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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/25/2016	.	
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The Committee on Appropriations (Latvala) recommended 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), subsections (3) through (8) of that section are amended, present subsections (9) and (11) of that section are redesignated as subsections (8) and (10), respectively, and present subsection (10) of that section is amended, to read:



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11 985.686 Shared county and state responsibility for juvenile
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 counties and the
18 Department of Juvenile Justice have engaged in a multitude of
19 legal proceedings regarding detention cost sharing for
20 juveniles. Such litigation has largely focused on how the
21 Department of Juvenile Justice calculates the detention costs
22 that the counties are responsible for paying. Additionally,
23 litigation pending in 2016 is a financial burden on the
24 taxpayers of this state.

25 (c) It is the intent of the Legislature that all counties
26 that are not fiscally constrained counties and that have pending
27 administrative or judicial claims or challenges file a notice of
28 voluntary dismissal with prejudice to dismiss all actions
29 pending on or before February 1, 2016, against the state or any
30 state agency related to juvenile detention cost sharing.
31 Furthermore, all counties that are not fiscally constrained
32 shall execute a release and waiver of any existing or future
33 claims and actions arising from detention cost sharing for the
34 2015-2016 fiscal year. The department may not seek reimbursement
35 from counties complying with this subsection for any
36 underpayment for any cost-sharing requirements before the 2016-
37 2017 fiscal year.

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

39 (c) "Total shared detention costs" means the amount of



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40 funds expended by the department for the costs of detention care
41 for the prior fiscal year. This amount includes the most recent
42 actual certify forward amounts minus any funds it expends on
43 detention care for juveniles residing in fiscally constrained
44 counties or out of state.

45 (3) (a) For the 2016-2017 fiscal year, and each fiscal year
46 thereafter, each county that is not a fiscally constrained
47 county and that has taken the action fulfilling the intent of
48 this legislation as described in paragraph (1) (c) shall pay its
49 annual percentage share of 50 percent of the total shared
50 detention costs. By July 15, 2016, and each year thereafter, the
51 department shall calculate and provide to each such county its
52 annual percentage share by dividing the total number of
53 detention days for juveniles residing in the county for the most
54 recently completed 12-month period by the total number of
55 detention days for juveniles in all counties that are not
56 fiscally constrained counties during the same period. The annual
57 percentage share of each county that is not a fiscally
58 constrained county must be multiplied by 50 percent of the total
59 shared detention costs to determine that county's share of
60 detention costs. Beginning August 1, each county shall pay to
61 the department its share of detention costs, which shall be paid
62 in 12 equal payments due on the first day of each month. The
63 state shall pay the remaining actual costs of detention care
64 ~~Each county shall pay the costs of providing detention care,~~
65 ~~exclusive of the costs of any preadjudicatory nonmedical~~
66 ~~educational or therapeutic services and \$2.5 million provided~~
67 ~~for additional medical and mental health care at the detention~~
68 ~~centers, for juveniles for the period of time prior to final~~



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69 ~~court disposition. The department shall develop an accounts~~
70 ~~payable system to allocate costs that are payable by the~~
71 ~~counties.~~

72 (b) For the 2016-2017 fiscal year, and each fiscal year
73 thereafter, each county that is not a fiscally constrained
74 county and that has not taken the action fulfilling the intent
75 of this legislation as described in paragraph (1)(c) shall pay
76 its annual percentage share of 57 percent of the total shared
77 detention costs. By July 15, 2016, and each year thereafter, the
78 department shall calculate and provide to each such county its
79 annual percentage share by dividing the total number of
80 detention days for juveniles residing in that county in the most
81 recently completed 12-month period by the total number of
82 detention days for juveniles in all counties that are not
83 fiscally constrained counties during the same period. The annual
84 percentage share of each county that is not a fiscally
85 constrained county must be multiplied by 57 percent of the total
86 shared detention costs to determine that county's share of
87 detention costs. Beginning August 1, each county shall pay to
88 the department its share of detention costs, which shall be paid
89 in 12 equal payments due on the first day of each month. The
90 state shall pay the remaining actual costs of detention care.

