

3.10.15 #14

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney *JLB*

SUBJECT: Status Update Regarding the Case of Pinellas County, Florida, Petitioner/Appellant
v. State of Florida, Department of Juvenile Justice, Respondent/Appellee
Department of Juvenile Justice Case Nos. 15-0001, 15-0002, 15-0003
Division of Administrative Hearings

DATE: March 10, 2015

NOTICE: THIS NOTICE IS PROVIDED TO UPDATE THE BOARD OF COUNTY COMMISSIONERS ON THE STATUS OF A CHALLENGE BY PINELLAS COUNTY TO THE DEPARTMENT OF JUVENILE JUSTICE REGARDING BILLING PRACTICES PREVIOUSLY APPROVED MARCH 2, 2010.

DISCUSSION: On January 12, 2015, the Department of Juvenile Justice ("DJJ") issued final orders regarding Pinellas County's challenge to DJJ's reconciliation of costs paid by the County for fiscal years 2009-10, 2010-11, and 2011-12 (FYs 10-12). Litigation in these consolidated matters centers on the refusal of the DJJ to return funds overpaid by the County for juvenile detention costs.

In a previous matter involving identical issues, the County successfully challenged the process by which the DJJ bills for the County's share of juvenile justice detention costs. The County and the DJJ entered into stipulated agreements for the disposition of other pending cases involving the same issues of law and fact. The result was a joint stipulation of facts and procedures in which the DJJ agreed that Pinellas County overpaid the DJJ \$7,304,162.10 for FY 10-12. This joint stipulation, though initially agreed to by the DJJ, has been repudiated. In its final order, the DJJ retroactively applied an adjusted cost sharing methodology that reduced the amount due Pinellas County to \$4,781,109.65 for FY 10-12. This adjusted methodology reduces the amount of overpayment by \$2,523,052.45. The final order also includes a reference stating that the DJJ does not have sufficient funding to reimburse the overpayments and that it will therefore not provide credit or repayment in the amounts due the counties.

At this point, the next step is to appeal the final order of the DJJ to the First District Court of Appeals requesting that the original joint stipulation be enforced. The cost of filing an appeal will be \$300.00 for each case.

JLB:CEB:elb

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