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1  
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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Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 985.6865, Florida Statutes, is created to read:

985.6865 Juvenile detention.—

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

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

(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.