

HB 5305

2014

1 A bill to be entitled

2 An act relating to juvenile detention costs; amending
3 s. 985.686, F.S.; providing a definition; providing
4 for the total amount of the nonfiscally constrained
5 counties' annual contribution for the costs of
6 detention care; revising provisions relating to state
7 payments for the costs of juveniles residing in
8 fiscally constrained counties and out of state;
9 deleting provisions relating to development and use of
10 a methodology for determining the amount of each
11 fiscally constrained county's costs of detention care;
12 requiring each nonfiscally constrained county to
13 budget a certain amount for costs of juvenile
14 detention care; specifying duties of the Department of
15 Juvenile Justice in providing such counties with
16 certain information; providing for calculation of such
17 an amount; deleting provisions relating to technical
18 assistance to counties by specified state departments;
19 providing for specified payments to certain counties
20 over a specified period to address disputed billing
21 methodologies during certain prior fiscal years;
22 providing an effective date.

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

25
26 Section 1. Section 985.686, Florida Statutes, is amended

27 to read:

28 985.686 Shared county and state responsibility for
 29 juvenile detention.—

30 (1) It is the policy of this state that the state and the
 31 counties have a joint obligation, as provided in this section,
 32 to contribute to the financial support of the detention care
 33 provided for juveniles.

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

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

37 (b) "Fiscally constrained county" means a county within a
 38 rural area of critical economic concern as designated by the
 39 Governor pursuant to s. 288.0656 or each county for which the
 40 value of a mill will raise no more than \$5 million in revenue,
 41 based on the certified school taxable value certified pursuant
 42 to s. 1011.62(4)(a)1.a., from the previous July 1.

43 (c) "Total shared detention costs" means the funds that
 44 the department expends for providing detention care for a
 45 calendar year, less any funds it expends on fiscally constrained
 46 counties and the cost of housing out-of-state detainees.

47 (3) (a) For the 2014-2015 state fiscal year, the total
 48 amount of the nonfiscally constrained counties' annual
 49 contribution for the costs of providing detention care is \$42.5
 50 million. The state is responsible for paying the remaining
 51 actual costs of detention care. This paragraph expires June 30,
 52 2015 ~~Each county shall pay the costs of providing detention~~

53 ~~care, exclusive of the costs of any preadjudicatory nonmedical~~
54 ~~educational or therapeutic services and \$2.5 million provided~~
55 ~~for additional medical and mental health care at the detention~~
56 ~~centers, for juveniles for the period of time prior to final~~
57 ~~court disposition. The department shall develop an accounts~~
58 ~~payable system to allocate costs that are payable by the~~
59 ~~counties.~~

60 (b) For the 2015-2016 state fiscal year, and each state
61 fiscal year thereafter, each nonfiscally constrained county is
62 responsible for paying a set amount based on 50 percent of the
63 total shared detention costs of providing detention care for the
64 prior calendar year. The state is responsible for paying the
65 remaining actual costs of detention care.

66 ~~(4) Notwithstanding subsection (3),~~ The state shall pay
67 all actual costs of detention care for juveniles residing in a
68 ~~for which a fiscally constrained county~~ and for juveniles
69 residing out of state ~~would otherwise be billed.~~

70 ~~(a) By October 1, 2004, the department shall develop a~~
71 ~~methodology for determining the amount of each fiscally~~
72 ~~constrained county's costs of detention care for juveniles, for~~
73 ~~the period of time prior to final court disposition, which must~~
74 ~~be paid by the state. At a minimum, this methodology must~~
75 ~~consider the difference between the amount appropriated to the~~
76 ~~department for offsetting the costs associated with the~~
77 ~~assignment of juvenile pretrial detention expenses to the~~
78 ~~fiscally constrained county and the total estimated costs to the~~

79 ~~fiscally constrained county, for the fiscal year, of detention~~
80 ~~care for juveniles for the period of time prior to final court~~
81 ~~disposition.~~

82 ~~(b) Subject to legislative appropriation and based on the~~
83 ~~methodology developed under paragraph (a), the department shall~~
84 ~~provide funding to offset the costs to fiscally constrained~~
85 ~~counties of detention care for juveniles for the period of time~~
86 ~~prior to final court disposition. If county matching funds are~~
87 ~~required by the department to eliminate the difference~~
88 ~~calculated under paragraph (a) or the difference between the~~
89 ~~actual costs of the fiscally constrained counties and the amount~~
90 ~~appropriated in small county grants for use in mitigating such~~
91 ~~costs, that match amount must be allocated proportionately among~~
92 ~~all fiscally constrained counties.~~

93 (5) Each nonfiscally constrained county shall incorporate
94 into its annual county budget sufficient funds to pay its costs
95 of detention care for juveniles who reside in that county for
96 the prior fiscal year ~~period of time prior to final court~~
97 ~~disposition. This amount shall be based upon the prior use of~~
98 ~~secure detention for juveniles who are residents of that county,~~
99 ~~as calculated by the department. Each county shall pay the~~
100 ~~estimated costs at the beginning of each month. Any difference~~
101 ~~between the estimated costs and actual costs shall be reconciled~~
102 ~~at the end of the state fiscal year.~~

103 (a) By February 1 of each year, the department shall
104 calculate and provide to each county that county's annual

105 percentage of total shared detention costs for the prior
106 calendar year. Beginning July 1 of the following year, each
107 county shall pay to the department its portion of total shared
108 detention costs based on the prior calendar year by the first
109 day of each month in 12 equal payments.

