



232004

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/04/2016 04:17 PM

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Senator Latvala moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) of section 985.686, Florida  
Statutes, is amended, paragraph (c) is added to subsection (2)  
of that section, 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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12 detention.-

13 (1) (a) It is the policy of this state that the state and  
14 the counties have a joint obligation, as provided in this  
15 section, to contribute to the financial support of the detention  
16 care provided for juveniles.

17 (b) The Legislature finds that various Florida counties and  
18 the department have engaged in a multitude of legal proceedings  
19 regarding detention cost share for juveniles. Such litigation  
20 has largely focused on how the department calculates the  
21 detention costs that counties are responsible for paying,  
22 leading to the overbilling of counties for a period of years.  
23 Additionally, such litigation is a financial burden on the  
24 taxpayers of Florida.

25 (c) It is the intent of the Legislature that all counties  
26 in this state which are not fiscally constrained counties and  
27 which have related pending administrative or judicial claims or  
28 challenges file a notice of voluntary dismissal with prejudice  
29 to dismiss all actions pending on or before February 1, 2016,  
30 against the state or any state agency related to juvenile  
31 detention cost share. Additionally, all such counties shall  
32 execute a release and waiver of any existing or future claims  
33 and actions arising from detention cost share prior to the 2016-  
34 2017 fiscal year. The department may not seek reimbursement for  
35 underpayments of cost share prior to the 2016-2017 fiscal year  
36 from counties that comply with this subsection.

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

38 (c) "Total shared detention costs" means the amount of  
39 funds expended by the department for the costs of detention care  
40 for the prior fiscal year, and includes the most recent actual



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41 certify forward amounts, less any funds it expends on detention  
42 care for juveniles residing in fiscally constrained counties or  
43 out of state.

44 (3)(a) For the 2016-2017 state fiscal year each county that  
45 is not a fiscally constrained county that has taken the action  
46 fulfilling the intent of this legislation as described in  
47 (1)(c), shall pay to the department its annual percentage share  
48 of \$42.5 million. By June 1, 2016, the department shall  
49 calculate and provide to each such county its annual percentage  
50 share by dividing the total number of detention days for  
51 juveniles residing in that county for the most recently  
52 completed 12-month period by the total number of detention days  
53 for juveniles in all counties that are not fiscally constrained  
54 counties during the same period. Beginning July 1, 2016, each  
55 county shall pay to the department its annual percentage share  
56 of \$42.5 million, which shall be paid in 12 equal payments due  
57 on the first day of each month. The state shall pay the  
58 remaining actual costs of detention care. This paragraph expires  
59 June 30, 2017.

60 (b) For the 2017-2018 state fiscal year, and each fiscal  
61 year thereafter, each county that is not a fiscally constrained  
62 county that has taken the action fulfilling the intent of this  
63 legislation as described in paragraph (1)(c), shall pay its  
64 annual percentage share of 50 percent of the total shared  
65 detention costs for the prior fiscal year. By July 15, 2017, and  
66 each year thereafter, the department shall calculate and provide  
67 to each such county its annual percentage share by dividing the  
68 total number of detention days for juveniles residing in the  
69 county for the most recently completed 12-month period by the



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70 total number of detention days for juveniles in all counties  
71 that are not fiscally constrained counties during the same  
72 period. The annual percentage share of each county that is not a  
73 fiscally constrained county must be multiplied by 50 percent of  
74 the total shared detention costs to determine that county's  
75 share of detention costs. Beginning August 1 of each year, each  
76 county shall pay to the department its share of detention costs,  
77 which shall be paid in 12 equal payments due on the first day of  
78 each month. The state shall pay the remaining actual costs of  
79 detention care. Each county shall pay the costs of providing  
80 detention care, exclusive of the costs of any preadjudicatory  
81 nonmedical educational or therapeutic services and \$2.5 million  
82 provided for additional medical and mental health care at the  
83 detention centers, for juveniles for the period of time prior to  
84 final court disposition. The department shall develop an  
85 accounts payable system to allocate costs that are payable by  
86 the counties.

87 (4) ~~Notwithstanding subsection (3),~~ The state shall pay all  
88 costs of detention care for juveniles residing in for which a  
89 fiscally constrained county and for juveniles residing out-of-  
90 state would otherwise be billed. The state shall pay all costs  
91 of detention care for juveniles housed in state detention  
92 centers from counties that provide their own detention care for  
93 juveniles.

