

Bill No. CS for SB 2564

Amendment No. 1 Barcode 512988

CHAMBER ACTION

Senate

House

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The Conference Committee on CS for SB 2564 recommended the following amendment:

**Conference Committee Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 985.2155, Florida Statutes, is created to read:

985.2155 Shared county and state responsibility for juvenile detention.--

(1) It is the policy of this state that the state and the counties have a joint obligation, as provided in this section, to contribute to the financial support of the detention care provided for juveniles.

(2) As used in this section, the term:

(a) "Detention care" means secure detention.

(b) "Fiscally constrained county" means a county designated as a rural area of critical economic concern under s. 288.0656 for which the value of a mill in the county is no more than \$3 million, based on the property valuations and tax

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1 data annually published by the Department of Revenue under s.  
2 195.052.

3 (3) Each county or the state shall pay the costs  
4 incurred by the county in providing detention care for  
5 juveniles for the period of time prior to final court  
6 disposition. The department shall develop an accounts payable  
7 system to allocate costs that are payable by the counties.

8 (4) Notwithstanding subsection (3), the state shall  
9 pay all costs of detention care for juveniles for which a  
10 fiscally constrained county would otherwise be billed.

11 (a) By October 1, 2004, the department shall develop a  
12 methodology for determining the amount of each fiscally  
13 constrained county's costs of detention care for juveniles,  
14 for the period of time prior to final court disposition, which  
15 must be paid by the state. At a minimum, this methodology must  
16 consider the difference between the amount appropriated to the  
17 department for offsetting the costs associated with the  
18 assignment of juvenile pretrial detention expenses to the  
19 fiscally constrained county and the total estimated costs to  
20 the fiscally constrained county, for the fiscal year, of  
21 detention care for juveniles for the period of time prior to  
22 final court disposition.

23 (b) Subject to legislative appropriation and based on  
24 the methodology developed under paragraph (a), the department  
25 shall provide funding to offset the costs to fiscally  
26 constrained counties of detention care for juveniles for the  
27 period of time prior to final court disposition. If county  
28 matching funds are required by the department to eliminate the  
29 difference calculated under paragraph (a) or the difference  
30 between the actual costs of the fiscally constrained counties  
31 and the amount appropriated in small county grants for use in

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1 mitigating such costs, that match amount must be allocated  
2 proportionately among all fiscally constrained counties.

3 (5) Each county shall incorporate into its annual  
4 county budget sufficient funds to pay its costs of detention  
5 care for juveniles who reside in that county for the period of  
6 time prior to final court disposition. This amount shall be  
7 based upon the prior use of secure detention for juveniles who  
8 are residents of that county, as calculated by the department.  
9 Each county shall pay the estimated costs at the beginning of  
10 each month. Any difference between the estimated costs and  
11 actual costs shall be reconciled at the end of the state  
12 fiscal year.

13 (6) Each county shall pay to the department for  
14 deposit into the Juvenile Justice Grants and Donations Trust  
15 Fund its share of the county's total costs for juvenile  
16 detention, based upon calculations published by the department  
17 with input from the counties.

18 (7) The Department of Juvenile Justice shall determine  
19 each quarter whether the counties of this state are remitting  
20 to the department their share of the costs of detention as  
21 required by this section. If the Department of Juvenile  
22 Justice determines that any county is remitting less than the  
23 amount required, the Chief Financial Officer shall withhold  
24 from such county a portion of any state funds to which the  
25 county may be entitled equal to the difference of the amount  
26 remitted and the amount required to be remitted.

27 (8) The Department of Revenue and the counties shall  
28 provide technical assistance as necessary to the Department of  
29 Juvenile Justice in order to develop the most cost-effective  
30 means of collection.

31 (9)(a) For juveniles who reside in other states, the

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1 department shall negotiate with those states for the payment  
2 of the costs of detention care for the period of time prior to  
3 the final court disposition.

4 (b) For juveniles for whom no state of residence is  
5 established, the department shall pay from state funds the  
6 costs of detention care for the period of time prior to final  
7 disposition.

8 (10) Funds received from counties and from other  
9 states pursuant to this section are not subject to the service  
10 charges provided in s. 215.20.

11 (11) The department may adopt rules to administer this  
12 section.

13 Section 2. The Legislature determines and declares  
14 that this act fulfills an important state interest.

15 Section 3. This act shall take effect October 1, 2004.

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18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete everything before the enacting clause

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22 and insert:

23 A bill to be entitled  
24 An act relating to shared county and state  
25 responsibility for juvenile detention; creating  
26 s. 985.2155, F.S.; providing that it is the  
27 policy of the state that the state and counties  
28 have a joint obligation to financially support  
29 the detention care provided for juveniles;  
30 providing definitions; requiring that a county  
31 pay the costs of the Department of Juvenile

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1 Justice in providing detention care to  
2 juveniles unless the county is a fiscally  
3 constrained county; requiring the department to  
4 develop a methodology for determining the  
5 amount to be paid by such counties; providing a  
6 payment process; requiring the Chief Financial  
7 Officer to withhold funds if a county fails to  
8 remit the required amount to the Department of  
9 Juvenile Justice; requiring the department to  
10 negotiate for payment from other states for  
11 costs incurred by juveniles who reside out of  
12 state; requiring the department to pay the  
13 detention costs for juveniles who do not have a  
14 state of residence; exempting funds received by  
15 the department in payment of the detention  
16 expenses of juveniles from certain service  
17 charges; authorizing the Department of Juvenile  
18 Justice to adopt rules; providing that the act  
19 fulfills an important state interest; providing  
20 an effective date.

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