110 (b) The department shall calculate a county's percentage
111 share by taking the total number of detention days for juveniles
112 residing in that county for the prior calendar year and dividing
113 by the total number of detention days for all juveniles
114 statewide for the prior calendar year.

115 (c)1. For the 2014-2015 state fiscal year, each county's
116 percentage shall be multiplied by the total contribution amount
117 in subsection (3). This subparagraph expires June 30, 2015.

118 2. For the 2015-2016 state fiscal year, and each state
119 fiscal year thereafter, each county's percentage shall be
120 multiplied by 50 percent of the total shared detention cost for
121 the prior calendar year.

122 (6) Funds paid by the counties to the department pursuant
123 to this section shall be deposited into ~~Each county shall pay to~~
124 ~~the department for deposit into~~ the Shared County/State Juvenile
125 Detention Trust Fund ~~its share of the county's total costs for~~
126 ~~juvenile detention, based upon calculations published by the~~
127 ~~department with input from the counties.~~

128 (7) The department of Juvenile Justice shall determine
129 each quarter whether the counties of this state are remitting to
130 ~~the department~~ their share of the costs of detention as required

131 by this section.

132 ~~(8) The Department of Revenue and the counties shall~~
 133 ~~provide technical assistance as necessary to the Department of~~
 134 ~~Juvenile Justice in order to develop the most cost-effective~~
 135 ~~means of collection.~~

136 (8)~~(9)~~ Funds received from counties pursuant to this
 137 section are not subject to the service charges provided in s.
 138 215.20.

139 (9)~~(10)~~ This section does not apply to any county that
 140 provides detention care for preadjudicated juveniles or that
 141 contracts with another county to provide detention care for
 142 preadjudicated juveniles.

143 (10) In order to address disputed billing methodologies
 144 used between fiscal year 2008-2009 and fiscal year 2012-2013,
 145 the state shall distribute to the listed counties the following
 146 annual payments on July 1 each fiscal year beginning on July 1,
 147 2014 through July 1, 2036. This subsection expires June 30,
 148 2037.

149	<u>(a) Alachua.....</u>	<u>\$102,601</u>
150	<u>(b) Bay</u>	<u>\$84,781</u>
151	<u>(c) Brevard</u>	<u>\$196,242</u>
152	<u>(d) Broward</u>	<u>\$406,357</u>
153	<u>(e) Charlotte</u>	<u>\$47,309</u>
154	<u>(f) Citrus</u>	<u>\$14,575</u>
155	<u>(g) Clay</u>	<u>\$93,145</u>
156	<u>(h) Collier</u>	<u>\$250,336</u>

157	<u>(i) Duval</u>	\$223,900
158	<u>(j) Escambia</u>	\$236,079
159	<u>(k) Flagler</u>	\$32,844
160	<u>(l) Hernando</u>	\$45,452
161	<u>(m) Hillsborough</u>	\$488,022
162	<u>(n) Indian River</u>	\$37,216
163	<u>(o) Lake</u>	\$54,753
164	<u>(p) Lee</u>	\$307,633
165	<u>(q) Leon</u>	\$84,446
166	<u>(r) Manatee</u>	\$171,928
167	<u>(s) Marion</u>	\$23,633
168	<u>(t) Martin</u>	\$31,170
169	<u>(u) Miami-Dade</u>	\$507,285
170	<u>(v) Monroe</u>	\$16,415
171	<u>(w) Nassau</u>	\$8,120
172	<u>(x) Okaloosa</u>	\$109,792
173	<u>(y) Orange</u>	\$559,962
174	<u>(z) Osceola</u>	\$77,419
175	<u>(aa) Palm Beach</u>	\$329,318
176	<u>(bb) Pasco</u>	\$159,911
177	<u>(cc) Pinellas</u>	\$351,783
178	<u>(dd) Polk</u>	\$169,487
179	<u>(ee) St. Johns</u>	\$32,038
180	<u>(ff) St. Lucie</u>	\$138,821
181	<u>(gg) Santa Rosa</u>	\$34,130
182	<u>(hh) Sarasota</u>	\$80,682

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183	<u>(ii) Seminole</u>	<u>.....\$144,200</u>
184	<u>(jj) Sumter</u>	<u>.....\$7,928</u>
185	<u>(kk) Volusia</u>	<u>.....\$375,990</u>
186	<u>(ll) Walton</u>	<u>.....\$19,597</u>

187 (11) The department may adopt rules to administer this
188 section.

189 Section 2. This act shall take effect July 1, 2014.