



204448

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/09/2020 02:49 PM

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Before line 11

insert:

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

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

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

(a) Accountability and Program Support.



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- 12 (d) ~~(a)~~ Prevention and Victim Services.
- 13 (c) ~~(b)~~ Intake and Detention.
- 14 (f) ~~(e)~~ Residential and Correctional Facilities.
- 15 (e) ~~(d)~~ Probation and Community Corrections.
- 16 (b) ~~(e)~~ Administration.

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

(3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department shall plan and administer its programs through a substate structure that conforms to the boundaries of the judicial circuits prescribed in s. 26.021. A county may seek placement in a juvenile justice operating circuit other than as prescribed in s. 26.021 for participation in the ~~Prevention and Victim Services~~ Program and the Probation and Community Corrections Program by making a request of the chief circuit judge in each judicial circuit affected by such request. Upon a showing that geographic proximity, community identity, or other legitimate concern for efficiency of operations merits alternative placement, each affected chief circuit judge may authorize the execution of an interagency agreement specifying the alternative juvenile justice operating circuit in which the county is to be placed and the basis for the alternative placement. Upon the execution of said interagency agreement by each affected chief circuit judge, the secretary may administratively place a county in an alternative juvenile justice operating circuit pursuant to the agreement.

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 Section 985.686, Florida Statutes, is repealed.



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41 Section 3. Subsections (1) through (4) and (6) of section
42 985.6865, Florida Statutes, are amended to read:

43 985.6865 Juvenile detention.—

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

53 ~~(2) It is the intent of the Legislature that all counties~~
54 ~~that are not fiscally constrained counties and that have pending~~
55 ~~administrative or judicial claims or challenges file a notice of~~
56 ~~voluntary dismissal with prejudice to dismiss all actions~~
57 ~~pending on or before February 1, 2016, against the state or any~~
58 ~~state agency related to juvenile detention cost sharing.~~
59 ~~Furthermore, all counties that are not fiscally constrained~~
60 ~~shall execute a release and waiver of any existing or future~~
61 ~~claims and actions arising from detention cost share prior to~~
62 ~~the 2016-2017 fiscal year. The department may not seek~~
63 ~~reimbursement from counties complying with this subsection for~~
64 ~~any underpayment for any cost-sharing requirements before the~~
65 ~~2016-2017 fiscal year.~~

66 (1)~~(3)~~ As used in this section, the term:

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

69 (b) "Fiscally constrained county" means a county within a



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70 rural area of opportunity as designated by the Governor pursuant
71 to s. 288.0656 or each county for which the value of a mill will
72 raise no more than \$5 million in revenue, based on the certified
73 school taxable value certified pursuant to s. 1011.62(4)(a)1.a.,
74 from the previous July 1.

75 (c) "Total shared detention costs" means the amount of
76 funds expended by the department for the costs of detention care
77 for the prior fiscal year. This amount includes the most recent
78 actual certify forward amounts minus any funds it expends on
79 detention care for juveniles residing in fiscally constrained
80 counties or out of state.

81 ~~(2)(4) Notwithstanding s. 985.686, for the 2017-2018 fiscal~~
82 ~~year, and each fiscal year thereafter, each county that is not a~~
83 ~~fiscally constrained county and that has taken the action~~
84 ~~fulfilling the intent of this section as described in subsection~~
85 ~~(2) shall pay its annual percentage share of 50 percent of the~~
86 ~~total shared detention costs. Annually by July 15, 2017, and~~
87 ~~each year thereafter, the department shall calculate and provide~~
88 ~~to each county that is not a fiscally constrained county and~~
89 ~~that does not provide its own detention care for juveniles its~~
90 ~~annual percentage share by dividing the total number of~~
91 ~~detention days for juveniles residing in the county for the most~~
92 ~~recently completed 12-month period by the total number of~~
93 ~~detention days for juveniles in all counties that are not~~
94 ~~fiscally constrained counties during the same period. The annual~~
95 ~~percentage share of each county that is not a fiscally~~
96 ~~constrained county and that does not provide its own detention~~
97 ~~care for juveniles must be multiplied by 50 percent of the total~~
98 ~~shared detention costs to determine that county's share of~~



99 detention costs. Beginning August 1, each such county shall pay
100 to the department its share of detention costs, which shall be
101 paid in 12 equal payments due on the first day of each month.
102 The state shall pay the remaining actual costs of detention
103 care.

104 ~~(4)-(6)~~ Each county that is not a fiscally constrained
105 county and that does not provide its own detention care for
106 juveniles ~~has taken the action fulfilling the intent of this~~
107 ~~section as described in subsection (2)~~ shall incorporate into
108 its annual county budget sufficient funds to pay its annual
109 percentage share of the total shared detention costs required by
110 subsection (2) ~~(4)~~.

111
112 ===== T I T L E A M E N D M E N T =====

113 And the title is amended as follows:

114 Delete lines 2 - 3

115 and insert:

116 An act relating to juvenile justice; amending s.
117 20.316, F.S.; revising the name of a program and
118 creating an additional program within the Department
119 of Juvenile Justice; conforming a provision to changes
120 made by the act; repealing s. 985.686, F.S., relating
121 to shared county and state responsibility for juvenile
122 detention; amending s. 985.6865, F.S.; deleting
123 provisions relating to legislative findings and
124 legislative intent; deleting a provision requiring
125 each county that is not a fiscally constrained county
126 to pay its annual percentage share of the total shared
127 detention costs; requiring the Department of Juvenile



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128 Justice to calculate and provide to each county that
129 is not a fiscally constrained county and that does not
130 provide its own detention care for juveniles its
131 annual percentage share; requiring each county that is
132 not a fiscally constrained county and that does not
133 provide its own detention care for juveniles to
134 incorporate into its annual budget sufficient funds to
135 pay its annual percentage share; conforming a
136 provision to changes made by the act; conforming a
137 cross-reference; amending s. 943.0582, F.S.; deleting
138 a