

**STATE OF FLORIDA**

**DEPARTMENT OF JUVENILE JUSTICE**

**VOLUSIA COUNTY,**

**Petitioner,**

**DJJ Case No.: 15-0011**

**DOAH Case No.: 13-2957**

**v.**

**DEPARTMENT OF JUVENILE  
JUSTICE,**

**Respondent.**

\_\_\_\_\_ /

**FINAL ORDER**

This matter is now before the undersigned for issuance of final agency action resolving Petitioner, Volusia County's claim that it was assessed for secure juvenile detention care for fiscal year 2008-2009 in a manner inconsistent with the provisions of section 985.686, Florida Statutes (2008), and Florida Administrative Code Rules 63G-1.001-.009.

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.

Section 985.686(5) provides a framework by which each county's costs are estimated at the beginning of the fiscal year, and reconciled at year's end. Each county's estimate is based upon its prior use of secure detention. The difference between the estimated costs and the actual costs is reconciled at the end of the fiscal year when actual usage is known.

On October 29, 2014, Administrative Law Judge James H. Peterson, III entered a Recommended Order concluding that Volusia County overpaid for its share of detention costs during fiscal year 2008-2009. Specifically, the ALJ concluded that Volusia County overpaid \$1,711,874.93, for which credit should be given. (RO.7, 17).

No exceptions to the Recommended Order were filed by either side.

#### **Findings of Fact**

The Department generally accepts the "Findings of Fact" set out in paragraphs 1 through 24 of the Recommended Order.

#### **Conclusions of Law**

The Department generally accepts the "Conclusions of Law" set out in paragraphs 25 through 42 of the Recommended Order.

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

1. Volusia County's actual costs of providing predisposition detention care for fiscal year 2008-2009 were \$1,916,409.90;

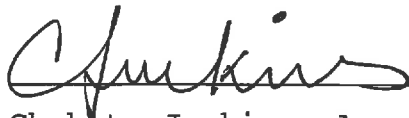
2. Volusia County overpaid the Department \$1,822,915.10; and,

3. Volusia County is owed an additional credit of \$1,711,874.93 for overpayment.<sup>1</sup>

Entered this 3<sup>rd</sup> day of March, 2015, in Tallahassee, Florida.



CHRISTINA K. DALY, Secretary  
Department of Juvenile Justice



Chakita Jenkins, Agency Clerk

Filed this 3<sup>rd</sup> day of March, 2015

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<sup>1</sup> 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.

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