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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.; providing legislative findings and  
4 intent; defining a term; revising the annual  
5 contributions by certain counties for the costs of  
6 detention care for juveniles; revising the methodology  
7 by which the Department of Juvenile Justice determines  
8 the percentage share for each county; requiring the  
9 state to pay all costs of detention care for juveniles  
10 residing out of state and for juveniles residing in  
11 state detention centers in counties that provide their  
12 own detention care for juveniles; deleting a  
13 requirement that the Department of Revenue and the  
14 counties provide certain technical assistance to the  
15 Department of Juvenile Justice; revising the  
16 applicability of specified provisions; amending ss.  
17 985.6015 and 985.688, F.S.; conforming provisions to  
18 changes made by the act; providing appropriations;  
19 providing effective dates.

20  
21 Be It Enacted by the Legislature of the State of Florida:  
22

23 Section 1. Subsection (1) of section 985.686, Florida  
24 Statutes, is amended, paragraph (c) is added to subsection (2)  
25 of that section, present subsections (9) and (11) of that  
26 section are redesignated as subsections (8) and (10),  
27 respectively, and subsections (3) through (7) and present  
28 subsections (8) and (10) of that section are amended, to read:  
29 985.686 Shared county and state responsibility for juvenile

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30 detention.—

31 (1) (a) It is the policy of this state that the state and  
32 the counties have a joint obligation, as provided in this  
33 section, to contribute to the financial support of the detention  
34 care provided for juveniles.

35 (b) The Legislature finds that various Florida counties and  
36 the department have engaged in a multitude of legal proceedings  
37 regarding detention cost share for juveniles. Such litigation  
38 has largely focused on how the department calculates the  
39 detention costs that counties are responsible for paying,  
40 leading to the overbilling of counties for a period of years.  
41 Additionally, such litigation is a financial burden on the  
42 taxpayers of Florida.

43 (c) It is the intent of the Legislature that all counties  
44 in this state which are not fiscally constrained counties and  
45 which have related pending administrative or judicial claims or  
46 challenges file a notice of voluntary dismissal with prejudice  
47 to dismiss all actions pending on or before February 1, 2016,  
48 against the state or any state agency related to juvenile  
49 detention cost share. Additionally, all such counties shall  
50 execute a release and waiver of any existing or future claims  
51 and actions arising from detention cost share prior to the 2016-  
52 2017 fiscal year. The department may not seek reimbursement for  
53 underpayments of cost share prior to the 2016-2017 fiscal year  
54 from counties that comply with this subsection.

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

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

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

62 (3) (a) For the 2016-2017 state fiscal year each county that  
63 is not a fiscally constrained county that has taken the action  
64 fulfilling the intent of this legislation as described in  
65 (1) (c), shall pay to the department its annual percentage share  
66 of \$42.5 million. By June 1, 2016, the department shall  
67 calculate and provide to each such county its annual percentage  
68 share by dividing the total number of detention days for  
69 juveniles residing in that county for the most recently  
70 completed 12-month period by the total number of detention days  
71 for juveniles in all counties that are not fiscally constrained  
72 counties during the same period. Beginning July 1, 2016, each  
73 county shall pay to the department its annual percentage share  
74 of \$42.5 million, which shall be paid in 12 equal payments due  
75 on the first day of each month. The state shall pay the  
76 remaining actual costs of detention care. This paragraph expires  
77 June 30, 2017.

78 (b) For the 2017-2018 state fiscal year, and each fiscal  
79 year thereafter, each county that is not a fiscally constrained  
80 county that has taken the action fulfilling the intent of this  
81 legislation as described in paragraph (1) (c), shall pay its  
82 annual percentage share of 50 percent of the total shared  
83 detention costs for the prior fiscal year. By July 15, 2017, and  
84 each year thereafter, the department shall calculate and provide  
85 to each such county its annual percentage share by dividing the  
86 total number of detention days for juveniles residing in the  
87 county for the most recently completed 12-month period by the

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88 total number of detention days for juveniles in all counties  
89 that are not fiscally constrained counties during the same  
90 period. The annual percentage share of each county that is not a  
91 fiscally constrained county must be multiplied by 50 percent of  
92 the total shared detention costs to determine that county's  
93 share of detention costs. Beginning August 1 of each year, each  
94 county shall pay to the department its share of detention costs,  
95 which shall be paid in 12 equal payments due on the first day of  
96 each month. The state shall pay the remaining actual costs of  
97 detention care. Each county shall pay the costs of providing  
98 detention care, exclusive of the costs of any preadjudicatory  
99 nonmedical educational or therapeutic services and \$2.5 million  
100 provided for additional medical and mental health care at the  
101 detention centers, for juveniles for the period of time prior to  
102 final court disposition. The department shall develop an  
103 accounts payable system to allocate costs that are payable by  
104 the counties.

