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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

3 WHEREAS, the Legislature acknowledges the need to
4 address the discretion of judges in determining the level and
5 type of restrictiveness of placements for delinquent
6 juveniles, and

7 WHEREAS, the Legislature desires to clarify the roles
8 and responsibilities of counties and the state with respect to
9 the care of juvenile offenders, NOW, THEREFORE,

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

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13 Section 1. Effective July 1, 2005, subsections (3),
14 (7), (9), (10), and (11) of section 985.2155, Florida
15 Statutes, are amended to read:

16 985.2155 Shared county and state responsibility for
17 juvenile detention.--

18 (3) Each county ~~or the state~~ shall pay the costs of
19 incurred by the county in providing detention care, exclusive
20 of the costs of any preadjudicatory nonmedical educational or
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
24 by the counties.

25 (7) The Department of Juvenile Justice shall determine
26 each quarter whether the counties of this state are remitting
27 to the department their share of the costs of detention as
28 required by this section. ~~If the Department of Juvenile~~
29 ~~Justice determines that any county is remitting less than the~~
30 ~~amount required, the Chief Financial Officer shall withhold~~
31 ~~from such county a portion of any state funds to which the~~

1 ~~county may be entitled equal to the difference of the amount~~
2 ~~remitted and the amount required to be remitted.~~

3 ~~(9)(a) For juveniles who reside in other states, the~~
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.~~

11 ~~(9)(10) Funds received from counties and from other~~
12 ~~states pursuant to this section are not subject to the service~~
13 ~~charges provided in s. 215.20.~~

14 ~~(10)(11) The department may adopt rules to administer~~
15 ~~this section.~~

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

18 Section 3. This act shall take effect July 1, 2005
19 ~~October 1, 2004.~~

20 Section 3. The sum of \$65,146,936 in nonrecurring
21 funds is appropriated in lump sum from the General Revenue
22 Fund to the Department of Juvenile Justice for the 2004-2005
23 fiscal year for the purpose of operating juvenile detention
24 centers and to restore any moneys transferred from other
25 appropriations, or received from counties pursuant to section
26 985.2155, Florida Statutes, in order to meet the current costs
27 of operating juvenile detention centers.

28 Section 4. The Governor shall, by January 15, 2005,
29 adjust the approved operating budget for the Department of
30 Juvenile Justice in order to reverse budget amendment EOG
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1 #0305, which was approved by the Legislative Budget Commission
2 on December 2, 2004.

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

5 Section 6. This act shall take effect upon becoming a
6 law.

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