



576-03590-20

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to the Department of Juvenile Justice;
amending s. 20.316, F.S.; revising the name of a
program and creating an additional program within the
Department of Juvenile Justice; conforming a provision
to changes made by the act; repealing s. 985.686,
F.S., relating to shared county and state
responsibility for juvenile detention; amending s.
985.6865, F.S.; deleting provisions relating to
legislative findings and legislative intent; deleting
a provision requiring each county that is not a
fiscally constrained county to pay its annual
percentage share of the total shared detention costs;
requiring the Department of Juvenile Justice to
calculate and provide to each county that is not a
fiscally constrained county and that does not provide
its own detention care for juveniles its annual
percentage share; requiring each county that is not a
fiscally constrained county and that does not provide
its own detention care for juveniles to incorporate
into its annual budget sufficient funds to pay its
annual percentage share; conforming a provision to
changes made by the act; conforming a cross-reference;
providing an effective date.

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



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28 Section 1. Subsections (2) and (3) of section 20.316,
29 Florida Statutes, are amended to read:

30 20.316 Department of Juvenile Justice.—There is created a
31 Department of Juvenile Justice.

32 (2) DEPARTMENT PROGRAMS.—The following programs are
33 established within the Department of Juvenile Justice:

34 (a) Accountability and Program Support.

35 (d) ~~(a)~~ Prevention ~~and Victim Services.~~

36 (c) ~~(b)~~ Intake and Detention.

37 (f) ~~(e)~~ Residential and Correctional Facilities.

38 (e) ~~(d)~~ Probation and Community Corrections.

39 (b) ~~(e)~~ Administration.

40

41 The secretary may establish assistant secretary positions and a
42 chief of staff position as necessary to administer the
43 requirements of this section.

44 (3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department
45 shall plan and administer its programs through a substate
46 structure that conforms to the boundaries of the judicial
47 circuits prescribed in s. 26.021. A county may seek placement in
48 a juvenile justice operating circuit other than as prescribed in
49 s. 26.021 for participation in the Prevention ~~and Victim~~
50 ~~Services~~ Program and the Probation and Community Corrections
51 Program by making a request of the chief circuit judge in each
52 judicial circuit affected by such request. Upon a showing that
53 geographic proximity, community identity, or other legitimate
54 concern for efficiency of operations merits alternative
55 placement, each affected chief circuit judge may authorize the
56 execution of an interagency agreement specifying the alternative



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57 juvenile justice operating circuit in which the county is to be
58 placed and the basis for the alternative placement. Upon the
59 execution of said interagency agreement by each affected chief
60 circuit judge, the secretary may administratively place a county
61 in an alternative juvenile justice operating circuit pursuant to
62 the agreement.

63 Section 2. Section 985.686, Florida Statutes, is repealed.

64 Section 3. Subsections (1) through (4) and (6) of section
65 985.6865, Florida Statutes, are amended to read:

66 985.6865 Juvenile detention.—

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

76 ~~(2) It is the intent of the Legislature that all counties~~
77 ~~that are not fiscally constrained counties and that have pending~~
78 ~~administrative or judicial claims or challenges file a notice of~~
79 ~~voluntary dismissal with prejudice to dismiss all actions~~
80 ~~pending on or before February 1, 2016, against the state or any~~
81 ~~state agency related to juvenile detention cost sharing.~~
82 ~~Furthermore, all counties that are not fiscally constrained~~
83 ~~shall execute a release and waiver of any existing or future~~
84 ~~claims and actions arising from detention cost share prior to~~
85 ~~the 2016-2017 fiscal year. The department may not seek~~



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86 ~~reimbursement from counties complying with this subsection for~~
87 ~~any underpayment for any cost-sharing requirements before the~~
88 ~~2016-2017 fiscal year.~~

89 (1)~~(3)~~ As used in this section, the term:

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

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

98 (c) "Total shared detention costs" means the amount of
99 funds expended by the department for the costs of detention care
100 for the prior fiscal year. This amount includes the most recent
101 actual certify forward amounts minus any funds it expends on
102 detention care for juveniles residing in fiscally constrained
103 counties or out of state.

104 (2)~~(4)~~ Notwithstanding s. 985.686, for the 2017-2018 fiscal
105 year, and each fiscal year thereafter, each county that is not a
106 fiscally constrained county and that has taken the action
107 fulfilling the intent of this section as described in subsection
108 ~~(2)~~ shall pay its annual percentage share of 50 percent of the
109 total shared detention costs. Annually by July 15, 2017, and
110 each year thereafter, the department shall calculate and provide
111 to each county that is not a fiscally constrained county and
112 that does not provide its own detention care for juveniles its
113 annual percentage share by dividing the total number of
114 detention days for juveniles residing in the county for the most



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115 recently completed 12-month period by the total number of
116 detention days for juveniles in all counties that are not
117 fiscally constrained counties during the same period. The annual
118 percentage share of each county that is not a fiscally
119 constrained county and that does not provide its own detention
120 care for juveniles must be multiplied by 50 percent of the total
121 shared detention costs to determine that county's share of
122 detention costs. Beginning August 1, each such county shall pay
123 to the department its share of detention costs, which shall be
124 paid in 12 equal payments due on the first day of each month.
125 The state shall pay the remaining actual costs of detention
126 care.

127 (4) ~~(6)~~ Each county that is not a fiscally constrained
128 county and that does not provide its own detention care for
129 juveniles ~~has taken the action fulfilling the intent of this~~
130 ~~section as described in subsection (2)~~ shall incorporate into
131 its annual county budget sufficient funds to pay its annual
132 percentage share of the total shared detention costs required by
133 subsection (2) ~~(4)~~.

134 Section 4. This act shall take effect July 1, 2020.