

By Senator Latvala

20-01641C-16

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A bill to be entitled

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

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

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

985.686 Shared county and state responsibility for juvenile detention.—

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

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

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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

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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~~

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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.~~

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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.