony property theft threshold versus a child who steals an item one-dollar over. If both children complete a post-arrest / pre-file diversion program, only the child that was arrested for stealing the item one-dollar under is eligible to take advantage of the *juvenile diversion expunction* provision. This creates a disappointing disadvantage to a large population of the children that complete diversion. Juvenile arrests can often affect a child's ability to get into college, the military, or obtain employment and housing. We would like this process to apply to any child that completes a diversion program not just those arrested for misdemeanor offenses.

The legislature created this exception (#4) and eliminated any processing fee, so it is intended to provide children that complete diversion an opportunity to start with a clean slate; however, this provision only applies to children who complete a diversion program for a misdemeanor offense. It should also apply to children who complete a diversion program for a felony offense. Take the case of a child who steals an item one-dollar under the felony property theft threshold versus a child who steals an item one-dollar over. If both children complete a post-arrest / pre-file diversion program, only the child that was arrested for stealing the item one-dollar under is eligible to take advantage of the *juvenile diversion expunction* provision. This creates a disappointing disadvantage to a large population of the children that complete diversion. Juvenile arrests can often affect a child's ability to get into college, the military, or obtain employment and housing. We would like this process to apply to any child that completes a diversion program not just those arrested for misdemeanor offenses.

### **Support SB 486 & HB 723 - Juvenile Justice Education Programs**

The FJJA supports policy giving juvenile justice education providers similar flexibility as public schools when it comes to providing the hourly equivalent of statutorily required academic days. Currently, juvenile justice education providers are required to provide 250 academic days (minus a certain number of teacher planning days) with no option for utilizing the hourly equivalent. This bill provides that option, ensuring that juvenile justice education providers can still meet statutory requirements during times of unforeseen circumstances like natural disasters. The FJJA also believes that funding should follow the student, and that payment of funds should be timely. This bill supports that by requiring that juvenile justice education providers receive 95% of the FEFP from the district school board, a statutory increase of 5 percentage points, bringing them in line with what charter schools receive. Finally, the bill puts in place timelines for contracts and payment of such contracts between juvenile justice education providers and district school boards.

### **Support Minimum Age of Arrest for Youth**

The FJJA supports policy establishing a minimum age of arrest for children. Research has shown that children under certain ages are incapable of establishing *mens rea* to commit crimes. Specifically, it has shown that children younger than 12 years of age are incapable of such mental culpability needed for the commission of crime. For this reason, the FJJA supports policy that prohibits children of a particular age from being adjudicated delinquent, arrested, or charged with a crime on the basis of acts occurring before they reach such established age. Language would provide exceptions for arrest in cases where law enforcement has probable cause to believe that detention is necessary to prevent an imminent threat of serious bodily harm to another individual.

Christian Minor, Executive Director [Cminor@fja.org](mailto:Cminor@fja.org)  
[www.fja.org](http://www.fja.org)