

By the Committee on Appropriations; and Senator Crist

309-2360-04

1                                   A bill to be entitled  
2           An act relating to shared county and state  
3           responsibility for juvenile detention; creating  
4           s. 985.2155, F.S.; providing that it is the  
5           policy of the state that the state and counties  
6           have a joint obligation to financially support  
7           the detention care provided for juveniles;  
8           providing definitions; requiring that a county  
9           pay the costs of the Department of Juvenile  
10          Justice in providing detention care to  
11          juveniles unless the county is a fiscally  
12          constrained county; requiring the department to  
13          develop a methodology for determining the  
14          amount to be paid by such counties; providing a  
15          payment process; requiring the Chief Financial  
16          Officer to withhold funds if a county fails to  
17          remit the required amount to the Department of  
18          Juvenile Justice; requiring the department to  
19          negotiate for payment from other states for  
20          costs incurred by juveniles who reside out of  
21          state; requiring the department to pay the  
22          detention costs for juveniles who do not have a  
23          state of residence; exempting funds received by  
24          the department in payment of the detention  
25          expenses of juveniles from certain service  
26          charges; authorizing the Department of Juvenile  
27          Justice to adopt rules; providing that the act  
28          fulfills an important state interest; providing  
29          an effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

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

3           985.2155 Shared county and state responsibility for  
4 juvenile detention.--

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

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

10           (a) "Detention care" means secure detention.

11           (b) "Fiscally constrained county" means a county  
12 designated as a rural area of critical economic concern under  
13 s. 288.0656 for which the value of a mill in the county is no  
14 more than \$3 million, based on the property valuations and tax  
15 data annually published by the Department of Revenue under s.  
16 195.052.

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

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

25           (a) By October 1, 2004, the department shall develop a  
26 methodology for determining the amount of each fiscally  
27 constrained county's costs of detention care for juveniles,  
28 for the period of time prior to final court disposition, which  
29 must be paid by the state. At a minimum, this methodology must  
30 consider the difference between the amount appropriated to the  
31 department for offsetting the costs associated with the

1 assignment of juvenile pretrial detention expenses to the  
2 fiscally constrained county and the total estimated costs to  
3 the fiscally constrained county, for the fiscal year, of  
4 detention care for juveniles for the period of time prior to  
5 final court disposition.

6 (b) Subject to legislative appropriation and based on  
7 the methodology developed under paragraph (a), the department  
8 shall provide funding to offset the costs to fiscally  
9 constrained counties of detention care for juveniles for the  
10 period of time prior to final court disposition. If county  
11 matching funds are required by the department to eliminate the  
12 difference calculated under paragraph (a) or the difference  
13 between the actual costs of the fiscally constrained counties  
14 and the amount appropriated in small county grants for use in  
15 mitigating such costs, that match amount must be allocated  
16 proportionately among all fiscally constrained counties.

17 (5) Each county shall incorporate into its annual  
18 county budget sufficient funds to pay its costs of detention  
19 care for juveniles who reside in that county for the period of  
20 time prior to final court disposition. This amount shall be  
21 based upon the prior use of secure detention for juveniles who  
22 are residents of that county, as calculated by the department.  
23 Each county shall pay the estimated costs at the beginning of  
24 each month. Any difference between the estimated costs and  
25 actual costs shall be reconciled at the end of the state  
26 fiscal year.

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

1           (7) The Department of Juvenile Justice shall determine  
2 each quarter whether the counties of this state are remitting  
3 to the department their share of the costs of detention as  
4 required by this section. If the Department of Juvenile  
5 Justice determines that any county is remitting less than the  
6 amount required, the Chief Financial Officer shall withhold  
7 from such county a portion of any state funds to which the  
8 county may be entitled equal to the difference of the amount  
9 remitted and the amount required to be remitted.

10           (8) The Department of Revenue and the counties shall  
11 provide technical assistance as necessary to the Department of  
12 Juvenile Justice in order to develop the most cost-effective  
13 means of collection.

14           (9)(a) For juveniles who reside in other states, the  
15 department shall negotiate with those states for the payment  
16 of the costs of detention care for the period of time prior to  
17 the final court disposition.

18           (b) For juveniles for whom no state of residence is  
19 established, the department shall pay from state funds the  
20 costs of detention care for the period of time prior to final  
21 disposition.

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

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

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 2564

The committee substitute requires joint financial participation of the state and counties in the provision of juvenile detention. Costs allocated to counties will be associated with the time juveniles from those counties spend in detention before being adjudicated. Costs allocated to the state will be associated with the time spent in detention by juveniles who have no known residence, whose residence is out of state, or who have been adjudicated.