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STATE OF FLORIDA
DEPARTMENT OF JUVENILE JUSTICE

RULE WORKSHOP

The above entitled Meeting convened at DJJ
Headquarters, 2737 Centerview Drive, Tallahassee,
Florida on the 6th day of June, 2014, commencing at
10:00 a.m.

Reported by:
JEFFREY R. BABCOCK
Court Reporter

FOR THE RECORD REPORTING TALLAHASSEE FLORIDA 850.222.5491

1 APPEARANCES:
2 JOHN MILLA

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3 JASON WELTY
4 ATTENDEES:
5 LISA HURLEY
6 TERRELL ARLINE
7 MICHAEL ELWELL
8 EDDY LABRADOR
9 CINDY SHRADER
10 DAVE PARASOT
11 MARK SEXTON
12 MARIO RUBIO
13 CRAIG N MOSTELLER
14 MARK JEFFRIES
15 RICK OWEN
16 ERNIE PADGETT
17 LASHAWN RIGGINS
18 CHRISTINE CLOLINGER
19 KIM WILES
20 APPEARING TELEPHONICALLY:
21 MARK SCRUBY
22 STEVEN TODD
23 LINDA BREHMER-LANOSA
24 CARL BRODY
25 RICHARD BRADEN
TERRELL ARLINE
JOHN JOBEN
SHANNON WOLFE
NANCY JONES
ANDY JONES
ELIZABETH LENAHAN
SARA JOHNSON
PATRICK MCCORMACK
RICHARD WESH
MARK GODWIN
STEVEN PIERCE

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1 P R O C E E D I N G S
2 MR. MILLA: All right, it's 10:02 a.m. on
3 June 6th, 2014, we're at DJJ's headquarters office
4 in Tallahassee. Good morning, and welcome to the
5 Florida Department of Juvenile Justice proposed
6 rule making hearing on amendments to Rule Chapter

7 63G-1 governing detention cost sharing. I'm John
8 Milla, I'll be facilitating and recording today's
9 public hearing which is properly noticed for
10 public participation in the May 15th, 2014, issue
11 of the Florida Administrative Register.

12 Sign-in sheet's available, its main purpose
13 is to provide us with contact information so we
14 can send you a link to our website where you'll
15 find current information on this and other DJJ
16 rule-making efforts. Copies of the proposed rule
17 are also available. This hearing is being
18 conducted pursuant to Section 120.54(3)(c) Florida
19 Statutes, and is intended to provide affected
20 persons with an opportunity to present evidence
21 and argument on all issues pertinent to the
22 proposed rule.

23 Any change to the proposed rule, other than
24 one that's merely technical in nature must be
25 supported by the record of this hearing, must be

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1 in response to written material previously
2 received, or must be in response to an objection
3 by the Joint Administrative Procedures Committee.

4 The preliminaries out of the way, I guess the
5 only thing different about this hearing and --
6 this rule hearing and our other rule hearings is
7 we have a court reporter here. So to create a
8 decent record for everybody, we would ask that you
9 identify yourself before you speak, and I -- do
10 you think it might help to do a roll of the folks

11 on the phone, or there may just be too many and
12 it's easier to have them identify themselves when
13 they speak.

14 MR. WELTY: Let's identify them when they
15 speak.

16 MR. MILLA: Yeah, I think we'll just do that,
17 rather than go by roll. But we do have one
18 preliminary housekeeping thing to go through
19 before we get started, and that is I received a
20 lot of written comments yesterday. I even
21 received some today, and I just want to make sure
22 we got everything, and everything's in the record.
23 So what I'm going to do is read all the counties
24 that submitted comments. If you submitted
25 comments and I don't read your county's name or

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1 your association's name, please let me know.

2 So this is what we've got, here we go:
3 Sarasota, Bay, Orange, Hillsborough, Lake,
4 Pinellas, Alachua, Leon; Okaloosa, and the others
5 associated with the Neighbors firm; Brevard,
6 Volusia, St. Johns, Clay, Martin, Santa Rosa,
7 Broward; the Association of counties; and of
8 course the Joint Administrative Procedures
9 Committee.