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



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98 ~~(a) By October 1, 2004, the department shall develop a~~
99 ~~methodology for determining the amount of each fiscally~~
100 ~~constrained county's costs of detention care for juveniles, for~~
101 ~~the period of time prior to final court disposition, which must~~
102 ~~be paid by the state. At a minimum, this methodology must~~
103 ~~consider the difference between the amount appropriated to the~~
104 ~~department for offsetting the costs associated with the~~
105 ~~assignment of juvenile pretrial detention expenses to the~~
106 ~~fiscally constrained county and the total estimated costs to the~~
107 ~~fiscally constrained county, for the fiscal year, of detention~~
108 ~~care for juveniles for the period of time prior to final court~~
109 ~~disposition.~~

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

121 (5) Each county that is not a fiscally constrained county
122 shall incorporate into its annual county budget sufficient funds
123 to pay its annual percentage share of the total shared detention
124 costs required by subsection (3) of detention care for juveniles
125 who reside in that county for the period of time prior to final
126 court disposition. This amount shall be based upon the prior use



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127 ~~of secure detention for juveniles who are residents of that~~
128 ~~county, as calculated by the department. Each county shall pay~~
129 ~~the estimated costs at the beginning of each month. Any~~
130 ~~difference between the estimated costs and actual costs shall be~~
131 ~~reconciled at the end of the state fiscal year.~~

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

138 (7) The department of Juvenile Justice shall determine each
139 quarter whether the counties of this state are remitting funds
140 as required to the department their share of the costs of
141 detention as required by this section. If the department
142 determines that a county is not remitting funds as required, the
143 department shall direct the Department of Revenue to deduct the
144 amount owed to the department from the funds provided to the
145 county under s. 218.23. The Department of Revenue shall transfer
146 the funds withheld to the Shared County/State Juvenile Detention
147 Trust Fund.

148 ~~(8) The Department of Revenue and the counties shall~~
149 ~~provide technical assistance as necessary to the Department of~~
150 ~~Juvenile Justice in order to develop the most cost-effective~~
151 ~~means of collection.~~

152 (9) ~~(10)~~ This section does not apply to a ~~any~~ county that
153 provides detention care for ~~preadjudicated~~ juveniles or that
154 contracts with another county to provide detention care for
155 ~~preadjudicated~~ juveniles.



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

158 985.6015 Shared County/State Juvenile Detention Trust
159 Fund.—

160 (2) The fund is established for use as a depository for
161 funds to be used for ~~the~~ costs of ~~pre~~disposition juvenile
162 detention. Moneys credited to the trust fund shall consist of
163 funds from the counties' share of the costs for ~~pre~~disposition
164 juvenile detention.

165 Section 3. Paragraph (a) of subsection (11) of section
166 985.688, Florida Statutes, is amended to read:

167 986.688 Administering county and municipal delinquency
168 programs and facilities.—

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

171 1. The county provides the full cost for ~~pre~~adjudication
172 detention for juveniles;

173 2. The county authorizes the county sheriff, any other
174 county jail operator, or a contracted provider located inside or
175 outside the county to provide ~~pre~~adjudication detention care for
176 juveniles;

177 3. The county sheriff or other county jail operator is
178 accredited by the Florida Corrections Accreditation Commission
179 or American Correctional Association; and

180 4. The facility is inspected annually and meets the Florida
181 Model Jail Standards.

182 Section 4. This act shall take effect upon coming law.

183

184 ===== T I T L E A M E N D M E N T =====



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185 And the title is amended as follows:

186 Delete everything before the enacting clause
187 and insert:

188 A bill to be entitled
189 An act related to juvenile detention costs; amending
190 s. 985.686, F.S.; providing legislative findings;
191 providing legislative intent; defining a term;
192 revising provisions relating to state payments for
193 costs of juveniles residing in fiscally constrained
194 counties; revising provisions relating to the
195 development and use of a methodology for determining
196 each county's share of juvenile detention costs;
197 providing that the state shall pay all costs of
198 detention care for juveniles housed in certain
199 detention centers; providing for calculation of cost
200 sharing of counties that are not fiscally constrained;
201 specifying duties of the Department of Juvenile
202 Justice; amending ss. 985.6015 and 986.688, F.S.;
203 conforming provisions to changes made by the act;
204 providing an effective date.