

By Senator Brandes

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1 A bill to be entitled
2 An act relating to the Department of Juvenile Justice;
3 amending s. 20.316, F.S.; revising the list of
4 programs within the department; repealing s. 985.686,
5 F.S., relating to shared county and state
6 responsibility for juvenile detention; amending s.
7 985.6865, F.S.; deleting provisions relating to
8 legislative findings and legislative intent; deleting
9 a provision requiring each county that is not a
10 fiscally constrained county to pay its annual
11 percentage share of the total shared detention costs;
12 requiring the Department of Juvenile Justice to
13 calculate and provide to each county that is not a
14 fiscally constrained county and that does not provide
15 its own detention care for juveniles its annual
16 percentage share; requiring each county that is not a
17 fiscally constrained county and that does not provide
18 its own detention care for juveniles to incorporate
19 into its annual budget sufficient funds to pay its
20 annual percentage share; conforming a provision to
21 changes made by the act; conforming a cross-reference;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Subsection (2) of section 20.316, Florida
27 Statutes, is amended to read:

28 20.316 Department of Juvenile Justice.—There is created a
29 Department of Juvenile Justice.

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

32 (a) Accountability and Program Support.

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

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

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

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

37 (b)~~(e)~~ ~~Administration.~~

38
39 The secretary may establish assistant secretary positions and a
40 chief of staff position as necessary to administer the
41 requirements of this section.

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 Section 985.686, Florida Statutes, is repealed.

43 Section 3. Subsections (1) through (4) and (6) of section
44 985.6865, Florida Statutes, are amended to read:

45 985.6865 Juvenile detention.—

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

55 ~~(2) It is the intent of the Legislature that all counties~~
56 ~~that are not fiscally constrained counties and that have pending~~
57 ~~administrative or judicial claims or challenges file a notice of~~
58 ~~voluntary dismissal with prejudice to dismiss all actions~~

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59 ~~pending on or before February 1, 2016, against the state or any~~
60 ~~state agency related to juvenile detention cost sharing.~~
61 ~~Furthermore, all counties that are not fiscally constrained~~
62 ~~shall execute a release and waiver of any existing or future~~
63 ~~claims and actions arising from detention cost share prior to~~
64 ~~the 2016-2017 fiscal year. The department may not seek~~
65 ~~reimbursement from counties complying with this subsection for~~
66 ~~any underpayment for any cost sharing requirements before the~~
67 ~~2016-2017 fiscal year.~~

68 (1)~~(3)~~ As used in this section, the term:

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

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

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

83 (2)~~(4)~~ Notwithstanding s. 985.686, for the 2017-2018 fiscal
84 year, and each fiscal year thereafter, each county that is not a
85 fiscally constrained county and that has taken the action
86 fulfilling the intent of this section as described in subsection
87 ~~(2) shall pay its annual percentage share of 50 percent of the~~

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88 ~~total shared detention costs. Annually~~ by July 15, 2017, ~~and~~
89 ~~each year thereafter,~~ the department shall calculate and provide
90 to each county that is not a fiscally constrained county and
91 that does not provide its own detention care for juveniles its
92 annual percentage share by dividing the total number of
93 detention days for juveniles residing in the county for the most
94 recently completed 12-month period by the total number of
95 detention days for juveniles in all counties that are not
96 fiscally constrained counties during the same period. The annual
97 percentage share of each county that is not a fiscally
98 constrained county and that does not provide its own detention
99 care for juveniles must be multiplied by 50 percent of the total
100 shared detention costs to determine that county's share of
101 detention costs. Beginning August 1, each such county shall pay
102 to the department its share of detention costs, which shall be
103 paid in 12 equal payments due on the first day of each month.
104 The state shall pay the remaining actual costs of detention
105 care.

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

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