10 Anybody submit comments whose name I just
11 didn't read? Perfect. Okay, then we'll get
12 started. And I guess we'll go section-by-section.
13 63G-1.011 is Definitions. And I think the only --
14 the major change there is final court disposition.

15 And I know some folks have some things to say
16 about that. And I don't know that you necessarily
17 need to -- if your issue is "final court
18 disposition, what's a county day and what's a
19 state day," you can start now. I mean, you don't
20 have to wait until we get to that section. But
21 shall we get -- anybody have anything to say on
22 final court disposition?

23 MS. HURLEY: If I may, please.

24 MR. MILLA: Sure.

25 MS. HURLEY: My name is Lisa Hurley and I'm

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1 with the Florida Association of Counties. I think
2 everyone knows all 67 counties are a member of the
3 association; 38 of those counties actually pay
4 into the costs of secure detention; and all of
5 them are significantly impacted by the proposed
6 rules.

7 I just want to start out by thanking the
8 Department for opening this up and having a
9 hearing, allowing the counties to come and sit at
10 the table with you where we can discuss our
11 concerns and our ideas about the rules that you
12 proposed.

13 It's our hope that this meeting can be a
14 catalyst for a more collaborative and open
15 rule-development process. As you just said,
16 Mr. Milla, there are 22 of the 38 counties, by my
17 count, that pay into the secure detention cost
18 system; have filed written responses in addition

19 to the Association.

20 And if I may, just one more issue: For the
21 benefit of the folks on the phone, I'm going to
22 let you know what counties are represented in the
23 meeting here today, and that's Manatee, Sarasota,
24 Orange, Duval, Broward, Leon, Bay, Charlotte,
25 Collier, Nassau, Okaloosa, St. Lucie, and Walton.

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1 Did I miss anyone? Alachua, Mr. Mark Sexton.

2 Thanks so much.

3 Okay, with regard to the first rule which is
4 1.01, the Definitions, I just want to acknowledge
5 the fact that since the rule development workshop,
6 the Department did incorporate some of the
7 suggested changes, and we're appreciative of that;
8 however, you know, we still believe that in order
9 for these proposed rules to comply with the letter
10 and the spirit of the law as we know it -- which
11 is the decisions of the courts, the final order,
12 the cost-share statute, and then the joint
13 stipulation of facts that the Department entered
14 into -- we still have some work to do.

15 At the heart of our concerns are obviously
16 the definitions, pre-disposition and
17 post-disposition. As we know, the cost-share
18 statute, that's what defines the financial
19 responsibility between the counties and the state.
20 You know, that's been the issue that has been
21 disputed for years. But now we've got case law on
22 it, and case law that we believe accurately

23 defines what pre- and post-disposition days are.
24 And so we should be able to come to an agreement
25 on the definitions of these two terms.

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1 You know, simply put, the counties should be
2 responsible for days -- any day occurring final to
3 the final court disposition. The date in which
4 the court decides how they're going to sentence
5 the youth; be it dismissing the charge, placing
6 the youth on probation, committing the youth to
7 the Department.

8 Every day after that is a post-disposition
9 day; and therefore the responsibility of the
10 state. Days that occur after disposition would
11 include those days that a youth is on probation;
12 and if they violate the probation, be it a
13 technical law violation or a new law violation.

14 And we believe that the law requires and the
15 court decisions, the final order, dictate that
16 bright-line test be made between pre- and post.
17 It's a simple, simple way to track these days,
18 too, as a practical matter. And I think we should
19 all want to have a less-bureaucratic system, and
20 one that leads to less inaccuracies in reporting
21 the days, dividing the days; and ultimately less
22 disputes. And I think, you know, we all want
23 that.

24 It's that kind of bright-line test that I
25 believe that the Department adopted following the

1 final rule hearing. There was a series of joint
2 stipulations that the Department entered into with
3 some of the litigating counties as a way to
4 resolve pending cases. And we believe that the
5 definitions that were in those joint stipulations
6 are the definitions that should be used in these
7 rules.

