

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Justice Appropriations Committee

BILL: CS/SB 2196

SPONSOR: Justice Appropriations Committee and Senator Crist

SUBJECT: Shared County/State Juvenile Detention Trust Fund

DATE: April 4, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Heflin	Sadberry	JA	Fav/CS
2.			WM	
3.				
4.				
5.				
6.				

I. Summary:

CS/SB 2196 creates the Shared County/State Juvenile Detention Trust Fund in the Department of Juvenile Justice effective July 1, 2005. Funds to be credited to the trust fund will consist of funds from the counties' share of cost for preadjudicatory juvenile detention. These funds will be used by the department to pay for the cost of preadjudicatory juvenile detention. All moneys remaining in the trust fund at the end of any fiscal year will be carried forward to the next fiscal year, and the trust fund will be terminated, unless re-created, on July 1, 2009, pursuant to s. 19(f)(2), Article III, Florida Constitution. In addition the bill, creating a trust fund, must pass by a 3/5 vote of the membership of each house to become law pursuant to s. 19(f)(1), Article III, Florida Constitution.

This bill creates the following section of the Florida Statutes: 985.4043

II. Present Situation:

In the 2004 session the Legislature enacted SB 2564, creating s. 985.2155, F.S., requiring joint financial participation of the state and counties in the provision of juvenile detention. The constitutionality of the law has since been challenged in circuit court. SB 4, in the 2004A special legislative session, amended the law to remove the responsibility of the Chief Financial Officer to withhold funds from the counties if they did not comply with their responsibility for share of cost for secure preadjudicatory detention of juveniles.

Section 985.2155, F.S., as amended, preserves the county responsibility to budget for the costs of pre-adjudication detention of juveniles who reside in that county. Counties are responsible for setting aside detention costs at the beginning of each fiscal year and making monthly payments to the state. In collaboration with the counties, the Department of Juvenile Justice is responsible

for publishing the costs which each county is responsible to pay. Reconciliation costs to account for differences between the estimated and actual numbers of juveniles detained occur at the end of each fiscal year. In addition, the Department of Juvenile Justice is responsible for quarterly reviews to ensure that the counties are fulfilling their obligation for their share of cost for juvenile detention to the state.

Currently, all revenues received from counties for the cost of juvenile detention are deposited into the Department of Juvenile Justice's Grants and Donations Trust Fund.

III. Effect of Proposed Changes:

The creation of this trust fund for the Department of Juvenile Justice will help to account separately for moneys received from the counties and prevent those moneys from being intermingled with unrelated moneys in the department's Grants and Donations Trust Fund.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

CS/SB 2196, creating a new trust fund, must pass by a 3/5 vote of the membership of each house to become law pursuant to section 19(f)(1), Article III, Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
