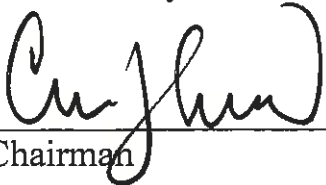


**RELEASE AND WAIVER IN COMPLIANCE
WITH CHAPTER 2016-152, LAWS OF FLORIDA (2016)**

Pursuant to the provisions of Chapter 2016-152, Laws of Florida (2016), signed into law on March 29, 2016, and creating section 985.6865, Florida Statutes, and Board approval of File # 16-555A, (attached), at the April 26, 2016 meeting of the Pinellas County Board of County Commissioners, PINELLAS COUNTY hereby releases and waives any existing or future claims and actions against the state or any state agency arising from detention cost share prior to the 2016-2017 state fiscal year.

WHEREFORE, PINELLAS COUNTY through its Chairman executes this Release and Waiver on this the 24th day of May, 2016.

PINELLAS COUNTY, FLORIDA, acting by and through its Board of County Commissioners

By: 
Chairman

Printed Name: CHARLIE JUSTICE

ATTEST: KEN BURKE, CLERK
By: 
Deputy Clerk





Legislation Details (With Text)

File #: 16-555A **Version:** 1

Type: County Attorney Item **Status:** Regular Agenda

File created: 4/1/2016 **In control:** County Attorney

On agenda: 4/26/2016 **Final action:** 4/26/2016

Title: Dismissal of lawsuits challenging the Department of Juvenile Justice's Final Orders and Rules in Pinellas County v. Florida Department of Juvenile Justice, Division of Administrative Hearings and First District Court of Appeals cases.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/26/2016	1	Board of County Commissioners	approved	Pass

Subject:

Dismissal of lawsuits challenging the Department of Juvenile Justice's Final Orders and Rules in Pinellas County v. Florida Department of Juvenile Justice, Division of Administrative Hearings and First District Court of Appeals cases.

Recommended Action:

Approval to voluntarily dismiss the following cases: Pinellas County v. Florida Department of Juvenile Justice, Case Nos. 15-0629, 15-0631 and 15-0632 (1st DCA); Division of Administrative Hearings, Case Nos. 14-3958 and 14-2801RP; and execute a release and waiver for existing and future claims relating to juvenile detention cases.

Strategic Plan:

N/A

Summary:

Due to the enactment of Laws of Florida 2016-152, the State is requiring counties to dismiss all pending litigation related to juvenile detention cost sharing and to execute a release and waiver of any existing or future claims. This affects the following Pinellas County cases: Pinellas County v. Florida Department of Juvenile Justice, Case Nos. 15-0629, 15-0631 and 15-0632 in the First District Court of Appeals regarding challenges to FY 09-12 juvenile detention cost billings; and Case Nos. 14-3958 and 14-2801RP in the Division of Administrative Hearings (DOAH) that challenged the Department's rules and methodology. At your direction, this pending litigation will be dismissed consistent with the new law.

Background Information:

Governor Rick Scott signed Senate Bill 1322 into law on March 17, 2016, as Laws of Florida 2016-152. This new law was enacted, with the great assistance of Senator Jack Latvala, in order to address longstanding concerns regarding the inequities of the State juvenile justice billing system for detention cost. Pinellas County's concerns with the various billing methodologies advanced by the Department of Juvenile Justice began in 2007. The first challenges were filed that year and each

subsequent year for two purposes: to work with the State in order to encourage a fair and accurate billing system for juvenile detention costs and to assure that Pinellas County taxpayers were not being overcharged for juvenile detention costs. Specifically, by our calculations the County was overbilled in the amounts of: \$918,522.47 in FY08-09; \$1,962,616.63 in FY09-10; \$1,968,961.48 for FY10-11; \$849,531.54 in FY11-12 and \$2,621,631.52 in FY12-13; for a total credit of \$8,321,263.64 due the County. The Department accurately billed the County in FY13-14 and no final reconciled bill was issued for FY 14-15. In response to these overpayments, the County withheld \$2,318,430.56 in credits due for FY 14-15 and did not pay the estimated increase of \$971,233.82 calculated by the Department for FY 15-16. In total, \$5,031,599.26 was still due the County when Senate Bill 1322 was signed into law.

Senate Bill 1322 addresses the problem with the State billing by making the State and counties partners in providing juvenile detention on a 50/50 billing structure. The State will determine the total cost of detention for the previous year and apportion 50% of those costs to the counties. Of that 50%, each county will be billed based on its percentage of detention care use as compared to the other counties. Pinellas County Justice Coordination has calculated that this new methodology will result in savings as compared to the previous model in the amount of up to \$1,575,765.00 per year assuming no change in our current juvenile detention use.

Fiscal Impact:

Unknown.

Staff Member Responsible:

James L. Bennett, County Attorney
Carl E. Brody, Senior Assistant County Attorney
Nancy S. Meyer, Senior Assistant County Attorney
Christy D. Pemberton, Managing Assistant County Attorney

Partners:

N/A

Attachments:

N/A



Pinellas County - Action Details

Details

File #: 16-555A Version: 1
Type: County Attorney Item
Title: Dismissal of lawsuits challenging the Department of Juvenile Justice's Final Orders and Rules in Pinellas County v. Florida Department of Juvenile Justice, Division of Administrative Hearings and First District Court of Appeals cases.

Mover: [Pat Gerard](#) **Seconder:** [John Morrone](#)

Result: Pass

Agenda note:

Minutes note:

Authority granted to voluntarily dismiss the following cases: Pinellas County v. Florida Department of Juvenile Justice (DJJ), Case Nos. 15-0629, 15-0631, and 15-0632 (1st DCA); Division of Administrative Hearings, Case Nos. 14-3958 and 14-2801RP; and execute a release and waiver for existing and future claims relating to juvenile detention cases.

Attorney Bennett related that the County Attorney's Office is seeking dismissal of all of its litigation in the DJJ cases and is seeking authority for the Chairman to sign all necessary releases related thereto.

Attorney Bennett thanked County Attorney and County Administrator staff for their hard work during the nine years of litigation, and Chairman Justice recognized Pinellas County staff, Florida Association of Counties staff, Senator Jack Latvala, and the Pinellas County Legislative Delegation for their efforts in bringing the matter to resolution.

Action: approved

Action text: A motion was made by Commissioner Gerard, seconded by Commissioner Morrone, that the item be approved. The motion carried by the following vote:

Votes: (7-0)

Home Legislation Calendar

Details Reports

File #: 16-555A Version: 1
Type: County Attorney Item
File created: 4/1/2016
On agenda: 4/26/2016
Title: Dismissal of lawsuits
 Division of Administrz

History (1) Title

1 record		
Date	Ver.	Action By
4/26/2016	1	Board of Coun