Florida Senate - 2004

CS for SB 4-A

By the Committee on Justice Appropriations; and Senator Crist

604-606-05

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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 that the act fulfills an important
21	state interest; providing effective dates.
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23	WHEREAS, the Legislature finds that the responsibility
24	of counties for juveniles who are alleged to have committed
25	delinquent acts should begin at the point of referral and end
26	at the time of adjudication, and that the state's
27	responsibility should begin at the time of adjudication, and
28	WHEREAS, the Legislature finds that expansion of the
29	use of current residential resources to allow delinquent
30	juveniles to be committed to less restrictive, less intensive,
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1 and short-term commitments is an option that needs to be 2 further addressed, and WHEREAS, the Legislature acknowledges the need to 3 address the discretion of judges in determining the level and 4 type of restrictiveness of placements for delinguent 5 б juveniles, and 7 WHEREAS, the Legislature desires to clarify the roles 8 and responsibilities of counties and the state with respect to the care of juvenile offenders, NOW, THEREFORE, 9 10 Be It Enacted by the Legislature of the State of Florida: 11 12 13 Section 1. Effective July 1, 2005, subsections (3), (7), (9), (10), and (11) of section 985.2155, Florida 14 Statutes, are amended to read: 15 16 985.2155 Shared county and state responsibility for 17 juvenile detention .--18 (3) Each county or the state shall pay the costs of incurred by the county in providing detention care, exclusive 19 of the costs of any preadjudicatory nonmedical educational or 20 21 therapeutic services, for juveniles for the period of time 22 prior to final court disposition. The department shall develop 23 an accounts payable system to allocate costs that are payable 2.4 by the counties. (7) The Department of Juvenile Justice shall determine 25 26 each quarter whether the counties of this state are remitting 27 to the department their share of the costs of detention as 2.8 required by this section. If the Department of Juvenile 29 Justice determines that any county is remitting less than the amount required, the Chief Financial Officer shall withhold 30 31 from such county a portion of any state funds to which the 2

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1 county may be entitled equal to the difference of the amount 2 remitted and the amount required to be remitted. (9)(a) For juveniles who reside in other states, the 3 4 department shall negotiate with those states for the payment 5 of the costs of detention care for the period of time prior to 6 the final court disposition. 7 (b) For juveniles for whom no state of residence is 8 established, the department shall pay from state funds the 9 costs of detention care for the period of time prior to final 10 disposition. (9)(10) Funds received from counties and from other 11 12 states pursuant to this section are not subject to the service 13 charges provided in s. 215.20. (10)(11) The department may adopt rules to administer 14 this section. 15 Section 2. Section 3 of chapter 2004-263, Laws of 16 17 Florida, is amended to read: 18 Section 3. This act shall take effect July 1, 2005 October 1, 2004. 19 Section 3. The sum of \$65,146,936 in nonrecurring 20 21 funds is appropriated in lump sum from the General Revenue Fund to the Department of Juvenile Justice for the 2004-2005 22 23 fiscal year for the purpose of operating juvenile detention centers and to restore any moneys transferred from other 2.4 appropriations, or received from counties pursuant to section 25 985.2155, Florida Statutes, in order to meet the current costs 26 27 of operating juvenile detention centers. 2.8 Section 4. The Governor shall, by January 15, 2005, adjust the approved operating budget for the Department of 29 30 Juvenile Justice in order to reverse budget amendment EOG 31

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1 #0305, which was approved by the Legislative Budget Commission on December 2, 2004. Section 5. The Legislature determines and declares that this act fulfills an important state interest. Section 6. This act shall take effect upon becoming a law. STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR Senate Bill 4-A Removes the provision that states that this act shall be considered a criminal law for purposes of implementing and enforcing Section 18(d) of the Florida Constitution.

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