105 (4) ~~Notwithstanding subsection (3),~~ The state shall pay all  
106 costs of detention care for juveniles residing in ~~for which a~~  
107 fiscally constrained county and for juveniles residing out-of-  
108 state would otherwise be billed. The state shall pay all costs  
109 of detention care for juveniles housed in state detention  
110 centers from counties that provide their own detention care for  
111 juveniles.

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

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117 ~~consider the difference between the amount appropriated to the~~  
118 ~~department for offsetting the costs associated with the~~  
119 ~~assignment of juvenile pretrial detention expenses to the~~  
120 ~~fiscally constrained county and the total estimated costs to the~~  
121 ~~fiscally constrained county, for the fiscal year, of detention~~  
122 ~~care for juveniles for the period of time prior to final court~~  
123 ~~disposition.~~

124 ~~(b) Subject to legislative appropriation and based on the~~  
125 ~~methodology developed under paragraph (a), the department shall~~  
126 ~~provide funding to offset the costs to fiscally constrained~~  
127 ~~counties of detention care for juveniles for the period of time~~  
128 ~~prior to final court disposition. If county matching funds are~~  
129 ~~required by the department to eliminate the difference~~  
130 ~~calculated under paragraph (a) or the difference between the~~  
131 ~~actual costs of the fiscally constrained counties and the amount~~  
132 ~~appropriated in small county grants for use in mitigating such~~  
133 ~~costs, that match amount must be allocated proportionately among~~  
134 ~~all fiscally constrained counties.~~

135 ~~(5) Each county that is not a fiscally constrained county~~  
136 ~~shall incorporate into its annual county budget sufficient funds~~  
137 ~~to pay its annual percentage share of the total shared detention~~  
138 ~~costs required under subsection (3) ~~of detention care for~~~~  
139 ~~juveniles who reside in that county for the period of time prior~~  
140 ~~to final court disposition. This amount shall be based upon the~~  
141 ~~prior use of secure detention for juveniles who are residents of~~  
142 ~~that county, as calculated by the department. Each county shall~~  
143 ~~pay the estimated costs at the beginning of each month. Any~~  
144 ~~difference between the estimated costs and actual costs shall be~~  
145 ~~reconciled at the end of the state fiscal year.~~

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

152           (7) The department ~~of Juvenile Justice~~ shall determine each  
153 quarter whether the counties ~~of this state~~ are remitting funds  
154 as required ~~to the department their share of the costs of~~  
155 ~~detention as required~~ by this section.

156           ~~(8) The Department of Revenue and the counties shall~~  
157 ~~provide technical assistance as necessary to the Department of~~  
158 ~~Juvenile Justice in order to develop the most cost-effective~~  
159 ~~means of collection.~~

160           (9) ~~(10)~~ This section does not apply to a any county that  
161 provides detention care for ~~preadjudicated~~ juveniles or that  
162 contracts with another county to provide detention care for  
163 ~~preadjudicated~~ juveniles.

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

166           985.6015 Shared County/State Juvenile Detention Trust  
167 Fund.—

168           (2) The fund is established for use as a depository for  
169 funds to be used for the costs of ~~pre~~disposition juvenile  
170 detention. Moneys credited to the trust fund shall consist of  
171 funds from the counties' share of the costs for ~~pre~~disposition  
172 juvenile detention.

173           Section 3. Paragraph (a) of subsection (11) of section  
174 985.688, Florida Statutes, is amended to read:

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175 985.688 Administering county and municipal delinquency  
176 programs and facilities.—

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

179 1. The county provides the full cost for ~~preadjudication~~  
180 detention for juveniles;

181 2. The county authorizes the county sheriff, any other  
182 county jail operator, or a contracted provider located inside or  
183 outside the county to provide ~~preadjudication~~ detention care for  
184 juveniles;

185 3. The county sheriff or other county jail operator is  
186 accredited by the Florida Corrections Accreditation Commission  
187 or American Correctional Association; and

188 4. The facility is inspected annually and meets the Florida  
189 Model Jail Standards.

190 Section 4. Effective July 1, 2016, for the 2016-2017 fiscal  
191 year, the sum of \$7.3 million in recurring funds and the sum of  
192 \$3.5 million in nonrecurring funds is appropriated from the  
193 General Revenue Fund to the Department of Juvenile Justice for  
194 the purpose of implementing the amendments to s. 985.686,  
195 Florida Statutes, made by this act. These funds supplement the  
196 funds appropriated to the department in the 2016-2017 General  
197 Appropriations Act to pay the state's costs for juvenile  
198 detention.

199 Section 5. Except as otherwise provided in this act, this  
200 act shall take effect upon becoming a law.