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1 A bill to be entitled
2 An act relating to juvenile detention costs; creating
3 s. 985.6865, F.S.; providing legislative findings and
4 intent; defining terms; requiring certain counties
5 that are not fiscally constrained counties to each pay
6 to the Department of Juvenile Justice its annual
7 percentage share of specified amounts for specified
8 fiscal years; requiring such counties to pay its
9 annual percentage share of the specified amounts in 12
10 equal payments beginning on a specified date; creating
11 the methodology by which the department determines the
12 percentage share for each county; providing an
13 expiration date; requiring the state to pay all costs
14 of detention care for juveniles residing in a fiscally
15 constrained county, residing out of state, and
16 residing in state detention centers in counties that
17 provide their own detention care for juveniles;
18 requiring a county that is not fiscally constrained
19 county to incorporate into its annual budget
20 sufficient funds to pay its annual percentage share;
21 requiring certain funds to be deposited into the
22 Shared County/State Juvenile Detention Trust Fund;
23 requiring the department to determine certain
24 compliance on a quarterly basis; exempting certain
25 funds collected from specified service charges;
26 providing rulemaking; amending ss. 985.6015 and
27 985.688, F.S.; conforming provisions to changes made
28 by the act; providing appropriations; providing
29 effective dates.

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31 Be It Enacted by the Legislature of the State of Florida:
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33 Section 1. Section 985.6865, Florida Statutes, is created
34 to read:

35 985.6865 Juvenile detention.—

36 (1) The Legislature finds that various counties and the
37 Department of Juvenile Justice have engaged in a multitude of
38 legal proceedings regarding detention cost sharing for
39 juveniles. Such litigation has largely focused on how the
40 Department of Juvenile Justice calculates the detention costs
41 that the counties are responsible for paying, leading to the
42 overbilling of counties for a period of years. Additionally,
43 litigation pending in 2016 is a financial burden on the
44 taxpayers of this state.

45 (2) It is the intent of the Legislature that all counties
46 that are not fiscally constrained counties and that have pending
47 administrative or judicial claims or challenges file a notice of
48 voluntary dismissal with prejudice to dismiss all actions
49 pending on or before February 1, 2016, against the state or any
50 state agency related to juvenile detention cost sharing.
51 Furthermore, all counties that are not fiscally constrained
52 shall execute a release and waiver of any existing or future
53 claims and actions arising from detention cost share prior to
54 the 2016-2017 fiscal year. The department may not seek
55 reimbursement from counties complying with this subsection for
56 any underpayment for any cost-sharing requirements before the
57 2016-2017 fiscal year.

58 (3) As used in this section, the term:

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59 (a) "Detention care" means secure detention and respite
60 beds for juveniles charged with a domestic violence crime.

61 (b) "Fiscally constrained county" means a county within a
62 rural area of opportunity as designated by the Governor pursuant
63 to s. 288.0656 or each county for which the value of a mill will
64 raise no more than \$5 million in revenue, based on the certified
65 school taxable value certified pursuant to s. 1011.62(4)(a)1.a.,
66 from the previous July 1.

67 (c) "Total shared detention costs" means the amount of
68 funds expended by the department for the costs of detention care
69 for the prior fiscal year. This amount includes the most recent
70 actual certify forward amounts minus any funds it expends on
71 detention care for juveniles residing in fiscally constrained
72 counties or out of state.

73 (4) (a) Notwithstanding s. 985.686 and for the 2016-2017
74 state fiscal year, each county that is not a fiscally
75 constrained county that has taken the action fulfilling the
76 intent of this legislation as described in subsection (2) shall
77 pay to the department its annual percentage share of \$42.5
78 million. By June 1, 2016, the department shall calculate and
79 provide to each county that is not a fiscally constrained county
80 its annual percentage share by dividing the total number of
81 detention days for juveniles residing in that county for the
82 most recently completed 12-month period by the total number of
83 detention days for juveniles in all counties that are not
84 fiscally constrained counties during the same period. Beginning
85 July 1, 2016, each such county shall pay to the department its
86 annual percentage share of \$42.5 million, which shall be paid in
87 12 equal payments due on the first day of each month. The state

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88 shall pay the remaining actual costs of detention care. This
89 paragraph expires June 30, 2017.

90 (b) Notwithstanding s. 985.686, for the 2017-2018 fiscal
91 year, and each fiscal year thereafter, each county that is not a
92 fiscally constrained county and that has taken the action
93 fulfilling the intent of this section as described in subsection
94 (2) shall pay its annual percentage share of 50 percent of the
95 total shared detention costs. By July 15, 2017, and each year
96 thereafter, the department shall calculate and provide to each
97 county that is not a fiscally constrained county its annual
98 percentage share by dividing the total number of detention days
99 for juveniles residing in the county for the most recently
100 completed 12-month period by the total number of detention days
101 for juveniles in all counties that are not fiscally constrained
102 counties during the same period. The annual percentage share of
103 each county that is not a fiscally constrained county must be
104 multiplied by 50 percent of the total shared detention costs to
105 determine that county's share of detention costs. Beginning
106 August 1, each such county shall pay to the department its share
107 of detention costs, which shall be paid in 12 equal payments due
108 on the first day of each month. The state shall pay the
109 remaining actual costs of detention care.

110 (5) The state shall pay all costs of detention care for
111 juveniles residing in a fiscally constrained county and for
112 juveniles residing out of state. The state shall pay all costs
113 of detention care for juveniles housed in state detention
114 centers from counties that provide their own detention care for
115 juveniles.

116 (6) Each county that is not a fiscally constrained county

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117 and that has taken the action fulfilling the intent of this
118 section as described in subsection (2) shall incorporate into
119 its annual county budget sufficient funds to pay its annual
120 percentage share of the total shared detention costs required by
121 subsection (4).

122 (7) Funds paid by the counties to the department pursuant
123 to this section must be deposited into the Shared County/State
124 Juvenile Detention Trust Fund.

125 (8) The department shall determine each quarter whether the
126 counties are remitting funds as required by this section.

127 (9) Funds received from counties pursuant to this section
128 are not subject to the service charges provided in s. 215.20.

129 (10) The department may adopt rules to administer this
130 section.

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

133 985.6015 Shared County/State Juvenile Detention Trust
134 Fund.—

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

140 Section 3. Paragraph (a) of subsection (11) of section
141 985.688, Florida Statutes, is amended to read:

142 985.688 Administering county and municipal delinquency
143 programs and facilities.—

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

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146 1. The county provides the full cost for ~~preadjudication~~
147 detention for juveniles;

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

152 3. The county sheriff or other county jail operator is
153 accredited by the Florida Corrections Accreditation Commission
154 or American Correctional Association; and

155 4. The facility is inspected annually and meets the Florida
156 Model Jail Standards.

157 Section 4. Effective July 1, 2016, for the 2016-2017 fiscal
158 year, the sum of \$7.3 million in recurring funds and the sum of
159 \$3.5 million in nonrecurring funds is appropriated from the
160 General Revenue Fund to the Department of Juvenile Justice for
161 the purpose of implementing s. 985.6865, Florida Statutes, as
162 created by this act. These funds supplement the funds
163 appropriated to the department in the 2016-2017 General
164 Appropriations Act to pay the state's costs for juvenile
165 detention.

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