



299824

576-03731-15

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to juvenile detention costs; amending
s. 985.686, F.S.; defining the term "actual cost";
revising the responsibilities of specified counties
and the state relating to paying for juvenile
detention care; requiring the Department of Juvenile
Justice to make certain determinations and then
provide usage and cost information to certain
counties; deleting a provision requiring a county to
make a certain payment to the department; deleting a
provision requiring the Department of Revenue and a
county to provide certain assistance to the Department
of Juvenile Justice; deleting obsolete provisions;
providing for review of county payments; providing for
funding reductions in cases of noncompliance;
providing certain assurances to holders of bonds
issued by counties; amending s. 985.6015, F.S.;
conforming terminology; providing an effective date.

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

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

985.686 Shared county and state responsibility for juvenile
detention.—

(1) It is the policy of this state that the state and the
counties have a joint obligation, as provided in this section,



299824

576-03731-15

28 to contribute to the financial support of the detention care
29 provided for juveniles.

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

31 (a) "Actual cost" means the funds that the department
32 expends for providing detention care less any funds that it
33 receives from the Grants and Donations Trust Fund and the
34 Federal Grants Trust Fund.

35 ~~(b)-(a)~~ "Detention care" means secure detention and respite
36 beds for juveniles charged with a domestic violence crime.

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

43 (3) ~~(a)~~ Each county that is not a fiscally constrained
44 county shall pay its share of the total actual costs of
45 providing detention care as determined by the department
46 pursuant to subsection (5), ~~exclusive of the costs of any~~
47 ~~preadjudicatory nonmedical educational or therapeutic services~~
48 ~~and \$2.5 million provided for additional medical and mental~~
49 ~~health care at the detention centers, 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 (b) The state shall pay:

54 1. Forty-three percent of the actual costs of providing
55 detention care as determined by the department pursuant to
56 subsection (5);



299824

576-03731-15

57 2. The actual costs of detention care for fiscally
58 constrained counties in the manner described in subsection (4);
59 and

60 3. The actual costs of providing detention care for
61 juveniles residing out of state.

62 ~~(4) Notwithstanding subsection (3), the state shall pay all~~
63 ~~costs of detention care for juveniles for which a fiscally~~
64 ~~constrained county would otherwise be billed.~~

65 ~~(a) By October 1, 2004, the department shall develop a~~
66 ~~methodology for determining the amount of each fiscally~~
67 ~~constrained county's costs of detention care for juveniles, for~~
68 ~~the period of time prior to final court disposition, which must~~
69 ~~be paid by the state. At a minimum, this methodology must~~
70 ~~consider the difference between the amount appropriated to the~~
71 ~~department for offsetting the costs associated with the~~
72 ~~assignment of juvenile pretrial detention expenses to the~~
73 ~~fiscally constrained county and the total estimated costs to the~~
74 ~~fiscally constrained county, for the fiscal year, of detention~~
75 ~~care for juveniles for the period of time prior to final court~~
76 ~~disposition.~~

77 ~~(b) Subject to legislative appropriation and based on the~~
78 ~~methodology developed under paragraph (a), the department shall~~
79 ~~provide funding to offset the costs to fiscally constrained~~
80 ~~counties of detention care for juveniles for the period of time~~
81 ~~prior to final court disposition. If county matching funds are~~
82 ~~required by the department to eliminate the difference~~
83 ~~calculated under paragraph (a) or the difference between the~~
84 ~~actual costs of the fiscally constrained counties and the amount~~
85 ~~appropriated in small county grants for use in mitigating such~~



299824

576-03731-15

86 costs, that match amount must be allocated proportionately among
87 all fiscally constrained counties.

88 (5) Each county that is not a fiscally constrained county
89 shall incorporate into its annual county budget sufficient funds
90 to pay its share of the actual costs of detention care for
91 juveniles who ~~reside~~ resided in that county for the most
92 recently completed fiscal year ~~the period of time prior to final~~
93 ~~court disposition. This amount shall be based upon the prior use~~
94 ~~of secure detention for juveniles who are residents of that~~
95 ~~county, as calculated by the department. Each county shall pay~~
96 ~~the estimated costs at the beginning of each month. Any~~
97 ~~difference between the estimated costs and actual costs shall be~~
98 ~~reconciled at the end of the state fiscal year.~~

99 (a) Each county that is not a fiscally constrained county
100 shall pay 57 percent of the actual costs of providing detention
101 care as determined by the department pursuant to this section.

