

STATE OF FLORIDA

DEPARTMENT OF JUVENILE JUSTICE

VOLUSIA COUNTY, PINELLAS
COUNTY, OKALOOSA COUNTY,
HERNANDO COUNTY, NASSAU
COUNTY, ST. LUCIE COUNTY,
WALTON COUNTY, ORANGE
COUNTY, LAKE COUNTY, BAY
COUNTY, SANTA ROSA COUNTY,
and HILLSBOROUGH COUNTY,

DJJ Case No.: 15-0003

Petitioners,

DOAH Case Nos.: 13-1442
13-2906
13-2907
13-2908
13-2909
13-2910
13-2911
13-2912
13-2913
13-2914
13-2915
13-4390

and

POLK COUNTY, CHARLOTTE
COUNTY, MIAMI-DADE COUNTY,
BROWARD COUNTY, MANATEE
COUNTY, ALACHUA COUNTY,
LEE COUNTY, and INDIAN
RIVER COUNTY,

Intervenors,

vs.

DEPARTMENT OF JUVENILE
JUSTICE,

Respondent.

FINAL ORDER RESOLVING DISPUTES FOR FISCAL YEAR 2011-2012

On May 30, 2014, the Department entered an "Order on Proposed Final Orders" lifting the abeyance of the DOAH proceedings, allowing the parties to submit Proposed Final

Appendix C

Orders, and acknowledging the Department's intention to enter a Final Order disposing of the parties' challenges to the 2011-2012 Annual Reconciliation of detention costs. Thereafter, the parties submitted proposed final orders that were based upon a December 2013 "Joint Stipulation of Facts and Procedure," which set out overpayment amounts for each party for Fiscal Year 2011-2012, as follows:

COUNTY	AMOUNT OVERPAID
Alachua	\$632,903.94
Bay	472,599.66
Broward	2,426,584.83
Charlotte	249,382.11
Hernando	265,923.84
Hillsborough	2,779,165.84
Indian River	249,311.88
Lake	306,929.23
Lee	1,843,740.49
Manatee	1,105,029.72
Miami-Dade	2,354,399.72
Nassau	92,175.12
Okaloosa	1,105,671.65
Orange	3,338,184.67
Pinellas	1,966,211.88
Polk	546,175.30
Santa Rosa	228,520.24
St. Lucie	645,087.93
Volusia	2,043,709.89
Walton	129,239.26

The Department is unable to enter a Final Order adopting the stipulated amounts as the parties' overpayments. The amounts are contrary to section 985.686(3) and (5), Florida Statutes, in that they obligate the State to pay for detention stays that are "prior to final court disposition." Specifically, the calculations include youth on probation who are subsequently detained on new criminal charges, and whose detention stays are prior to disposition of the new charges. These stays are

predispositional, and the Department cannot obligate the State to assume fiscal responsibility for charges associated with these detention stays.

The overpayment amounts in the last column of the following table are produced when this error is corrected:

COUNTY	AMOUNT OVERPAID (STIPULATED)	AMOUNT OVERPAID (CORRECTED) ¹
Alachua	\$632,903.94	\$124,715.95
Bay	472,599.66	223,046.04
Broward	2,426,584.83	1,545,942.90
Charlotte	249,382.11	153,895.04
Hernando	265,923.84	222,200.24
Hillsborough	2,779,165.84	1,402,680.28
Indian River	249,311.88	195,093.78
Lake	306,929.23	228,778.37
Lee	1,843,740.49	823,718.26
Manatee	1,105,029.72	801,896.52
Miami-Dade	2,354,399.72	656,916.50
Nassau	92,175.12	77,065.79
Okaloosa	1,105,671.65	719,659.81
Orange	3,338,184.67	1,722,666.06
Pinellas	1,966,211.88	849,531.54
Polk	546,175.30	102,537.99
Santa Rosa	228,520.24	58,718.86
St. Lucie	645,087.93	240,440.72
Volusia	2,043,709.89	2,336,719.53
Walton	129,239.26	35,169.20

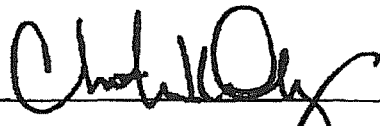
Based upon the foregoing it is hereby **ORDERED**:


1. The "Corrected" amounts set forth in the last column of preceding table represent the Department's final action on the parties' challenges to the Fiscal Year 2011-2012 detention cost sharing.

¹ The "Corrected" overpayments do not take into account credits that may already have been taken by specific counties, which will reduce the overpayment totals and subsequent credits when and if the Legislature funds such credits.

2. The parties are deemed to have overpaid their actual costs for Fiscal Year 2011-2012 in the amounts set forth as "Corrected" in the preceding table.²

Entered this 9 day of January, 2015, in Tallahassee, Florida.


CHRISTINA K. DALY, Secretary
Department of Juvenile Justice


Chakita Jenkins, Agency Clerk
Filed this 12th day of January, 2015

COPIES FURNISHED (addresses on record):

Brian D. Berkowitz, General Counsel
Department of Juvenile Justice

Carly Schrader, Esq.
Nabors, Giblin and Nickerson, P.A.

Terrell K. Arline, Esq.
Bay County Attorney's Office

Carl Brody, Esq.
Pinellas County Attorney's Office

Estephanie Resnik, Esq.
Miami-Dade County Attorney's Office

² No moneys were appropriated for Fiscal Year 2014/2015 to credit counties. Only the Legislature has the power to provide funding for credits or refunds for past fiscal years.

Scott Schevenell, Esq.
Orange County Attorney's Office

Robert Livingston, Esq.
Alachua County Attorney's Office

Adam Katzman, Esq.
Broward County Attorney's Office

Stephen M. Todd, Esq.
Hillsborough County Attorney's Office

Richard Appicello, Esq.
Hernando County Attorney's Office

Kate Pingolt Cotner, Esq.
Indian River County Attorney's Office

Sanford A. Minkoff, Esq.
Lake County Attorney's Office

Melody Bowers, Esq.
Lee County Attorney's Office

Mitchell O. Palmer, Esq.
Manatee County Attorney's Office

Roy V. Andrews, Esq.
Santa Rosa County Attorney's Office

Mary J. Jolley, Esq.
Volusia County Attorney's Office