

By Senator Bradley

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1                   A bill to be entitled  
2           An act relating to juvenile detention costs; amending  
3           s. 985.686, F.S.; defining "actual cost"; revising the  
4           responsibilities of specified counties and the state  
5           relating to paying for juvenile detention care;  
6           requiring the Department of Juvenile Justice to make  
7           certain determinations and then provide usage and cost  
8           information to certain counties; deleting a provision  
9           requiring a county to make a certain payment to the  
10          department; deleting a provision requiring the  
11          Department of Revenue and a county to provide certain  
12          assistance to the Department of Juvenile Justice;  
13          deleting obsolete provisions; providing an effective  
14          date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Section 985.686, Florida Statutes, is amended to  
19           read:

20           985.686 Shared county and state responsibility for juvenile  
21           detention.—

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

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

27           (a) "Actual cost" means the funds that the department  
28           expends for providing detention care less any funds that it  
29           receives from the Grants and Donations Trust Fund and the

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30 Federal Grants Trust Fund.

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

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

39 (3)(a) Each county that is not a fiscally constrained  
40 county shall pay its share of the total actual costs of  
41 providing detention care as determined by the department  
42 pursuant to subsection (5),~~exclusive of the costs of any~~  
43 ~~preadjudicatory nonmedical educational or therapeutic services~~  
44 ~~and \$2.5 million provided for additional medical and mental~~  
45 ~~health care at the detention centers, for juveniles for the~~  
46 ~~period of time prior to final court disposition. The department~~  
47 ~~shall develop an accounts payable system to allocate costs that~~  
48 ~~are payable by the counties.~~

49 (b) The state shall pay:

50 1. Forty percent of the actual costs of providing detention  
51 care as determined by the department pursuant to subsection (5);

52 2. The actual costs of detention care for fiscally  
53 constrained counties in the manner described in subsection (4);  
54 and

55 3. The actual costs of providing detention care for  
56 juveniles residing out of state.

57 ~~(4) Notwithstanding subsection (3), the state shall pay all~~  
58 ~~costs of detention care for juveniles for which a fiscally~~

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59 ~~constrained county would otherwise be billed.~~

60 ~~(a) By October 1, 2004, the department shall develop a~~  
61 ~~methodology for determining the amount of each fiscally~~  
62 ~~constrained county's costs of detention care for juveniles, for~~  
63 ~~the period of time prior to final court disposition, which must~~  
64 ~~be paid by the state. At a minimum, this methodology must~~  
65 ~~consider the difference between the amount appropriated to the~~  
66 ~~department for offsetting the costs associated with the~~  
67 ~~assignment of juvenile pretrial detention expenses to the~~  
68 ~~fiscally constrained county and the total estimated costs to the~~  
69 ~~fiscally constrained county, for the fiscal year, of detention~~  
70 ~~care for juveniles for the period of time prior to final court~~  
71 ~~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. If county matching funds are~~  
77 ~~required by the department to eliminate the difference~~  
78 ~~calculated under paragraph (a) or the difference between the~~  
79 ~~actual costs of the fiscally constrained counties and the amount~~  
80 ~~appropriated in small county grants for use in mitigating such~~  
81 ~~costs, that match amount must be allocated proportionately among~~  
82 ~~all fiscally constrained counties.~~

83 ~~(5) Each county that is a nonfiscally constrained county~~  
84 ~~shall incorporate into its annual county budget sufficient funds~~  
85 ~~to pay its share of the actual costs of detention care for~~  
86 ~~juveniles who ~~reside~~ resided in that county for the most~~  
87 ~~recently completed fiscal year ~~the period of time prior to final~~~~

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88 ~~court disposition. This amount shall be based upon the prior use~~  
89 ~~of secure detention for juveniles who are residents of that~~  
90 ~~county, as calculated by the department. Each county shall pay~~  
91 ~~the estimated costs at the beginning of each month. Any~~  
92 ~~difference between the estimated costs and actual costs shall be~~  
93 ~~reconciled at the end of the state fiscal year.~~

94 (a) The department shall determine the actual costs of  
95 detention care after the certified forward period has ended and  
96 the number of detention days used by each county at the end of  
97 each fiscal year.

98 (b) The department shall inform each nonfiscally  
99 constrained county of the county's percentage of detention use  
100 and of the amount of the county's share of the actual costs of  
101 detention care for the most recently completed state fiscal  
102 year. Each nonfiscally constrained county shall pay the  
103 department one-twelfth of its share of actual costs for the most  
104 recently completed state fiscal year by the first day of each  
105 month, beginning on July 1 of the year following receipt of the  
106 information.

107 (c) The department shall calculate a nonfiscally  
108 constrained county's percentage of detention use by dividing the  
109 total number of detention days for juveniles residing in the  
110 county during the most recently completed state fiscal year by  
111 the total number of detention days for all juveniles residing in  
112 nonfiscally constrained counties for the most recently completed  
113 state fiscal year.

114 (d) The department shall calculate each nonfiscally  
115 constrained county's share of actual costs by multiplying the  
116 county's percentage of detention usage by 60 percent of the

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117 total actual cost of detention care for all nonfiscally  
118 constrained counties.

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

124 (6)~~(7)~~ The department ~~Department of Juvenile Justice~~ shall  
125 determine each quarter whether the counties of this state are  
126 remitting to the department their share of the costs of  
127 detention as required by this section.

128 ~~(8) The Department of Revenue and the counties shall~~  
129 ~~provide technical assistance as necessary to the Department of~~  
130 ~~Juvenile Justice in order to develop the most cost-effective~~  
131 ~~means of collection.~~

132 (7)~~(9)~~ Funds received from counties pursuant to this  
133 section are not subject to the service charges provided in s.  
134 215.20.

135 (8)~~(10)~~ This section does not apply to any county that  
136 provides detention care for preadjudicated juveniles or that  
137 contracts with another county to provide detention care for  
138 preadjudicated juveniles.

139 (9)~~(11)~~ The department may adopt rules to administer this  
140 section.

141 Section 2. This act shall take effect July 1, 2015.