8 I'm going to not get into the joint
9 stipulations too much. I know we've got some
10 lawyers in this room that actually litigated that
11 and go into that more in depth. But not only do
12 we base, you know, our opinion on the joint
13 stipulations, that that's how the definition
14 should be; but it appears that the agency adopted
15 that as their policy in calculating and estimating
16 the costs for '13/'14.

17 And so it appears by the definitions that are
18 used in the proposed rules, which are Sub (14) and
19 Sub (15), that the Department is proposing to take
20 a different route from the bright-line test. And
21 it appears that rather than the state being
22 responsible for all days of secure detention when
23 a youth is on probation, that the Department is
24 seeking to actually shift some probation days to
25 the counties where a violation of probation is

1 coupled with the new charge.

2 Just want to stop there and just emphasize
3 that this is not an insignificant change. Based
4 on the Department's own estimates for Fiscal Year
5 '11/'12, that would mean the counties paying for
6 92,835 more secure detention days. And in Fiscal
7 Year '12/'13, the counties would be made to pay an
8 additional 78,596 days. That's a total of 171,431
9 days.

10 If we use the Department's per diem that they
11 used in calculating the Fiscal Year '13/'14 costs
12 for the counties -- that per diem rate being
13 \$326.13 a day -- that is a \$55 million-dollar cost
14 shift to the counties. \$27 million dollars a
15 year.

16 When the Department undertook this
17 bright-line test after the adoption of the joint
18 stipulation, we believed -- and this was based on
19 the Department's estimates -- that the counties
20 would be responsible for about a third of the cost
21 of detention. It's our belief that the rules as
22 proposed now will place the counties in a position
23 where we'll be paid more in line of 57 percent of
24 the cost of detention.

25 And you know at this point, we don't know

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1 why. There's been no explanation from the
2 Department to the counties to communicate to us
3 what has changed since the original interpretation
4 by the court's decision. And so at this point,
5 you know, we're in a position that we have no

6 other position but to object to the rules as
7 they've been defined, because we see that as a
8 departure from agency policy, and a departure from
9 the joint stipulations, and a cost-shift to the
10 counties.

11 And you know, we're all sitting around this
12 table and it's an informal process, you know; I'd
13 hope it would be one in which we can have a
14 discussion. And I'd like to pause there and ask
15 if it would be an appropriate time to ask if there
16 is an explanation, can you explain to us what has
17 changed, and why does it appear that, in these
18 rules, the Department is receding from that
19 bright-line test?

20 MR. WELTY: Absolutely. This is Jason Welty,
21 I'm the Chief of Staff for the Department of
22 Juvenile Justice. What has changed is the
23 Department -- the decision from the 1st DCA came
24 down in June, and obviously the state's fiscal
25 year begins in July.

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1 The Department had an obligation and a
2 responsibility to put out -- to come up with a
3 plan to deal with the ruling from the 1st DCA. In
4 so doing, the Department went took a very
5 conservative approach. And that conservative
6 approach was to take everything on and to give us
7 some time to do some further analysis of what
8 the -- both the DOAH ruling as well as the DCA
9 ruling meant moving forward.

10 Obviously, the DCA ruling meant that our rule
11 was invalid; meant that we had no rule to go off
12 of; no rule to go by for Fiscal Year '13/'14. And
13 so what we did was is we simply said, "Okay, for
14 this year, we're going to take everything, and --
15 both probation as well as commitment as part of
16 the post-disposition, and leave the predisposition
17 as those days that are -- that don't have a status
18 attached to those."

19 From that point, what has changed is the
20 Department has done an additional analysis. And
21 that additional analysis was that there is a
22 new -- if there is a new law charge -- and how we
23 get to from about a third to about 57 percent,
24 which is what it would look like if the -- when
25 the new -- when the new rules take effect under

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1 the current definition as we have them defined, is
2 that there is new law violations of probation --
3 or let me rephrase: A youth who is on probation
4 who commits a new law violation will now go back
5 to the counties. Those are the days that would
6 be -- that we initially assumed in '13/'14, that
7 the counties will assume, moving forward.

