

Discussion Agenda Item

MEMORANDUM

TO: Mayor Teresa Jacobs
and
County Commissioners

FROM: George Ralls, M.D., Deputy County Administrator 

DATE: February 4, 2016

RE: Discussion Agenda Item for Board Meeting on February 9, 2016 -
Resolution regarding the current litigation with the Department of
Juvenile Justice and proposed legislation amending the shared county
and state responsibility for juvenile detention

I. BACKGROUND:

Section 985.686, Florida Statutes addresses the shared county and state responsibility for juvenile detention. Pursuant to the statute, counties are responsible for paying for juvenile detention prior to a juvenile's final court disposition (sentencing). The Department of Juvenile Justice (DJJ) is responsible for the costs of detention after disposition. The statute however does not clearly define the term "disposition," leaving DJJ to interpret the statutory language in its administrative rules. DJJ's rules with regard to detention cost sharing have been the subject of past and present litigation. Currently, there are two bills (Senate Bill 1322 and House Bill 1279) pending before the Florida Legislature. Both bills, as currently drafted, amend Section 985.686, Florida Statutes and create a 50-50 split between the state and the counties for juvenile detention costs. Additionally, the need to determine which costs are predisposition verses post disposition is eliminated. DJJ's present methodology using predisposition and post disposition days resulted in Orange County paying approximately 63 percent of the cost of juvenile detention for Fiscal Year 2015-16. A 50-50 split would have reduced Orange County's obligation by approximately 1.2 million dollars for that time frame.

II. ACTION REQUESTED:

Approval of Resolution of the Orange County Board of County Commissioners regarding the dismissal of pending litigation with the Department of Juvenile Justice provided the 50-50 cost split is signed into law and funds are appropriated for the Department of Juvenile Justice's budget.

Attachment

c: Ajit Lalchandani, County Administrator
Jeffrey J. Newton, County Attorney