94 (a) ~~By October 1, 2004, the department shall develop a~~  
95 ~~methodology for determining the amount of each fiscally~~  
96 ~~constrained county's costs of detention care for juveniles, for~~  
97 ~~the period of time prior to final court disposition, which must~~  
98 ~~be paid by the state. At a minimum, this methodology must~~



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99 ~~consider the difference between the amount appropriated to the~~  
100 ~~department for offsetting the costs associated with the~~  
101 ~~assignment of juvenile pretrial detention expenses to the~~  
102 ~~fiscally constrained county and the total estimated costs to the~~  
103 ~~fiscally constrained county, for the fiscal year, of detention~~  
104 ~~care for juveniles for the period of time prior to final court~~  
105 ~~disposition.~~

106 ~~(b) Subject to legislative appropriation and based on the~~  
107 ~~methodology developed under paragraph (a), the department shall~~  
108 ~~provide funding to offset the costs to fiscally constrained~~  
109 ~~counties of detention care for juveniles for the period of time~~  
110 ~~prior to final court disposition. If county matching funds are~~  
111 ~~required by the department to eliminate the difference~~  
112 ~~calculated under paragraph (a) or the difference between the~~  
113 ~~actual costs of the fiscally constrained counties and the amount~~  
114 ~~appropriated in small county grants for use in mitigating such~~  
115 ~~costs, that match amount must be allocated proportionately among~~  
116 ~~all fiscally constrained counties.~~

117 ~~(5) Each county that is not a fiscally constrained county~~  
118 ~~shall incorporate into its annual county budget sufficient funds~~  
119 ~~to pay its annual percentage share of the total shared detention~~  
120 ~~costs required under subsection (3) of detention care for~~  
121 ~~juveniles who reside in that county for the period of time prior~~  
122 ~~to final court disposition. This amount shall be based upon the~~  
123 ~~prior use of secure detention for juveniles who are residents of~~  
124 ~~that county, as calculated by the department. Each county shall~~  
125 ~~pay the estimated costs at the beginning of each month. Any~~  
126 ~~difference between the estimated costs and actual costs shall be~~  
127 ~~reconciled at the end of the state fiscal year.~~



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

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

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

142           (9) ~~(10)~~ This section does not apply to a ~~any~~ county that  
143 provides detention care for ~~preadjudicated~~ juveniles or that  
144 contracts with another county to provide detention care for  
145 ~~preadjudicated~~ juveniles.

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

148           985.6015 Shared County/State Juvenile Detention Trust  
149 Fund.—

150           (2) The fund is established for use as a depository for  
151 funds to be used for the costs of ~~pre~~disposition juvenile  
152 detention. Moneys credited to the trust fund shall consist of  
153 funds from the counties' share of the costs for ~~pre~~disposition  
154 juvenile detention.

155           Section 3. Paragraph (a) of subsection (11) of section  
156 985.688, Florida Statutes, is amended to read:



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157 986.688 Administering county and municipal delinquency  
158 programs and facilities.-

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

161 1. The county provides the full cost for ~~preadjudication~~  
162 detention for juveniles;

163 2. The county authorizes the county sheriff, any other  
164 county jail operator, or a contracted provider located inside or  
165 outside the county to provide ~~preadjudication~~ detention care for  
166 juveniles;

167 3. The county sheriff or other county jail operator is  
168 accredited by the Florida Corrections Accreditation Commission  
169 or American Correctional Association; and

170 4. The facility is inspected annually and meets the Florida  
171 Model Jail Standards.

172 Section 4. The sum of \$7.3 million in recurring General  
173 Revenue funds is appropriated to the Department of Juvenile  
174 Justice for the purpose of implementing s. 985.66, Florida  
175 Statutes, as amended by this act. For the 2016-2017 fiscal year,  
176 an additional sum of \$3.5 million in nonrecurring General  
177 Revenue funds is appropriated to the department for the same  
178 purpose.

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

180  
181 ===== T I T L E A M E N D M E N T =====

182 And the title is amended as follows:

183 Delete everything before the enacting clause  
184 and insert:

185 A bill to be entitled



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186 An act relating to juvenile detention costs; amending  
187 s. 985.686, F.S.; providing legislative findings and  
188 intent; defining a term; revising the annual  
189 contributions by certain counties for the costs of  
190 detention care for juveniles; revising the methodology  
191 by which the Department of Juvenile Justice determines  
192 the percentage share for each county; requiring the  
193 state to pay all costs of detention care for juveniles  
194 residing out of state and for juveniles residing in  
195 state detention centers in counties that provide their  
196 own detention care for juveniles; deleting a  
197 requirement that the Department of Revenue and the  
198 counties provide certain technical assistance to the  
199 Department of Juvenile Justice; revising the  
200 applicability of specified provisions; amending ss.  
201 985.6015 and 985.688, F.S.; conforming provisions to  
202 changes made by the act; providing an appropriation;  
203 providing an effective date.