



COUNTY ATTORNEY'S OFFICE
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APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

BCC Mtg. Date: April 26, 2016

Consent Agenda Item

MEMORANDUM

TO: Mayor Teresa Jacobs
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*
Scott Shevenell, Assistant County Attorney *SS*
Contact: (407) 836-5649

DATE: April 15, 2016

RE: Consent Agenda Item for Board Meeting on April 26, 2016 – regarding voluntary dismissal of current litigation and release and waiver of existing and future claims arising from juvenile detention cost sharing prior to the 2016-2017 fiscal year.

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 has led to considerable litigation between the counties and DJJ in an effort to determine proper cost allocations between the counties and the state.

Orange County is currently paying approximately 63 percent of the cost of juvenile detention for Fiscal Year 2015-16. In an effort to alleviate continuing litigation, Senate Bill 1322 was drafted and amended, creating Section 985.6865, Florida Statutes. The new statutory section, which was signed into law on March 29, 2016 as part of Chapter 2016-152, Laws of Florida (2016), establishes a straight 50-50 split, between the state and the counties for juvenile detention costs going forward from Fiscal Year 2016-17.

Pursuant to Section 985.6865, Florida Statutes, each county that wants to opt in to the 50-50 split method of determining juvenile detention costs must file a notice of voluntary dismissal of all actions pending against the state regarding juvenile detention cost sharing. Additionally, each county must execute a release and waiver of existing or future claims and actions arising from detention cost sharing prior to the 2016-17 fiscal year.

The Orange County Board of County Commissioners passed Resolution No. 2016-M-08 wherein Orange County agreed to dismiss pending litigation with DJJ regarding detention cost sharing if the 50-50 split was signed into law and funds were appropriated for DJJ's budget.

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II. ACTION REQUESTED:

Authorization for the Orange County Attorney's Office to take the necessary actions to facilitate the filing of a notice of voluntary dismissal of current litigation related to juvenile detention cost sharing and the execution of a release and waiver of future claims and actions arising from detention cost sharing prior to the 2016-17 fiscal year.

c: Ajit Lalchandani, County Administrator
George Ralls, M.D., Deputy County Administrator