

CHAPTER 2016-152

Committee Substitute for Senate Bill No. 1322

An act relating to juvenile detention costs; creating s. 985.6865, F.S.; providing legislative findings and intent; defining terms; requiring certain counties that are not fiscally constrained counties to each pay to the Department of Juvenile Justice its annual percentage share of specified amounts for specified fiscal years; requiring such counties to pay its annual percentage share of the specified amounts in 12 equal payments beginning on a specified date; creating the methodology by which the department determines the percentage share for each county; providing an expiration date; requiring the state to pay all costs of detention care for juveniles residing in a fiscally constrained county, residing out of state, and residing in state detention centers in counties that provide their own detention care for juveniles; requiring a county that is not fiscally constrained county to incorporate into its annual budget sufficient funds to pay its annual percentage share; requiring certain funds to be deposited into the Shared County/State Juvenile Detention Trust Fund; requiring the department to determine certain compliance on a quarterly basis; exempting certain funds collected from specified service charges; providing rulemaking; amending ss. 985.6015 and 985.688, F.S.; conforming provisions to changes made by the act; providing appropriations; providing effective dates.

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

Section 1. Section 985.6865, Florida Statutes, is created to read:

985.6865 Juvenile detention.—

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

(2) It is the intent of the Legislature that all counties that are not fiscally constrained counties and that have pending administrative or judicial claims or challenges file a notice of voluntary dismissal with prejudice to dismiss all actions pending on or before February 1, 2016, against the state or any state agency related to juvenile detention cost sharing. Furthermore, all counties that are not fiscally constrained shall execute a release and waiver of any existing or future claims and actions arising from detention cost share prior to the 2016-2017 fiscal year. The department may not seek reimbursement from counties complying with this subsection for any

underpayment for any cost-sharing requirements before the 2016-2017 fiscal year.

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

(a) “Detention care” means secure detention and respite beds for juveniles charged with a domestic violence crime.

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

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

(4)(a) Notwithstanding s. 985.686 and for the 2016-2017 state fiscal year, each county that is not a fiscally constrained county that has taken the action fulfilling the intent of this legislation as described in subsection (2) shall pay to the department its annual percentage share of \$42.5 million. By June 1, 2016, the department shall calculate and provide to each county that is not a fiscally constrained county its annual percentage share by dividing the total number of detention days for juveniles residing in that county for the most recently completed 12-month period by the total number of detention days for juveniles in all counties that are not fiscally constrained counties during the same period. Beginning July 1, 2016, each such county shall pay to the department its annual percentage share of \$42.5 million, which shall be paid in 12 equal payments due on the first day of each month. The state shall pay the remaining actual costs of detention care. This paragraph expires June 30, 2017.

(b) Notwithstanding s. 985.686, for the 2017-2018 fiscal year, and each fiscal year thereafter, each county that is not a fiscally constrained county and that has taken the action fulfilling the intent of this section as described in subsection (2) shall pay its annual percentage share of 50 percent of the total shared detention costs. By July 15, 2017, and each year thereafter, the department shall calculate and provide to each county that is not a fiscally constrained county its annual percentage share by dividing the total number of detention days for juveniles residing in the county for the most recently completed 12-month period by the total number of detention days for juveniles in all counties that are not fiscally constrained counties during the same period. The annual percentage share of each county that is not a fiscally constrained county must be multiplied by 50 percent of the total shared detention costs to determine that county’s share of detention costs. Beginning August 1, each such county shall pay to the department its share of detention costs, which shall be paid in 12 equal payments due on the first

day of each month. The state shall pay the remaining actual costs of detention care.

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

(6) Each county that is not a fiscally constrained county and that has taken the action fulfilling the intent of this section as described in subsection (2) shall incorporate into its annual county budget sufficient funds to pay its annual percentage share of the total shared detention costs required by subsection (4).

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

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

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

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

Section 2. Subsection (2) of section 985.6015, Florida Statutes, is amended to read:

985.6015 Shared County/State Juvenile Detention Trust Fund.—

(2) The fund is established for use as a depository for funds to be used for the costs of ~~pre~~disposition juvenile detention. Moneys credited to the trust fund shall consist of funds from the counties’ share of the costs for ~~pre~~disposition juvenile detention.

Section 3. Paragraph (a) of subsection (11) of section 985.688, Florida Statutes, is amended to read:

985.688 Administering county and municipal delinquency programs and facilities.—

(11)(a) Notwithstanding the provisions of this section, a county is in compliance with this section if:

1. The county provides the full cost for ~~pre~~adjudication detention for juveniles;

2. The county authorizes the county sheriff, any other county jail operator, or a contracted provider located inside or outside the county to provide ~~pre~~adjudication detention care for juveniles;

3. The county sheriff or other county jail operator is accredited by the Florida Corrections Accreditation Commission or American Correctional Association; and

4. The facility is inspected annually and meets the Florida Model Jail Standards.

Section 4. Effective July 1, 2016, for the 2016-2017 fiscal year, the sum of \$7.3 million in recurring funds and the sum of \$3.5 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Juvenile Justice for the purpose of implementing s. 985.6865, Florida Statutes, as created by this act. These funds supplement the funds appropriated to the department in the 2016-2017 General Appropriations Act to pay the state's costs for juvenile detention.

Section 5. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor March 29, 2016.

Filed in Office Secretary of State March 29, 2016.