

By Senator Crist

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1 A bill to be entitled

2 An act relating to the shared county and state fiscal
3 responsibility for juvenile detention; amending s.
4 985.686, F.S.; defining the term "final court disposition"
5 for the purpose of determining the costs of juvenile
6 detention; requiring the Department of Juvenile Justice to
7 pay certain specified costs associated with youth who are
8 in a detention center and awaiting placement in a juvenile
9 justice residential facility; requiring each county to pay
10 to the department the county's share of the county's total
11 costs for juvenile detention for deposit into the Shared
12 County-State Juvenile Detention Trust Fund; removing the
13 requirement for the Department of Revenue to provide
14 technical assistance to the Department of Juvenile
15 Justice for collecting the county's share of the county's
16 total costs for juvenile detention; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 985.686, Florida Statutes, is amended to
22 read:

23 985.686 Shared county and state responsibility for juvenile
24 detention.--

25 (1) It is the policy of this state that the state and the
26 counties have a joint obligation, as provided in this section, to
27 contribute to the financial support of the detention care
28 provided for juveniles.

29 (2) As used in this section, the term:

12-03655A-08

20082686__

30 (a) "Detention care" means secure detention.

31 (b) "Final court disposition" means the order of the court
32 disposing of a delinquent charge which results in a youth being
33 committed to the department or the order of the court which
34 results in the release of a youth who is in detention care at the
35 time of the order. The order refers to the day it is pronounced
36 by the court, not the date it is reduced to writing.

37 ~~(c) (b)~~ "Fiscally constrained county" means a county within
38 a rural area of critical economic concern as designated by the
39 Governor pursuant to s. 288.0656 or each county for which the
40 value of a mill will raise no more than \$5 million in revenue,
41 based on the certified school taxable value certified pursuant to
42 s. 1011.62(4)(a)1.a., from the previous July 1.

43 (3) Each county shall pay the costs of providing detention
44 care, ~~exclusive of the costs of any preadjudicatory nonmedical~~
45 ~~educational or therapeutic services and \$2.5 million provided for~~
46 ~~additional medical and mental health care at the detention~~
47 ~~centers,~~ for juveniles for the period of time prior to final
48 court disposition. The state shall pay the costs of providing
49 detention care for juveniles for the period of time after the
50 final court disposition. The department shall develop an accounts
51 payable system to allocate costs that are payable by the
52 counties.

53 (4) Notwithstanding subsection (3), the state shall pay all
54 costs of detention care for juveniles for which a fiscally
55 constrained county would otherwise be billed. The state shall pay
56 all costs of detention care for juveniles who were not residing
57 in the state at the time the offense for which they are detained
58 was committed.

12-03655A-08

20082686__

59 (a) By October 1, 2004, the department shall develop a
60 methodology for determining the amount of each fiscally
61 constrained county's costs of detention care for juveniles, for
62 the period of time prior to final court disposition for a
63 violation of law and for the period of time in secure detention
64 where no subsequent charges are filed, which must be paid by the
65 state. At a minimum, this methodology must consider the
66 difference between the amount appropriated to the department for
67 offsetting the costs associated with the assignment of juvenile
68 pretrial detention expenses to the fiscally constrained county
69 and the total estimated costs to the fiscally constrained county,
70 for the fiscal year, of detention care for juveniles for the
71 period of time prior to final court disposition.

72 (b) Subject to legislative appropriation and based on the
73 methodology developed under paragraph (a), the department shall
74 provide funding to offset the costs to fiscally constrained
75 counties of detention care for juveniles for the period of time
76 prior to final court disposition for a violation of law and for
77 the period of time in secure detention where no subsequent
78 charges are filed. If county matching funds are required by the
79 department to eliminate the difference calculated under paragraph
80 (a) or the difference between the actual costs of the fiscally
81 constrained counties and the amount appropriated in small county
82 grants for use in mitigating such costs, that match amount must
83 be allocated proportionately among all fiscally constrained
84 counties.

85 (5) Each county shall incorporate into its annual county
86 budget sufficient funds to pay its costs of detention care for
87 juveniles who reside in that county for the period of time prior

12-03655A-08

20082686__

88 | to final court disposition for a violation of law and for the
89 | period of time in secure detention where no later charges are
90 | filed. This amount shall be based upon the prior use of secure
91 | detention for juveniles who are residents of that county, as
92 | calculated by the department. Each county shall pay the estimated
93 | costs at the beginning of each month. Any difference between the
94 | estimated costs and actual costs shall be reconciled at the end
95 | of the state fiscal year.

96 | (6) Each county shall pay to the department for deposit
97 | into the Shared County-State Juvenile Detention ~~Juvenile Justice~~
98 | ~~Grants and Donations~~ Trust Fund its share of the county's total
99 | costs for juvenile detention, based upon calculations published
100 | by the department with input from the counties.

101 | (7) The Department of Juvenile Justice shall determine each
102 | quarter whether the counties of this state are remitting to the
103 | department their share of the costs of detention as required by
104 | this section.

105 | ~~(8) The Department of Revenue and the counties shall~~
106 | ~~provide technical assistance as necessary to the Department of~~
107 | ~~Juvenile Justice in order to develop the most cost-effective~~
108 | ~~means of collection.~~

109 | (8)~~(9)~~ Funds received from counties pursuant to this
110 | section are not subject to the service charges provided in s.
111 | 215.20.

112 | (9)~~(10)~~ The department may adopt rules to administer this
113 | section.

114 | Section 2. This act shall take effect upon becoming a law.