8 And the Department's original interpretation
9 was, quite frankly, in error. The interpretation
10 that we came up with -- and again it was done very
11 quickly, because it was done at the very end of
12 the fiscal year before the beginning of the next
13 fiscal year, and it was a mistake and -- but the

14 Department isn't going back in the current fiscal
15 year and going the reconcile back to that -- you
16 know, reconcile back to probation.

17 This year is what it is. We're not going to
18 change this year. There was some discussion that
19 we should, and we said, you know, this is on us
20 because this is what we had initially decided,
21 so -- but moving forward, when there is a new
22 violation of law, there is a new period of time
23 prior to final court disposition. And that is the
24 Department's view of the -- basically of those
25 youth who are on probation.

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1 It doesn't -- the probation is -- if there is
2 no new law violation and they're back in secure
3 detention, obviously that's the state's
4 responsibility because those youth are in secure
5 detention on the charge that they were initially
6 disposed of. So their final court disposition, if
7 they come back in on missing curfew -- I mean,
8 that's obviously directly related to the
9 disposition that they were disposed of -- or the
10 charge that they were originally disposed of.

11 But if they come back in on a new violation
12 of law, that is a new violation of law, and
13 therefore there's a new period of time prior to
14 final court disposition that the counties will be
15 responsible for.

16 And so that was the -- that was where we --
17 you know, where we started and where we've ended

18 up is basically we -- in '13/'14, we billed in
19 error, and we have since done an additional
20 analysis of what the rule means and what the
21 statute says, and what the court ruling says, and
22 we've decided that it only makes sense that the
23 new law violations -- even if you're on
24 probation -- are the responsibility of the
25 counties.

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1 MS. HURLEY: May I ask a follow-up question?

2 MR. WELTY: Please.

3 MS. HURLEY: In deciding -- it sounds to me
4 that there is kind of new, bright line test: If
5 the youth is on probation and picks up a new
6 charge and is in secure detention, that's
7 automatically the county's. Will there be any an
8 analysis on whether the underlying charges for
9 which the youth was on probation actually is what
10 triggers the referral for secure detention?

11 MR. WELTY: Let me see if I can understand
12 your question. We -- are you asking if we're
13 going to go back and look at the charge that
14 they're originally on probation for, and is that
15 the reason why they're in secure detention? Or is
16 it --

17 MS. HURLEY: My question is this: There will
18 be instances in which a youth who is on probation
19 who commits a new law violation is only back in
20 secure detention not because of the new law
21 violation, but because it violated the probation.

1 probation, you're walking around in the community,
2 you're not on detention, you're not --

3 MR. PARASOT: So you're saying that's
4 different than if a youth, as part of the
5 probationary terms is, you know, "You've got to go
6 to school and you can't drink alcoholic beverages"
7 and all this type of thing, and they go out and
8 they get picked up for drinking alcoholic
9 beverages, so that becomes a violation of
10 probation, not a new charge?

11 MR. WELTY: Correct. And that -- and those
12 days -- and just if I wasn't clear before, if
13 there is a violation of probation that isn't a new
14 law charged -- so an underage -- well, that could
15 be a -- that is a new charge -- missing curfew, if
16 you have a dirty urine on a urinalysis, those
17 types of things are the responsibility of the
18 state, because they're directly related to the
19 charge that has been disposed of.

20 MR. PARASOT: Do we get around this by
21 telling the judge and say, as part of your
22 probationary terms, put a term in there don't --
23 "don't go out and do a new offense." Now, what if
24 the judge said that in his probationary terms --

25 MR. MILLA: It would still be

1 pre-adjudicatory for the new offense.

