

CHAMBER ACTION

1 The Justice Appropriations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to juvenile detention; amending s.
7 985.2155, F.S.; revising the apportionment between counties
8 and the state of certain costs of providing detention care
9 for juveniles; deleting a requirement that the Chief
10 Financial Officer withhold a portion of county funds if the
11 county remits to the state less than the amount required;
12 deleting provisions directing the Department of Juvenile
13 Justice to negotiate with other states for certain costs
14 and to pay the costs of detaining juveniles for whom no
15 state of residence is established; amending s. 3 of chapter
16 2004-263, Laws of Florida; revising the effective date of
17 such chapter; requiring the Governor to adjust the approved
18 operating budget for the Department of Juvenile Justice;
19 providing that the act fulfills an important state
20 interest; providing an appropriation; providing effective
21 dates.

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23 WHEREAS, the Legislature finds that the responsibility of

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

28 WHEREAS, the Legislature finds that expansion of the use of
 29 current residential resources to allow delinquent juveniles to
 30 be committed to less restrictive, less intensive, and short-term
 31 commitments is an option that needs to be further addressed, and

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

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

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

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41 Section 1. Effective July 1, 2005, subsections (3), (7),
 42 (9), (10), and (11) of section 985.2155, Florida Statutes, are
 43 amended to read:

44 985.2155 Shared county and state responsibility for
 45 juvenile detention.--

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

52 are payable by the counties.

53 (7) The Department of Juvenile Justice shall determine
54 each quarter whether the counties of this state are remitting to
55 the department their share of the costs of detention as required
56 by this section. ~~If the Department of Juvenile Justice~~
57 ~~determines that any county is remitting less than the amount~~
58 ~~required, the Chief Financial Officer shall withhold from such~~
59 ~~county a portion of any state funds to which the county may be~~
60 ~~entitled equal to the difference of the amount remitted and the~~
61 ~~amount required to be remitted.~~

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

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

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

73 ~~(10)(11) The department may adopt rules to administer this~~
74 ~~section.~~

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

77 Section 3. This act shall take effect July 1, 2005 ~~October~~
78 ~~1, 2004.~~

79 Section 3. The Governor shall, by January 15, 2005, adjust

80 the approved operating budget for the Department of Juvenile
81 Justice in order to reverse budget amendment EOG #0305, which
82 was approved by the Legislative Budget Commission on December 2,
83 2004.

84 Section 4. The Legislature determines and declares that
85 this act fulfills an important state interest.

86 Section 5. The sum of \$65,146,936 in nonrecurring funds is
87 appropriated in lump sum from the General Revenue Fund to the
88 Department of Juvenile Justice for the 2004-2005 fiscal year for
89 the purpose of operating juvenile detention centers and to
90 restore any moneys transferred from other appropriations, or
91 received from counties pursuant to s. 985.2155, Florida
92 Statutes, in order to meet the current costs of operating
93 juvenile detention centers.

94 Section 6. Except as otherwise provided herein, this act
95 shall take effect upon becoming a law.