

Committee Substitute for Senate Bill No. 4-A

An act relating to juvenile detention; amending s. 985.2155, F.S.; revising the apportionment of certain costs between counties and the state of providing detention care for juveniles; deleting a requirement that the Chief Financial Officer withhold a portion of county funds if the county remits to the state less than the amount required; deleting provisions directing the Department of Juvenile Justice to negotiate with other states for certain costs and to pay the costs of detaining juveniles for whom no state of residence is established; amending s. 3 of chapter 2004-263, Laws of Florida; revising the effective date of chapter 2004-263, Laws of Florida, which has already occurred; providing an appropriation; requiring the Governor to adjust the approved operating budget for the Department of Juvenile Justice; providing that the act fulfills an important state interest; providing effective dates.

WHEREAS, the Legislature finds that the responsibility of counties for juveniles who are alleged to have committed delinquent acts should begin at the point of referral and end at the time of adjudication, and that the state's responsibility should begin at the time of adjudication, and

WHEREAS, the Legislature finds that expansion of the use of current residential resources to allow delinquent juveniles to be committed to less restrictive, less intensive, and short-term commitments is an option that needs to be further addressed, and

WHEREAS, the Legislature acknowledges the need to address the discretion of judges in determining the level and type of restrictiveness of placements for delinquent juveniles, and

WHEREAS, the Legislature desires to clarify the roles and responsibilities of counties and the state with respect to the care of juvenile offenders, NOW, THEREFORE,

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

Section 1. Effective July 1, 2005, subsections (3), (7), (9), (10), and (11) of section 985.2155, Florida Statutes, are amended to read:

985.2155 Shared county and state responsibility for juvenile detention.—

(3) Each county ~~or the state~~ shall pay the costs of incurred by the county ~~in~~ providing detention care, exclusive of the costs of any preadjudicatory nonmedical educational or therapeutic services, for juveniles for the period of time prior to final court disposition. The department shall develop an accounts payable system to allocate costs that are payable by the counties.

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

~~of Juvenile Justice determines that any county is remitting less than the amount required, the Chief Financial Officer shall withhold from such county a portion of any state funds to which the county may be entitled equal to the difference of the amount remitted and the amount required to be remitted.~~

~~(9)(a) For juveniles who reside in other states, the department shall negotiate with those states for the payment of the costs of detention care for the period of time prior to the final court disposition.~~

~~(b) For juveniles for whom no state of residence is established, the department shall pay from state funds the costs of detention care for the period of time prior to final disposition.~~

~~(9)(10) Funds received from counties and from other states pursuant to this section are not subject to the service charges provided in s. 215.20.~~

~~(10)(11) The department may adopt rules to administer this section.~~

Section 2. Section 3 of chapter 2004-263, Laws of Florida, is amended to read:

Section 3. This act shall take effect July 1, 2005 ~~October 1, 2004~~.

Section 3. The sum of \$65,146,936 in nonrecurring funds is appropriated in lump sum from the General Revenue Fund to the Department of Juvenile Justice for the 2004-2005 fiscal year for the purpose of operating juvenile detention centers and to restore any moneys transferred from other appropriations, or received from counties pursuant to section 985.2155, Florida Statutes, in order to meet the current costs of operating juvenile detention centers.

Section 4. The Governor shall, by January 15, 2005, adjust the approved operating budget for the Department of Juvenile Justice in order to reverse budget amendment EOG #0305, which was approved by the Legislative Budget Commission on December 2, 2004.

Section 5. The Legislature determines and declares that this act fulfills an important state interest.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor December 21, 2004.

Filed in Office Secretary of State December 21, 2004.