2 MR. PARASOT: All right.

3 MS. HURLEY: And I think, Commissioner, you
4 raise a good point, and that is, you know, it does
5 get confusing on why a youth is in secure
6 detention once they've been placed on probation.
7 Because I believe it is a requirement and a term
8 of every probation that you don't go out and
9 commit a new law offense. I mean, that's just
10 part of the rules while you're on probation.

11 And so -- and therein lies the concern over,
12 you know, this -- you know, getting into trying to
13 carve up probation days between the counties and
14 the state. I certainly appreciate you explaining,
15 though --

16 MR. WELTY: Sure.

17 MS. HURLEY: -- what's changed, because we
18 just didn't know.

19 MR. WELTY: Right.

20 MR. PADGETT: I have a question. Ernie
21 Padgett, Okaloosa County. Jason, you stated that
22 for Fiscal Year '13/'14, the -- in your rule
23 making, that it was a mistake or ya'll made an
24 error. Is this, what you just explained, is this
25 something that your department overlooked and now

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1 you're coming up with this definition of what --
2 in other words, what's changed over the last year
3 or two?

4 MR. WELTY: Well, I can say one of the things
5 that changed is the position of chief of staff. I

6 started in October of 2013. My predecessor was
7 here when they made the decision to -- when they
8 made the original decision on the Fiscal Year
9 '13/'14 billing. So from that standpoint that's
10 one thing that has changed, but I don't know that
11 it's -- I don't know that that is the impetus of
12 this, it's just we went back and took a look at
13 the -- we took a look at the ruling and said you
14 know -- kind of said, "What does this mean for
15 us?" I mean, because we even before -- and again
16 before I got here, we had even put in a
17 legislative budget request issue to, you know,
18 make the change to the -- I think to the current
19 way that we're doing the billing. And so the
20 difference -- so I guess the difference is
21 additional analysis, new eyes, fresh set of eyes,
22 taking a look and looking at this critically of is
23 it -- should it be all -- all probation should be
24 the state, or should there be some division of
25 that? And I think that was just -- that's the

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1 change is that we took another look at it and
2 said, "You know, it doesn't make sense that a new
3 violation of law comes back to the state. That's
4 not -- that shouldn't be the state's
5 responsibility.

6 MR. PADGETT: Okay. And so this --

7 MR. SCRUBY: This is Mark Scruby with Clay
8 County. Did that epiphany happen after you got a
9 response back from your budget request?

10 MR. WELTY: I don't know.

11 MR. SCRUBY: I mean, was it driven by a
12 response back that this is how much you're going
13 to get in your budget?

14 MR. WELTY: Oh, oh, no, no. No. I mean,
15 because we submitted our budget request in October
16 and the governor's budget -- I mean, we had
17 started looking at this -- well, like I said, I
18 came here shortly at the very end of September and
19 we started taking a look at this in
20 November/December; and the governor's budget
21 didn't come out until February, I believe. So no,
22 it wasn't -- no, there wasn't a tie to that.

23 MR. PADGETT: Ernie Padgett, again, as a
24 follow-up. So the governor's budget that reflects
25 57 percent for counties, is that where the

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1 57 percent came is when ya'll took another look at
2 this?

3 MR. WELTY: Yes. Yes. I mean, the
4 governor's budget was our budget, we -- and then
5 we subsequently, when we had the opportunity,
6 submitted a -- or a revised legislative budget
7 request issue and changed our original budget
8 request to match up to the governor's budget
9 request.

10 Again, it was done -- and that was -- that's
11 where the 57 percent came from.

12 MR. SEXTON: Mark Sexton, Alachua County.
13 I'm not a lawyer. So if I'm understanding you

14 correctly, you saw the governor's budget and then
15 you asked yourself, "How do we manipulate the rule
16 to match that number;" is that correct?

17 MR. WELTY: No, no, no. No, sir. We started
18 the analysis and then the governor's budget took
19 that analysis and implemented what we had started.

20 MR. PARASOT: Dave Parasot, Okaloosa County.
21 I mean, had the Department previously stipulated
22 that on the -- to the definition of pre- and
23 post-disposition in regard -- in relation to the
24 court cases that post-disposition would include
25 all violations of probation including new

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1 offenses?

