

1 A bill to be entitled

2 An act relating to juvenile detention; amending s.
3 985.2155, F.S.; revising the apportionment between counties
4 and the state of certain costs of providing detention care
5 for juveniles; deleting a requirement that the Chief
6 Financial Officer withhold a portion of county funds if the
7 county remits to the state less than the amount required;
8 deleting provisions directing the Department of Juvenile
9 Justice to negotiate with other states for certain costs
10 and to pay the costs of detaining juveniles for whom no
11 state of residence is established; amending s. 3 of chapter
12 2004-263, Laws of Florida; revising the effective date of
13 such chapter; requiring the Governor to adjust the approved
14 operating budget for the Department of Juvenile Justice;
15 providing that the act fulfills an important state
16 interest; providing an appropriation; providing effective
17 dates.

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19 WHEREAS, the Legislature finds that the responsibility of
20 counties for juveniles who are alleged to have committed
21 delinquent acts should begin at the point of referral and end at
22 the time of adjudication and that the state's responsibility
23 should begin at the time of adjudication, and

24 WHEREAS, the Legislature finds that expansion of the use of
25 current residential resources to allow delinquent juveniles to
26 be committed to less restrictive, less intensive, and short-term
27 commitments is an option that needs to be further addressed, and

28 WHEREAS, the Legislature acknowledges the need to address

29 | the discretion of judges in determining the level and type of
30 | restrictiveness of placements for delinquent juveniles, and

31 | WHEREAS, the Legislature desires to clarify the roles and
32 | responsibilities of counties and the state with respect to the
33 | care of juvenile offenders, NOW, THEREFORE,

34 |

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

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37 | Section 1. Effective July 1, 2005, subsections (3), (7),
38 | (9), (10), and (11) of section 985.2155, Florida Statutes, are
39 | amended to read:

40 | 985.2155 Shared county and state responsibility for
41 | juvenile detention.--

42 | (3) Each county ~~or the state~~ shall pay the costs of of
43 | incurred by the county in providing detention care, exclusive of
44 | the costs of any preadjudicatory nonmedical educational or
45 | preadjudicatory therapeutic services, for juveniles for the
46 | period of time prior to final court disposition. The department
47 | shall develop an accounts payable system to allocate costs that
48 | are payable by the counties.

49 | (7) The Department of Juvenile Justice shall determine
50 | each quarter whether the counties of this state are remitting to
51 | the department their share of the costs of detention as required
52 | by this section. ~~If the Department of Juvenile Justice~~
53 | ~~determines that any county is remitting less than the amount~~
54 | ~~required, the Chief Financial Officer shall withhold from such~~
55 | ~~county a portion of any state funds to which the county may be~~
56 | ~~entitled equal to the difference of the amount remitted and the~~

57 | ~~amount required to be remitted.~~

58 | ~~(9)(a) For juveniles who reside in other states, the~~
59 | ~~department shall negotiate with those states for the payment of~~
60 | ~~the costs of detention care for the period of time prior to the~~
61 | ~~final court disposition.~~

62 | ~~(b) For juveniles for whom no state of residence is~~
63 | ~~established, the department shall pay from state funds the costs~~
64 | ~~of detention care for the period of time prior to final~~
65 | ~~disposition.~~

66 | ~~(9)(10)~~ Funds received from counties and from other states
67 | pursuant to this section are not subject to the service charges
68 | provided in s. 215.20.

69 | ~~(10)(11)~~ The department may adopt rules to administer this
70 | section.

71 | Section 2. Section 3 of chapter 2004-263, Laws of Florida,
72 | is amended to read:

73 | Section 3. This act shall take effect July 1, 2005 ~~October~~
74 | ~~1, 2004.~~

75 | Section 3. The Governor shall, by January 15, 2005, adjust
76 | the approved operating budget for the Department of Juvenile
77 | Justice in order to reverse budget amendment EOG #0305, which
78 | was approved by the Legislative Budget Commission on December 2,
79 | 2004.

80 | Section 4. The Legislature determines and declares that
81 | this act fulfills an important state interest.

82 | Section 5. The sum of \$65,146,936 in nonrecurring funds is
83 | appropriated in lump sum from the General Revenue Fund to the
84 | Department of Juvenile Justice for the 2004-2005 fiscal year for

85 | the purpose of operating juvenile detention centers and to
86 | restore any moneys transferred from other appropriations, or
87 | received from counties pursuant to s. 985.2155, Florida
88 | Statutes, in order to meet the current costs of operating
89 | juvenile detention centers.

90 | Section 6. Except as otherwise provided herein, this act
91 | shall take effect upon becoming a law.