

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A bill to be entitled
 An act relating to juvenile detention; amending s.
 985.2155, F.S.; revising the apportionment between counties
 and the state of certain costs of providing detention care
 for juveniles; deleting a requirement that the Chief
 Financial Officer withhold a portion of county funds if the
 county remits to the state less than the amount required;
 deleting provisions directing the Department of Juvenile
 Justice to negotiate with other states for certain costs
 and to pay the costs of detaining juveniles for whom no
 state of residence is established; amending s. 3 of chapter
 2004-263, Laws of Florida; revising the effective date of
 such chapter; requiring the Governor to adjust the approved
 operating budget for the Department of Juvenile Justice;
 providing legislative findings relating to sanctions and
 services provided for juveniles who are alleged to have
 committed a violation of law; providing that the act
 fulfills an important state interest; providing an
 appropriation; providing effective dates.

WHEREAS, the Legislature finds that the responsibility of
 counties for juveniles who are alleged to have committed
 delinquent acts should begin at the point of referral and end at
 the time of adjudication and that the state's responsibility
 should begin at the time of adjudication, and

WHEREAS, the Legislature finds that expansion of the use of
 current residential resources to allow delinquent juveniles to
 be committed to less restrictive, less intensive, and short-term

HB 0003A

2004

29 commitments is an option that needs to be further addressed, and

30 WHEREAS, the Legislature acknowledges the need to address
 31 the discretion of judges in determining the level and type of
 32 restrictiveness of placements for delinquent juveniles, and

33 WHEREAS, the Legislature desires to clarify the roles and
 34 responsibilities of counties and the state with respect to the
 35 care of juvenile offenders, NOW, THEREFORE,

36

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

38

39 Section 1. Effective July 1, 2005, subsections (3), (7),
 40 (9), (10), and (11) of section 985.2155, Florida Statutes, are
 41 amended to read:

42 985.2155 Shared county and state responsibility for
 43 juvenile detention.--

44 (3) Each county ~~or the state~~ shall pay the costs of
 45 incurred by the county in providing detention care, exclusive of
 46 the costs of any preadjudicatory nonmedical educational or
 47 preadjudicatory therapeutic services, for juveniles for the
 48 period of time prior to final court disposition. The department
 49 shall develop an accounts payable system to allocate costs that
 50 are payable by the counties.

51 (7) The Department of Juvenile Justice shall determine
 52 each quarter whether the counties of this state are remitting to
 53 the department their share of the costs of detention as required
 54 by this section. ~~If the Department of Juvenile Justice~~
 55 ~~determines that any county is remitting less than the amount~~
 56 ~~required, the Chief Financial Officer shall withhold from such~~

CODING: Words **stricken** are deletions; words **underlined** are additions.

57 ~~county a portion of any state funds to which the county may be~~
 58 ~~entitled equal to the difference of the amount remitted and the~~
 59 ~~amount required to be remitted.~~

60 ~~(9)(a) For juveniles who reside in other states, the~~
 61 ~~department shall negotiate with those states for the payment of~~
 62 ~~the costs of detention care for the period of time prior to the~~
 63 ~~final court disposition.~~

64 ~~(b) For juveniles for whom no state of residence is~~
 65 ~~established, the department shall pay from state funds the costs~~
 66 ~~of detention care for the period of time prior to final~~
 67 ~~disposition.~~

68 ~~(9)(10) Funds received from counties and from other states~~
 69 ~~pursuant to this section are not subject to the service charges~~
 70 ~~provided in s. 215.20.~~

71 ~~(10)(11) The department may adopt rules to administer this~~
 72 ~~section.~~

73 Section 2. Section 3 of chapter 2004-263, Laws of Florida,
 74 is amended to read:

75 Section 3. This act shall take effect July 1, 2005 ~~October~~
 76 ~~1, 2004.~~

77 Section 3. The Governor shall, by January 15, 2005, adjust
 78 the approved operating budget for the Department of Juvenile
 79 Justice in order to reverse budget amendment EOG #0305, which
 80 was approved by the Legislative Budget Commission on December 2,
 81 2004.

82 Section 4. The Legislature finds that laws related to the
 83 provision and funding of sanctions and services provided to
 84 juveniles who are alleged to have committed a violation of law

85 are an inherent and necessary component of the criminal laws of
86 this state. Therefore, pursuant to the authority granted by
87 Section 18(e) of Article VII of the State Constitution, this act
88 shall be considered a criminal law for purposes of implementing
89 and enforcing Section 18(d) of Article VII of the State
90 Constitution.

91 Section 5. The Legislature determines and declares that
92 this act fulfills an important state interest.

93 Section 6. The sum of \$65,146,936 in nonrecurring funds is
94 appropriated in lump sum from the General Revenue Fund to the
95 Department of Juvenile Justice for the 2004-2005 fiscal year for
96 the purpose of operating juvenile detention centers and to
97 restore any moneys transferred from other appropriations, or
98 received from counties pursuant to s. 985.2155, Florida
99 Statutes, in order to meet the current costs of operating
100 juvenile detention centers.

101 Section 7. Except as otherwise provided herein, this act
102 shall take effect upon becoming a law.