



Fix Juvenile Secure Detention Billing and Fund as Upheld by Florida's Courts Opportunities for State-County Partnership

Background

- Since 2004, counties have been in a cost-share (prospective billing) relationship with the Department of Juvenile Justice (DJJ) to fund secure detention. (*Sec. 985.686, F.S.*)
- In 2008, despite no change in statute and contrary to the plain language of the law, DJJ significantly changed the way it billed counties for secure detention.
- To protect the interests of their taxpayers, several counties filed administrative actions against DJJ contesting the validity of DJJ's rules and its interpretation of the statute.
- In June 2013, the First District Court of Appeal in DJJ v. Okaloosa, et al. (Case No. 1D12-3929) affirmed a DOAH Final Order in Okaloosa, et al. v. DJJ (Case No. 12-0891RX) that held ***DJJ's interpretation of the law was arbitrary and erroneous, and that DJJ had, for years, improperly shifted financial responsibility for detention days to the counties.***
- Based on DJJ's data, counties over-paid by as much as \$200 million from FY08-09 through FY12-13, the time in which they were billed under the invalid rules.
- Under the invalid rules, counties were paying approximately 75% of secure detention costs but in Nov. 2013, DJJ stipulated that the court's ruling reflected a revised cost share of approx. 32% for counties. However, despite the stipulation in Jan. 2014, DJJ *reinterpreted* the court's ruling to reflect a cost-share of ~ 57% for counties.
- During the summer of 2014, DJJ drafted proposed rules to reflect the new interpretation which is estimated to result in a \$20 million cost-shift to counties.
- In June, 2014, DJJ's proposed rules were challenged and we currently await the Final Order from DOAH.

Solution: Moving Forward with Legislative Fix

- SB 1414 sets the cost split between counties and the state at 60/40
- HB 5201 sets the split at 57/43
- Both bills shift additional costs to counties and do not address the overpayments

**COUNTIES SEEK A GLOBAL - MORE EQUITABLE RESOLUTION TO
THIS PROBLEM: 50/50% PARTNERSHIP AND REASONABLE
REPAYMENT SCHEDULE**

County	Total County Overpayments as Stipulated by DJJ FY08-13			
Alachua	\$ 3,745,569.69			
Baker				
Bay	\$ 2,692,160.40			
Bradford				
Brevard	\$ 6,211,069.40			
Broward	\$ 13,533,393.63			
Calhoun				
Charlotte	\$ 1,489,905.28			
Citrus	\$ 595,077.25			
Clay	\$ 2,401,454.67			
Collier	\$ 7,729,604.37			
Columbia				
Dade	\$ 14,888,271.60			
Desoto				
Dixie				
Duval	\$ 7,333,082.65			
Escambia	\$ 7,798,205.07			
Flagler	\$ 1,160,001.72			
Franklin				
Gadsden				
Gilchrist				
Glades				
Gulf				
Hamilton				
Hardee				
Hendry				
Hernando	\$ 1,540,199.38			
Highlands				
Hillsborough	\$ 16,786,003.73			
Holmes				
Indian River	\$ 683,312.55			
Jackson				
Jefferson				
Lafayette				
Lake	\$ 2,176,755.39			
Lee	\$ 9,365,367.84			
Leon	\$ 3,305,724.91			
Levy				
Liberty				
Madison				
Manatee	\$ 5,759,947.19			
Marion	\$ 1,953,155.87			
Martin	\$ 1,242,179.26			
Monroe	\$ 561,298.05			
Nassau	\$ 225,739.69			
Okaloosa	\$ 2,881,397.92			
Okeechobee				
Orange	\$ 19,041,008.58			
Oceola	\$ 2,568,734.95			
Palm Beach	\$ 10,802,167.08			
Pasco	\$ 5,702,439.81			
Pinellas	\$ 12,583,557.99			
Polk	\$ 6,006,865.68			
Putnam				
St Johns	\$ 1,365,109.84			
St Lucie	\$ 4,966,841.55			
Santa Rosa	\$ 1,373,078.62			
Sarasota	\$ 2,777,732.65			
Seminole	\$ 4,690,228.09			
Sumter	\$ 326,119.46			
Suwannee				
Taylor				
Union				
Volusia	\$ 12,431,754.55			
Wakulla				
Walton	\$ 645,753.69			
Washington				
Total	\$ 201,340,210.05			

Orange highlighting denotes fiscally constrained counties