



227052

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/3R

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03/07/2016 04:17 PM

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Senator Latvala moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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12 Department of Juvenile Justice calculates the detention costs
13 that the counties are responsible for paying, leading to the
14 overbilling of counties for a period of years. Additionally,
15 litigation pending in 2016 is a financial burden on the
16 taxpayers of this state.

17 (2) It is the intent of the Legislature that all counties
18 that are not fiscally constrained counties and that have pending
19 administrative or judicial claims or challenges file a notice of
20 voluntary dismissal with prejudice to dismiss all actions
21 pending on or before February 1, 2016, against the state or any
22 state agency related to juvenile detention cost sharing.

23 Furthermore, all counties that are not fiscally constrained
24 shall execute a release and waiver of any existing or future
25 claims and actions arising from detention cost share prior to
26 the 2016-2017 fiscal year. The department may not seek
27 reimbursement from counties complying with this subsection for
28 any underpayment for any cost-sharing requirements before the
29 2016-2017 fiscal year.

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

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

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

39 (c) "Total shared detention costs" means the amount of
40 funds expended by the department for the costs of detention care



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41 for the prior fiscal year. This amount includes the most recent
42 actual certify forward amounts minus any funds it expends on
43 detention care for juveniles residing in fiscally constrained
44 counties or out of state.

45 (4) (a) Notwithstanding s. 985.686 and for the 2016-2017
46 state fiscal year, each county that is not a fiscally
47 constrained county that has taken the action fulfilling the
48 intent of this legislation as described in subsection (2) shall
49 pay to the department its annual percentage share of \$42.5
50 million. By June 1, 2016, the department shall calculate and
51 provide to each county that is not a fiscally constrained county
52 its annual percentage share by dividing the total number of
53 detention days for juveniles residing in that county for the
54 most recently completed 12-month period by the total number of
55 detention days for juveniles in all counties that are not
56 fiscally constrained counties during the same period. Beginning
57 July 1, 2016, each such county shall pay to the department its
58 annual percentage share of \$42.5 million, which shall be paid in
59 12 equal payments due on the first day of each month. The state
60 shall pay the remaining actual costs of detention care. This
61 paragraph expires June 30, 2017.

62 (b) Notwithstanding s. 985.686, for the 2017-2018 fiscal
63 year, and each fiscal year thereafter, each county that is not a
64 fiscally constrained county and that has taken the action
65 fulfilling the intent of this section as described in subsection
66 (2) shall pay its annual percentage share of 50 percent of the
67 total shared detention costs. By July 15, 2017, and each year
68 thereafter, the department shall calculate and provide to each
69 county that is not a fiscally constrained county its annual



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70 percentage share by dividing the total number of detention days
71 for juveniles residing in the county for the most recently
72 completed 12-month period by the total number of detention days
73 for juveniles in all counties that are not fiscally constrained
74 counties during the same period. The annual percentage share of
75 each county that is not a fiscally constrained county must be
76 multiplied by 50 percent of the total shared detention costs to
77 determine that county's share of detention costs. Beginning
78 August 1, each such county shall pay to the department its share
79 of detention costs, which shall be paid in 12 equal payments due
80 on the first day of each month. The state shall pay the
81 remaining actual costs of detention care

82 (5) The state shall pay all costs of detention care for
83 juveniles residing in a fiscally constrained county and for
84 juveniles residing out of state. The state shall pay all costs
85 of detention care for juveniles housed in state detention
86 centers from counties that provide their own detention care for
87 juveniles.

88 (6) Each county that is not a fiscally constrained county
89 and that has taken the action fulfilling the intent of this
90 section as described in subsection (2) shall incorporate into
91 its annual county budget sufficient funds to pay its annual
92 percentage share of the total shared detention costs required by
93 subsection (4).

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

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



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

101 (10) The department may adopt rules to administer this
102 section.

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

105 985.6015 Shared County/State Juvenile Detention Trust
106 Fund.—

107 (2) The fund is established for use as a depository for
108 funds to be used for the costs of ~~predisposition~~ juvenile
109 detention. Moneys credited to the trust fund shall consist of
110 funds from the counties' share of the costs for ~~predisposition~~
111 juvenile detention.

112 Section 3. Paragraph (a) of subsection (11) of section
113 985.688, Florida Statutes, is amended to read:

114 985.688 Administering county and municipal delinquency
115 programs and facilities.—

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

118 1. The county provides the full cost for ~~preadjudication~~
119 detention for juveniles;

120 2. The county authorizes the county sheriff, any other
121 county jail operator, or a contracted provider located inside or
122 outside the county to provide ~~preadjudication~~ detention care for
123 juveniles;

124 3. The county sheriff or other county jail operator is
125 accredited by the Florida Corrections Accreditation Commission
126 or American Correctional Association; and

127 4. The facility is inspected annually and meets the Florida



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128 Model Jail Standards.

129 Section 4. Effective July 1, 2016, for the 2016-2017 fiscal
130 year, the sum of \$7.3 million in recurring funds and the sum of
131 \$3.5 million in nonrecurring funds is appropriated from the
132 General Revenue Fund to the Department of Juvenile Justice for
133 the purpose of implementing s. 985.6865, Florida Statutes, as
134 created by this act. These funds supplement the funds
135 appropriated to the department in the 2016-2017 General
136 Appropriations Act to pay the state's costs for juvenile
137 detention.

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

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141 ===== T I T L E A M E N D M E N T =====

142 And the title is amended as follows:

143 Delete everything before the enacting clause
144 and insert:

145 A bill to be entitled
146 An act relating to juvenile detention costs; creating
147 s. 985.6865, F.S.; providing legislative findings and
148 intent; defining terms; requiring certain counties
149 that are not fiscally constrained counties to each pay
150 to the Department of Juvenile Justice its annual
151 percentage share of specified amounts for specified
152 fiscal years; requiring such counties to pay its
153 annual percentage share of the specified amounts in 12
154 equal payments beginning on a specified date; creating
155 the methodology by which the department determines the
156 percentage share for each county; providing an



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157 expiration date; requiring the state to pay all costs
158 of detention care for juveniles residing in a fiscally
159 constrained county, residing out of state, and
160 residing in state detention centers in counties that
161 provide their own detention care for juveniles;
162 requiring a county that is not fiscally constrained
163 county to incorporate into its annual budget
164 sufficient funds to pay its annual percentage share;
165 requiring certain funds to be deposited into the
166 Shared County/State Juvenile Detention Trust Fund;
167 requiring the department to determine certain
168 compliance on a quarterly basis; exempting certain
169 funds collected from specified service charges;
170 providing rulemaking; amending ss. 985.6015 and
171 985.688, F.S.; conforming provisions to changes made
172 by the act; providing appropriations; providing
173 effective dates.