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576-03400-16

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 a term; revising the annual contributions by certain counties for the costs of detention care for juveniles; revising the methodology by which the Department of Juvenile Justice determines the percentage share for each county; requiring the state to pay all costs of detention care for juveniles residing out of state and for juveniles residing in state detention centers in counties that provide their own detention care for juveniles; deleting a requirement that the Department of Revenue and the counties provide certain technical assistance to the Department of Juvenile Justice; revising the applicability of specified provisions; amending ss. 985.6015 and 985.688, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (2) of section 985.686, Florida Statutes, present subsections (9) and (11) of that section are redesignated as subsections (8) and (10), respectively, and subsections (3) through (7) and present subsections (8) and (10) of that section are amended, to read:
985.686 Shared county and state responsibility for juvenile



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28 detention.-

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

30 (c) "Total shared detention costs" means the amount of
31 funds expended by the department for the costs of detention care
32 for the prior fiscal year. This amount is including the most
33 recent actual certify forward amounts minus any funds it expends
34 on detention care for juveniles residing in fiscally constrained
35 counties or out of state.

36 (3)(a) For the 2016-2017 fiscal year, each county that is
37 not a fiscally constrained county shall pay to the department
38 its annual percentage share of \$42.5 million. By June 1, 2016,
39 the department shall calculate and provide to each such county
40 its annual percentage share by dividing the total number of
41 detention days for juveniles residing in that county for the
42 most recently completed 12-month period by the total number of
43 detention days for juveniles in all counties that are not
44 fiscally constrained counties during the same period. Beginning
45 July 1, 2016, each county shall pay to the department its annual
46 percentage share of \$42.5 million, which shall be paid in 12
47 equal payments due on the first day of each month. The state
48 shall pay the remaining actual costs of detention care. This
49 paragraph expires June 30, 2017.

50 (b) For the 2017-2018 fiscal year, and each fiscal year
51 thereafter, each county that is not a fiscally constrained
52 county shall pay its annual percentage share of 50 percent of
53 the total shared detention costs for the prior fiscal year. By
54 June 1, 2017, and each year thereafter, the department shall
55 calculate and provide to each such county its annual percentage
56 share by dividing the total number of detention days for



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57 juveniles residing in that county in the most recently completed
58 12-month period by the total number of detention days for
59 juveniles in all counties that are not fiscally constrained
60 counties during the same period. The annual percentage share of
61 each county that is not a fiscally constrained county must be
62 multiplied by 50 percent of the total shared detention costs to
63 determine that county's share of detention costs. Beginning July
64 1, each county shall pay to the department its share of
65 detention costs, which shall be paid in 12 equal payments due on
66 the first day of each month. The state shall pay the remaining
67 costs of detention care ~~Each county shall pay the costs of~~
68 ~~providing detention care, exclusive of the costs of any~~
69 ~~preadjudicatory nonmedical educational or therapeutic services~~
70 ~~and \$2.5 million provided for additional medical and mental~~
71 ~~health care at the detention centers, for juveniles for the~~
72 ~~period of time prior to final court disposition. The department~~
73 ~~shall develop an accounts payable system to allocate costs that~~
74 ~~are payable by the counties.~~

75 (4) ~~Notwithstanding subsection (3),~~ The state shall pay all
76 costs of detention care for juveniles residing in ~~for which a~~
77 fiscally constrained county and for juveniles residing out of
78 state. The state shall pay all costs of detention care for
79 juveniles housed in state detention centers in counties that
80 provide their own detention care for juveniles ~~would otherwise~~
81 ~~be billed.~~

82 ~~(a) By October 1, 2004, the department shall develop a~~
83 ~~methodology for determining the amount of each fiscally~~
84 ~~constrained county's costs of detention care for juveniles, for~~
85 ~~the period of time prior to final court disposition, which must~~



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86 ~~be paid by the state. At a minimum, this methodology must~~
87 ~~consider the difference between the amount appropriated to the~~
88 ~~department for offsetting the costs associated with the~~
89 ~~assignment of juvenile pretrial detention expenses to the~~
90 ~~fiscally constrained county and the total estimated costs to the~~
91 ~~fiscally constrained county, for the fiscal year, of detention~~
92 ~~care for juveniles for the period of time prior to final court~~
93 ~~disposition.~~

94 ~~(b) Subject to legislative appropriation and based on the~~
95 ~~methodology developed under paragraph (a), the department shall~~
96 ~~provide funding to offset the costs to fiscally constrained~~
97 ~~counties of detention care for juveniles for the period of time~~
98 ~~prior to final court disposition. If county matching funds are~~
99 ~~required by the department to eliminate the difference~~
100 ~~calculated under paragraph (a) or the difference between the~~
101 ~~actual costs of the fiscally constrained counties and the amount~~
102 ~~appropriated in small county grants for use in mitigating such~~
103 ~~costs, that match amount must be allocated proportionately among~~
104 ~~all fiscally constrained counties.~~

105 ~~(5) Each county that is not a fiscally constrained county~~
106 ~~shall incorporate into its annual county budget sufficient funds~~
107 ~~to pay its annual percentage share of 50 percent of the total~~
108 ~~shared detention costs of detention care for juveniles who~~
109 ~~reside in that county for the period of time prior to final~~
110 ~~court disposition. This amount shall be based upon the prior use~~
111 ~~of secure detention for juveniles who are residents of that~~
112 ~~county, as calculated by the department. Each county shall pay~~
113 ~~the estimated costs at the beginning of each month. Any~~
114 ~~difference between the estimated costs and actual costs shall be~~



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115 ~~reconciled at the end of the state fiscal year.~~

116 (6) Funds paid by the counties to the department pursuant
117 to this section must be deposited ~~Each county shall pay to the~~
118 ~~department for deposit~~ into the Shared County/State Juvenile
119 Detention Trust Fund ~~its share of the county's total costs for~~
120 ~~juvenile detention, based upon calculations published by the~~
121 ~~department with input from the counties.~~

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

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

130 (9) ~~(10)~~ This section does not apply to a ~~any~~ county that
131 provides detention care for ~~preadjudicated~~ juveniles or that
132 contracts with another county to provide detention care for
133 ~~preadjudicated~~ juveniles.

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

136 985.6015 Shared County/State Juvenile Detention Trust
137 Fund.—

138 (2) The fund is established for use as a depository for
139 funds to be used for the costs of ~~pre~~disposition juvenile
140 detention. Moneys credited to the trust fund shall consist of
141 funds from the counties' share of the costs for ~~pre~~disposition
142 juvenile detention.

143 Section 3. Paragraph (a) of subsection (11) of section



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144 985.688, Florida Statutes, is amended to read:

145 985.688 Administering county and municipal delinquency
146 programs and facilities.—

147 (11) (a) Notwithstanding the provisions of this section, a
148 county is in compliance with this section if:

149 1. The county provides the full cost for ~~preadjudication~~
150 detention for juveniles;

151 2. The county authorizes the county sheriff, any other
152 county jail operator, or a contracted provider located inside or
153 outside the county to provide ~~preadjudication~~ detention care for
154 juveniles;

155 3. The county sheriff or other county jail operator is
156 accredited by the Florida Corrections Accreditation Commission
157 or American Correctional Association; and

158 4. The facility is inspected annually and meets the Florida
159 Model Jail Standards.

160 Section 4. This act shall take effect upon becoming a law.