102 (b) The department shall determine the actual costs of
103 detention care based on the cost of detention care through the
104 certified forward period, plus any additional legislative
105 appropriation for detention not included in the certified
106 forward amount. The number of detention days shall be based on
107 the most recent 12-month period.

108 (c) The department shall calculate the percentage of
109 detention use for each county that is not a fiscally constrained
110 county by dividing the total number of detention days for
111 juveniles residing in the county during the most recent 12-month
112 period by the total number of detention days for all juveniles
113 residing in counties that are not a fiscally constrained county
114 for the most recent 12-month period.



299824

576-03731-15

115 (d) The department shall calculate the share of actual
116 costs for each county that is not a fiscally constrained county
117 by multiplying the county's percentage of detention usage by 57
118 percent of the total actual cost of detention care for all
119 counties that are not a fiscally constrained county.

120 (e) The department shall inform each county that is not a
121 fiscally constrained county of the county's percentage of
122 detention use and of the amount of the county's share of the
123 actual costs of detention care. Each county that is not a
124 fiscally constrained county shall pay the department one-twelfth
125 of its share of actual costs by the first day of each month,
126 beginning on July 1 of the year following receipt of the
127 information.

128 ~~(6) Each county shall pay to the department for deposit~~
129 ~~into the Shared County/State Juvenile Detention Trust Fund its~~
130 ~~share of the county's total costs for juvenile detention, based~~
131 ~~upon calculations published by the department with input from~~
132 ~~the counties.~~

133 ~~(6)(7)~~ (6) The department of Juvenile Justice shall determine
134 each quarter whether the counties of this state are remitting to
135 the department their share of the costs of detention as required
136 by this section.

137 ~~(8) The Department of Revenue and the counties shall~~
138 ~~provide technical assistance as necessary to the Department of~~
139 ~~Juvenile Justice in order to develop the most cost-effective~~
140 ~~means of collection.~~

141 ~~(7)(9)~~ (7) Funds received from counties pursuant to this
142 section are not subject to the service charges provided in s.
143 215.20.



299824

576-03731-15

144 (8) ~~(10)~~ This section does not apply to any county that
145 provides detention care for preadjudicated juveniles or that
146 contracts with another county to provide detention care for
147 preadjudicated juveniles.

148 (9) (a) The Department of Revenue shall review county
149 juvenile detention payments to the Department of Juvenile
150 Justice for the purpose of ensuring that counties fulfill their
151 financial responsibilities required in this section. The
152 Department of Revenue shall determine whether each county has
153 reimbursed the Department of Juvenile Justice for the county's
154 share of detention costs as provided in this section. If the
155 Department of Revenue determines that a county has not met this
156 obligation, it must deduct the amount owed to the Department of
157 Juvenile Justice from funds provided to the county under s.
158 218.23.

159 (b) As an assurance to holders of bonds issued by counties
160 before July 1, 2015, for which distributions made pursuant to s.
161 218.23 are pledged, or bonds issued to refund such bonds which
162 mature no later than the bonds they refunded and which result in
163 a reduction of debt service payable in each fiscal year, the
164 amount available for distribution to a county shall remain as
165 provided by law and continue to be subject to any lien or claim
166 on behalf of the bondholders. The Department of Revenue must
167 ensure, based on information provided by an affected county,
168 that any reduction in amounts distributed pursuant to paragraph
169 (a) does not reduce the amount of distribution to a county below
170 the amount necessary for the timely payment of principal and
171 interest when due on the bonds and the amount necessary to
172 comply with any covenant under the bond resolution or other



299824

576-03731-15

173 documents relating to the issuance of the bonds. If a reduction
174 to a county's monthly distribution must be decreased in order to
175 comply with this paragraph, the Department of Revenue must
176 notify the Department of Juvenile Justice of the amount of the
177 decrease, and the Department of Juvenile Justice must send a
178 bill for payment of such amount to the affected county.

179 (10)~~(11)~~ The department may adopt rules to administer this
180 section.

181 Section 2. Subsection (2) of section 985.6015, Florida
182 Statutes, is amended to read:

183 985.6015 Shared County/State Juvenile Detention Trust
184 Fund.—

185 (2) The fund is established for use as a depository for
186 funds to be used for the costs of ~~pre~~disposition juvenile
187 detention. Moneys credited to the trust fund shall consist of
188 funds from the counties' share of the costs for ~~pre~~disposition
189 juvenile detention.

190 Section 3. This act shall take effect July 1, 2015.