

1 A bill to be entitled
 2 An act relating to juvenile detention costs; amending
 3 s. 985.686, F.S.; providing a definition; revising
 4 provisions relating to state payments for the costs of
 5 juveniles residing in fiscally constrained counties
 6 and out of state; deleting provisions relating to
 7 development and use of a methodology for determining
 8 the amount of each fiscally constrained county's costs
 9 of detention care; requiring each nonfiscally
 10 constrained county to budget sufficient funds for the
 11 costs of juvenile detention care; specifying duties of
 12 the Department of Juvenile Justice; providing for
 13 calculation of county contributions; deleting
 14 provisions relating to technical assistance to the
 15 department; providing for review of county payments;
 16 providing penalties; providing certain assurances to
 17 holders of bonds issued by counties; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 985.686, Florida Statutes, is amended
 23 to read:
 24 985.686 Shared county and state responsibility for
 25 juvenile detention.—

26 (1) It is the policy of this state that the state and the
 27 counties have a joint obligation, as provided in this section,
 28 to contribute to the financial support of the detention care
 29 provided for juveniles.

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

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

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

39 (c) "Total shared detention costs" means the funds that
 40 the department expends for providing detention care annually,
 41 less any funds that it expends on fiscally constrained counties
 42 and the costs of housing out-of-state detainees.

43 (3)(a) For the 2015-2016 state fiscal year, the total
 44 amount of the nonfiscally constrained counties' annual
 45 contribution for the shared detention costs is \$55 million. The
 46 state is responsible for paying the remaining actual costs of
 47 detention care. This paragraph expires June 30, 2016 ~~Each county~~
 48 ~~shall pay the costs of providing detention care, exclusive of~~
 49 ~~the costs of any preadjudicatory nonmedical educational or~~
 50 ~~therapeutic services and \$2.5 million provided for additional~~

51 ~~medical and mental health care at the detention centers, for~~
 52 ~~juveniles for the period of time prior to final court~~
 53 ~~disposition. The department shall develop an accounts payable~~
 54 ~~system to allocate costs that are payable by the counties.~~

55 (b) For the 2016-2017 state fiscal year and each state
 56 fiscal year thereafter, each nonfiscally constrained county is
 57 responsible for paying a set amount as provided in subsection
 58 (5) based on 57 percent of the total shared detention costs. The
 59 state is responsible for paying the remaining actual costs of
 60 detention care.

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

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

76 ~~disposition.~~

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

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

98 (a) The department shall calculate each county's annual
 99 percentage of total shared detention costs based on the actual
 100 detention days from June 1 through May 31 of each year. The

101 department shall notify each county of the amount to be paid to
 102 the department for its portion of total shared detention costs
 103 by June 5 of each year. Beginning July 1 of that year, each
 104 county shall pay to the department its portion of total shared
 105 detention costs by the first day of each month in 12 equal
 106 payments.

107 (b) The department shall calculate a county's percentage
 108 share by dividing the total number of detention days for
 109 juveniles residing in that county by the total number of
 110 detention days for all juveniles statewide.

111 (c) For the 2016-2017 state fiscal year and each state
 112 fiscal year thereafter, each county's percentage share shall be
 113 multiplied by 57 percent of the total shared detention costs for
 114 the next fiscal year to establish the county's proportional
 115 share.

116 (6) Funds paid by the counties to the department pursuant
 117 to this section shall be deposited ~~Each county shall pay to the~~
 118 ~~department for deposit~~ into the Shared County/State Juvenile
 119 Detention Trust Fund. All remaining funds in the trust fund at
 120 the end of the fiscal year shall be used to offset the following
 121 year's billings ~~its share of the county's total costs for~~
 122 ~~juvenile detention, based upon calculations published by the~~
 123 ~~department with input from the counties.~~

124 (7) The department of Juvenile Justice shall determine
 125 each quarter whether the counties of this state are remitting to

126 the department their share of the costs of detention as required
 127 by this section.

128 ~~(8) The Department of Revenue and the counties shall~~
 129 ~~provide technical assistance as necessary to the Department of~~
 130 ~~Juvenile Justice in order to develop the most cost-effective~~
 131 ~~means of collection.~~

132 (8)~~(9)~~ Funds received from counties pursuant to this
 133 section are not subject to the service charges provided in s.
 134 215.20.

135 (9)~~(10)~~ This section does not apply to any county that
 136 provides detention care for preadjudicated juveniles or that
 137 contracts with another county to provide detention care for
 138 preadjudicated juveniles.

139 (10) (a) The Department of Revenue shall review county
 140 juvenile detention payments to the Department of Juvenile
 141 Justice for the purpose of ensuring that counties fulfill their
 142 financial responsibilities required in this section. The
 143 Department of Revenue shall determine whether the counties have
 144 reimbursed the Department of Juvenile Justice for the county
 145 share of detention costs as provided in this section. If the
 146 Department of Revenue determines that a county has not met its
 147 obligations, it must deduct the amount owed to the Department of
 148 Juvenile Justice from funds provided to the county under s.
 149 218.23.

150 (b) As an assurance to holders of bonds issued by counties

151 before July 1, 2015, for which distributions made pursuant to s.
 152 218.23 are pledged, or bonds issued to refund such bonds which
 153 mature no later than the bonds they refunded and which result in
 154 a reduction of debt service payable in each fiscal year, the
 155 amount available for distribution to a county shall remain as
 156 provided by law and continue to be subject to any lien or claim
 157 on behalf of the bondholders. The Department of Revenue must
 158 ensure, based on information provided by an affected county,
 159 that any reduction in amounts distributed pursuant to paragraph
 160 (a) does not reduce the amount of distribution to a county below
 161 the amount necessary for the timely payment of principal and
 162 interest when due on the bonds and the amount necessary to
 163 comply with any covenant under the bond resolution or other
 164 documents relating to the issuance of the bonds. If a reduction
 165 to a county's monthly distribution must be decreased in order to
 166 comply with this paragraph, the Department of Revenue must
 167 notify the Department of Juvenile Justice of the amount of the
 168 decrease, and the Department of Juvenile Justice must send a
 169 bill for payment of such amount to the affected county.

170 (11) The department may adopt rules to administer this
 171 section.

172 Section 2. This act shall take effect July 1, 2015.