

STATE OF FLORIDA
DEPARTMENT OF JUVENILE JUSTICE

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

HILLSBOROUGH COUNTY,)
)
 Petitioner,)
)
 v.)
)
 DEPARTMENT OF JUVENILE)
 JUSTICE,)
)
 Respondent.)
 _____)

DJJ NO.: 10-0004

DOAH NO.: 09-4340

FINAL ORDER

This matter is now before the undersigned for issuance of final agency action resolving Hillsborough County's claim that it was assessed for secure juvenile detention care for the 2007-2008 fiscal year in a manner inconsistent with section 985.686, Florida Statutes (2007). Specifically, Hillsborough County objected to the Department's issuance of successive reconciliation statements, each purporting to finally resolve responsibility for costs for the subject fiscal year.

The underlying statutory scheme reflects the policy "that the state and the counties have a joint obligation . . . to

contribute to the financial support of the detention care provided for juveniles." § 985.686(1), Fla. Stat. With exceptions not relevant to the instant proceeding, each county is required to pay for its resident juveniles' detention stays "for the period of time prior to final court disposition." § 985.686(3), Fla. Stat. Detention stays after final court disposition are the responsibility of the state. Each county's respective share of secure detention costs is estimated based upon a prior year's utilization, and is paid at the beginning of each month. At the end of the fiscal year, "[a]ny difference between the estimated costs and actual costs shall be reconciled," with the county receiving a credit for any overpayment and an invoice for amounts underpaid. § 985.686(5), Fla. Stat.

On December 18, 2009, Administrative Law Judge William F. Quattlebaum entered a Recommended Order accepting Hillsborough County's (hereafter, the Petitioner's) claim that the Department's annual reconciliation of January 30, 2009, constituted its reconciliation for fiscal year 2007-2008. The Department should not have then made successive adjustments to that reconciliation, each of which sought to resolve various counties' objections to the initial reconciliation.

Neither the Petitioner nor the Department filed exceptions to the Recommended Order.

Findings of Fact

The Department adopts the "Findings of Fact" set out in paragraphs 1 through 15 of the Recommended Order.

Conclusions of Law

The Department generally accepts the "Conclusions of Law" set out in paragraphs 16 through 30 of the Recommended Order.

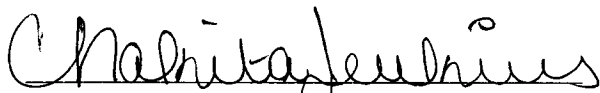
Based upon the foregoing it is hereby **ORDERED**:

1. The ALJ's recommendation is adopted.
2. The annual reconciliation dated January 30, 2009, is the final reconciliation for fiscal year 2007-2008, and all successive reconciliations for that fiscal year shall be disregarded and expunged.

Entered this 20th day of January, 2010, in
Tallahassee, Florida.



FRANK PETERMAN JR., Secretary
Department of Juvenile Justice



Chakita Jenkins, Agency Clerk

Filed this 20th day of
January, 2010

COPIES FURNISHED:

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Notice of Right to Judicial Review

In accordance with the provisions of section 120.68, Florida Statutes, a party who is adversely affected by this Final Order is entitled to judicial review. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing a notice of appeal with the Agency Clerk, Office of the General Counsel, 2737 Centerview Drive, Suite 3200, Tallahassee, Florida 32399-3100, and a copy, accompanied by filing fees prescribed by section 35.22, Florida Statutes, with the District Court of Appeal, First District, 301 Martin Luther King, Jr., Boulevard, Tallahassee, Florida 32399-1850, or with the District Court of Appeal in the appellate district where the party resides. The notice of appeal must be filed within 30 days of rendition of the order to be reviewed.