

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

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (a) of subsection (2) and subsection
25 (3) of section 20.316, Florida Statutes, are amended, and

26 | paragraph (f) is added to subsection (2) of that section, to
 27 | read:

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

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

- 32 | (a) Prevention ~~and Victim Services~~.
- 33 | (f) Accountability and Program Support.

34 |
 35 | The secretary may establish assistant secretary positions and a
 36 | chief of staff position as necessary to administer the
 37 | requirements of this section.

38 | (3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department
 39 | shall plan and administer its programs through a substate
 40 | structure that conforms to the boundaries of the judicial
 41 | circuits prescribed in s. 26.021. A county may seek placement in
 42 | a juvenile justice operating circuit other than as prescribed in
 43 | s. 26.021 for participation in the Prevention ~~and Victim~~
 44 | ~~Services~~ Program and the Probation and Community Corrections
 45 | Program by making a request of the chief circuit judge in each
 46 | judicial circuit affected by such request. Upon a showing that
 47 | geographic proximity, community identity, or other legitimate
 48 | concern for efficiency of operations merits alternative
 49 | placement, each affected chief circuit judge may authorize the
 50 | execution of an interagency agreement specifying the alternative

51 juvenile justice operating circuit in which the county is to be
52 placed and the basis for the alternative placement. Upon the
53 execution of said interagency agreement by each affected chief
54 circuit judge, the secretary may administratively place a county
55 in an alternative juvenile justice operating circuit pursuant to
56 the agreement.

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

58 Section 3. Section 985.6865, Florida Statutes, is amended
59 to read:

60 985.6865 Juvenile detention.—

61 ~~(1) The Legislature finds that various counties and the~~
62 ~~Department of Juvenile Justice have engaged in a multitude of~~
63 ~~legal proceedings regarding detention cost sharing for~~
64 ~~juveniles. Such litigation has largely focused on how the~~
65 ~~Department of Juvenile Justice calculates the detention costs~~
66 ~~that the counties are responsible for paying, leading to the~~
67 ~~overbilling of counties for a period of years. Additionally,~~
68 ~~litigation pending in 2016 is a financial burden on the~~
69 ~~taxpayers of this state.~~

70 ~~(2) It is the intent of the Legislature that all counties~~
71 ~~that are not fiscally constrained counties and that have pending~~
72 ~~administrative or judicial claims or challenges file a notice of~~
73 ~~voluntary dismissal with prejudice to dismiss all actions~~
74 ~~pending on or before February 1, 2016, against the state or any~~
75 ~~state agency related to juvenile detention cost sharing.~~

76 ~~Furthermore, all counties that are not fiscally constrained~~
77 ~~shall execute a release and waiver of any existing or future~~
78 ~~claims and actions arising from detention cost share prior to~~
79 ~~the 2016-2017 fiscal year. The department may not seek~~
80 ~~reimbursement from counties complying with this subsection for~~
81 ~~any underpayment for any cost-sharing requirements before the~~
82 ~~2016-2017 fiscal year.~~

83 (1)~~(3)~~ As used in this section, the term:

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

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

92 (c) "Total shared detention costs" means the amount of
93 funds expended by the department for the costs of detention care
94 for the prior fiscal year. This amount includes the most recent
95 actual certify forward amounts minus any funds it expends on
96 detention care for juveniles residing in fiscally constrained
97 counties or out of state.

98 (2)~~(4)~~ ~~Notwithstanding s. 985.686, for the 2017-2018~~
99 ~~fiscal year, and each fiscal year thereafter, each county that~~
100 ~~is not a fiscally constrained county and that has taken the~~

101 ~~action fulfilling the intent of this section as described in~~
102 ~~subsection (2) shall pay its annual percentage share of 50~~
103 ~~percent of the total shared detention costs. Annually by July~~
104 ~~15, 2017, and each year thereafter,~~ the department shall
105 calculate and provide to each county that is not a fiscally
106 constrained county and does not provide its own detention care
107 for juveniles, its annual percentage share by dividing the total
108 number of detention days for juveniles residing in the county
109 for the most recently completed 12-month period by the total
110 number of detention days for juveniles in all counties that are
111 not fiscally constrained counties during the same period. The
112 annual percentage share of each county that is not a fiscally
113 constrained county and does not provide its own detention care
114 for juveniles must be multiplied by 50 percent of the total
115 shared detention costs to determine that county's share of
116 detention costs. Beginning August 1, each such county shall pay
117 to the department its share of detention costs, which shall be
118 paid in 12 equal payments due on the first day of each month.
119 The state shall pay the remaining actual costs of detention
120 care.

121 (3)-(5) The state shall pay all costs of detention care for
122 juveniles residing in a fiscally constrained county and for
123 juveniles residing out of state. The state shall pay all costs
124 of detention care for juveniles housed in state detention
125 centers from counties that provide their own detention care for

126 juveniles.

127 (4)~~(6)~~ Each county that is not a fiscally constrained
128 county and that does not provide its own detention care for
129 juveniles ~~has taken the action fulfilling the intent of this~~
130 ~~section as described in subsection (2)~~ shall incorporate into
131 its annual county budget sufficient funds to pay its annual
132 percentage share of the total shared detention costs required by
133 subsection (2)~~(4)~~.

134 (5)~~(7)~~ Funds paid by the counties to the department
135 pursuant to this section must be deposited into the Shared
136 County/State Juvenile Detention Trust Fund.

137 (6)~~(8)~~ The department shall determine each quarter whether
138 the counties are remitting funds as required by this section.

139 (7)~~(9)~~ Funds received from counties pursuant to this
140 section are not subject to the service charges provided in s.
141 215.20.

142 (8)~~(10)~~ The department may adopt rules to administer this
143 section.

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