

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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