

By Senator Crist

41-503D-05

1                                   A bill to be entitled

2                   An act relating to juvenile detention; amending

3                   s. 985.2155, F.S.; revising the apportionment

4                   of certain costs between counties and the state

5                   of providing detention care for juveniles;

6                   deleting a requirement that the Chief Financial

7                   Officer withhold a portion of county funds if

8                   the county remits to the state less than the

9                   amount required; deleting provisions directing

10                  the Department of Juvenile Justice to negotiate

11                  with other states for certain costs and to pay

12                  the costs of detaining juveniles for whom no

13                  state of residence is established; amending s.

14                  3 of chapter 2004-263, Laws of Florida;

15                  revising the effective date of chapter

16                  2004-263, Laws of Florida, which has already

17                  occurred; providing an appropriation; requiring

18                  the Governor to adjust the approved operating

19                  budget for the Department of Juvenile Justice;

20                  providing legislative findings that the

21                  sanctions and services provided for juveniles

22                  who are alleged to have committed a violation

23                  of law are a necessary component of the

24                  criminal laws of the state and shall be

25                  considered as such for purposes of s. 18(d),

26                  Art. VII of the State Constitution; providing

27                  that the act fulfills an important state

28                  interest; providing effective dates.

29

30                  WHEREAS, the Legislature finds that the responsibility

31                  of counties for juveniles who are alleged to have committed

1 delinquent acts should begin at the point of referral and end  
2 at the time of adjudication, and that the state's  
3 responsibility should begin at the time of adjudication, and

4           WHEREAS, the Legislature finds that expansion of the  
5 use of current residential resources to allow delinquent  
6 juveniles to be committed to less restrictive, less intensive,  
7 and short-term commitments is an option that needs to be  
8 further addressed, and

9           WHEREAS, the Legislature acknowledges the need to  
10 address the discretion of judges in determining the level and  
11 type of restrictiveness of placements for delinquent  
12 juveniles, and

13           WHEREAS, the Legislature desires to clarify the roles  
14 and responsibilities of counties and the state with respect to  
15 the care of juvenile offenders, NOW, THEREFORE,

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Effective July 1, 2005, subsections (3),  
20 (7), (9), (10), and (11) of section 985.2155, Florida  
21 Statutes, are amended to read:

22           985.2155 Shared county and state responsibility for  
23 juvenile detention.--

24           (3) Each county ~~or the state~~ shall pay the costs of of  
25 ~~incurred by the county in~~ providing detention care, exclusive  
26 of the costs of any preadjudicatory nonmedical educational or  
27 therapeutic services, for juveniles for the period of time  
28 prior to final court disposition. The department shall develop  
29 an accounts payable system to allocate costs that are payable  
30 by the counties.

31

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

14           ~~(b) For juveniles for whom no state of residence is~~  
15 ~~established, the department shall pay from state funds the~~  
16 ~~costs of detention care for the period of time prior to final~~  
17 ~~disposition.~~

18           ~~(9)(10)~~ Funds received from counties ~~and from other~~  
19 ~~states~~ pursuant to this section are not subject to the service  
20 charges provided in s. 215.20.

21           ~~(10)(11)~~ The department may adopt rules to administer  
22 this section.

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

25           Section 3. This act shall take effect July 1, 2005  
26 ~~October 1, 2004.~~

27           Section 3. The sum of \$65,146,936 in nonrecurring  
28 funds is appropriated in lump sum from the General Revenue  
29 Fund to the Department of Juvenile Justice for the 2004-2005  
30 fiscal year for the purpose of operating juvenile detention  
31 centers and to restore any moneys transferred from other

1 appropriations, or received from counties pursuant to section  
2 985.2155, Florida Statutes, in order to meet the current costs  
3 of operating juvenile detention centers.

4 Section 4. The Governor shall, by January 15, 2005,  
5 adjust the approved operating budget for the Department of  
6 Juvenile Justice in order to reverse budget amendment EOG  
7 #0305, which was approved by the Legislative Budget Commission  
8 on December 2, 2004.

9 Section 5. The Legislature finds that laws related to  
10 the provision and funding of sanctions and services provided  
11 to juveniles who are alleged to have committed a violation of  
12 law are an inherent and necessary component of the criminal  
13 laws of this state. Therefore, pursuant to the authority  
14 granted by Section 18(e) of Article VII of the State  
15 Constitution, this act shall be considered a criminal law for  
16 purposes of implementing and enforcing Section 18(d) of  
17 Article VII of the State Constitution.

18 Section 6. The Legislature determines and declares  
19 that this act fulfills an important state interest.

20 Section 7. This act shall take effect upon becoming a  
21 law.

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24 SENATE SUMMARY

25 Revises the manner in which the costs of providing  
26 juvenile detention care is apportioned between the  
27 counties and the state. Removes provisions requiring the  
28 Chief Financial Officer to withhold certain county funds.  
29 Revises other duties of the Department of Juvenile  
30 Justice with respect to detention care for nonresident  
31 juveniles. Changes the effective date of chapter  
2004-263, Laws of Florida, from October 1, 2004, to July  
1, 2005. Requires the Governor to adjust the department's  
approved operating budget. (See bill for details.)