

By Senator Latvala

20-01641C-16

20161322__

1 A bill to be entitled

2 An act relating to juvenile detention costs; amending
3 s. 985.686, F.S.; defining a term; revising the annual
4 contributions by certain counties for the costs of
5 detention care for juveniles; revising the methodology
6 by which the Department of Juvenile Justice determines
7 the percentage share for each county; requiring the
8 state to pay all costs of detention care for juveniles
9 residing out of state and for certain postdisposition
10 detention care; deleting a requirement that the
11 Department of Revenue and the counties provide certain
12 technical assistance to the Department of Juvenile
13 Justice; revising the applicability of specified
14 provisions; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (c) is added to subsection (2) of
19 section 985.686, Florida Statutes, present subsections (9) and
20 (11) of that section are redesignated as subsections (8) and
21 (10), respectively, and subsections (3) through (7) and present
22 subsections (8) and (10) of that section are amended, to read:

23 985.686 Shared county and state responsibility for juvenile
24 detention.—

25 (2) As used in this section, the term:

26 (c) "Total shared detention costs" means the amount of
27 funds expended by the department for the costs of detention care
28 in a calendar year, minus any funds it expends on detention care
29 for juveniles residing in fiscally constrained counties or out
30 of state and for postdisposition detention care in those
31 counties that provide their own predisposition detention care
32 for juveniles.

20-01641C-16

20161322__

33 (3) (a) For the 2016-2017 fiscal year, each county that is
34 not a fiscally constrained county shall pay to the department
35 its annual percentage share of \$42.5 million. By June 1, 2016,
36 the department shall calculate and provide to each such county
37 its annual percentage share by dividing the total number of
38 detention days for juveniles residing in that county in the
39 prior calendar year by the total number of detention days for
40 juveniles in all counties that are not fiscally constrained
41 counties in the prior calendar year. Beginning July 1, 2016,
42 each county shall pay to the department its annual percentage
43 share of \$42.5 million, which shall be paid in 12 equal payments
44 due on the first day of each month. The state shall pay the
45 remaining actual costs of detention care. This paragraph expires
46 June 30, 2017.

47 (b) For the 2017-2018 fiscal year, and each fiscal year
48 thereafter, each county that is not a fiscally constrained
49 county shall pay its annual percentage share of 50 percent of
50 the total shared detention costs for the prior calendar year. By
51 February 1, 2017, and each year thereafter, the department shall
52 calculate and provide to each such county its annual percentage
53 share by dividing the total number of detention days for
54 juveniles residing in that county in the prior calendar year by
55 the total number of detention days for juveniles in all counties
56 that are not fiscally constrained counties in the prior calendar
57 year. The annual percentage share of each county that is not a
58 fiscally constrained county must be multiplied by 50 percent of
59 the total shared detention cost for the prior calendar year to
60 determine that county's share of detention costs. Beginning July
61 1, each county shall pay to the department its share of

20-01641C-16

20161322__

62 detention costs for the prior calendar year, which shall be paid
63 in 12 equal payments due on the first day of each month. The
64 state shall pay the remaining actual costs of detention care
65 ~~Each county shall pay the costs of providing detention care,~~
66 ~~exclusive of the costs of any preadjudicatory nonmedical~~
67 ~~educational or therapeutic services and \$2.5 million provided~~
68 ~~for additional medical and mental health care at the detention~~
69 ~~centers, for juveniles for the period of time prior to final~~
70 ~~court disposition. The department shall develop an accounts~~
71 ~~payable system to allocate costs that are payable by the~~
72 ~~counties.~~

73 (4) ~~Notwithstanding subsection (3),~~ The state shall pay all
74 costs of detention care for juveniles residing in ~~for which a~~
75 fiscally constrained county and for juveniles residing out of
76 state. The state shall pay all costs of postdisposition
77 detention care for those counties that provide their own
78 predisposition detention care for juveniles ~~would otherwise be~~
79 ~~billed.~~

80 (a) ~~By October 1, 2004, the department shall develop a~~
81 ~~methodology for determining the amount of each fiscally~~
82 ~~constrained county's costs of detention care for juveniles, for~~
83 ~~the period of time prior to final court disposition, which must~~
84 ~~be paid by the state. At a minimum, this methodology must~~
85 ~~consider the difference between the amount appropriated to the~~
86 ~~department for offsetting the costs associated with the~~
87 ~~assignment of juvenile pretrial detention expenses to the~~
88 ~~fiscally constrained county and the total estimated costs to the~~
89 ~~fiscally constrained county, for the fiscal year, of detention~~
90 ~~care for juveniles for the period of time prior to final court~~

20-01641C-16

20161322__

91 disposition.

92 ~~(b) Subject to legislative appropriation and based on the~~
93 ~~methodology developed under paragraph (a), the department shall~~
94 ~~provide funding to offset the costs to fiscally constrained~~
95 ~~counties of detention care for juveniles for the period of time~~
96 ~~prior to final court disposition. If county matching funds are~~
97 ~~required by the department to eliminate the difference~~
98 ~~calculated under paragraph (a) or the difference between the~~
99 ~~actual costs of the fiscally constrained counties and the amount~~
100 ~~appropriated in small county grants for use in mitigating such~~
101 ~~costs, that match amount must be allocated proportionately among~~
102 ~~all fiscally constrained counties.~~

103 (5) Each county that is not a fiscally constrained county
104 shall incorporate into its annual county budget sufficient funds
105 to pay its annual percentage share of 50 percent of the total
106 shared detention costs for the prior calendar ~~of detention care~~
107 ~~for juveniles who reside in that county for the period of time~~
108 ~~prior to final court disposition. This amount shall be based~~
109 ~~upon the prior use of secure detention for juveniles who are~~
110 ~~residents of that county, as calculated by the department. Each~~
111 ~~county shall pay the estimated costs at the beginning of each~~
112 ~~month. Any difference between the estimated costs and actual~~
113 ~~costs shall be reconciled at the end of the state fiscal year.~~

114 (6) Funds paid by the counties to the department pursuant
115 to this section must be deposited ~~Each county shall pay to the~~
116 ~~department for deposit into the Shared County/State Juvenile~~
117 ~~Detention Trust Fund its share of the county's total costs for~~
118 ~~juvenile detention, based upon calculations published by the~~
119 ~~department with input from the counties.~~

20-01641C-16

20161322__

120 (7) The department of ~~Juvenile Justice~~ shall determine each
121 quarter whether the counties of ~~this state~~ are remitting funds
122 as required to the department their share of the costs of
123 ~~detention as required~~ by this section.

124 ~~(8) The Department of Revenue and the counties shall~~
125 ~~provide technical assistance as necessary to the Department of~~
126 ~~Juvenile Justice in order to develop the most cost-effective~~
127 ~~means of collection.~~

128 (9)~~(10)~~ This section does not apply to a ~~any~~ county that
129 provides detention care for preadjudicated juveniles or that
130 contracts with another county to provide predisposition
131 detention care for ~~preadjudicated~~ juveniles.

132 Section 2. This act shall take effect upon becoming a law.