2 MR. WELTY: Yes. Yes. Yes, they had.

3 MR. PARASOT: Okay. So what -- you know,
4 what now says, "Well, we're going to go back -- go
5 against what we stipulated during the court
6 cases"?

7 MR. WELTY: The court case -- this -- I mean,
8 and this is a rule hearing and this is --
9 basically what we are doing today is we're taking
10 a deficient rule, an invalid rule that has been,
11 you know, deemed invalid by DOAH and we're making
12 a new rule. The stipulations in a court case,
13 they -- we can't be controlled by the stipulations
14 in a court case, because that court case is
15 ongoing, that court case is in the past.

16 This is a rule looking forward, this is a
17 rule -- and this is a rule looking for -- you

18 know, like I said, looking forward, so --
19 MS. HURLEY: And maybe I can just, you know,
20 kind of wrap this up on the predisposition and
21 post-disposition as reflected, you know, in our
22 written responses -- and I think they're
23 consistent with most of the counties that
24 submitted written responses -- at this juncture,
25 we do believe the proper definitions of pre- and

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1 post- should be those that were contained in the
2 stipulations at this point.

3 MR. TODD: Steven Todd for Hillsborough
4 County. Mr. Welty, I would request that the
5 additional analysis that you referred to be
6 included in the record.

7 MR. WELTY: Actually, it already is a little
8 bit, in terms of what you -- I believe what FAC
9 had submitted includes some of the information
10 that we had sent over to the house and senate and
11 governor's office. The -- or maybe it wasn't in
12 the FAC --

13 MS. HURLEY: It was actually Orange.

14 MR. WELTY: Oh, Orange.

15 MS. HURLEY: Orange has both '11/'12 and
16 '12/'13 --

17 MR. WELTY: Yes.

18 MS. HURLEY: -- as their attachments.

19 MR. WELTY: The attachments that Orange
20 County has as it relates to the billable days --
21 and somebody mentioned those billable days

22 earlier -- non-billable days through as of
23 9/20/2013.

24 MR. TODD: Okay, so what you described is to
25 be delineated as the additional analysis that you

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1 described earlier?

2 MR. WELTY: Yes.

3 MR. TODD: Okay. A question I have is why,
4 in as specific language as you can put in the
5 record here, was the former analysis in error?

6 MR. WELTY: Because -- the former analysis
7 was in error because it was -- it did not take
8 into account what we took into account for the new
9 analysis. It did not take into account the new
10 law violations or open charges while youth is on
11 probation.

12 MR. TODD: All right. And lastly, if you
13 could state in the record as succinctly as
14 possible the reasons why a signed stipulation is
15 not binding on the Department.

16 MR. MILLA: I'm sorry, John Milla, the signed
17 stipulation would be binding in the litigation,
18 but we're at a rule hearing here. And we're
19 changing a rule that, if you look at the actual
20 text of the rule, has nothing to do with the --
21 just the stipulation isn't there.

22 So in other words, for fiscal purposes, this
23 rule analysis -- the current changes in the rule,
24 these amendments, aren't based on what the
25 stipulation might be, because the stipulation

1 isn't in rule.

2 In other words, we're amending an existing
3 rule that had a much, much more, I guess,
4 difficult split from the county's perspective. So
5 that's -- so if you actually look at the
6 difference in the split, this would be an
7 improvement over the current rule.

8 MR. TODD: What weight is the stipulation --
9 are the stipulations to be given in the rule
10 making process, if any?

11 MR. MILLA: I -- well, I -- as far as I know,
12 they wouldn't have any bearing on the rule-making
13 process. I'm changing our rule. We're changing
14 this 63G-1.011; the stipulations aren't currently
15 in 63G-1.011 or any part of 63G-1.

16 So in other words, the change isn't from the
17 stipulations to today, the change is from the old
18 rule to today.

19 MS. SHRADER: And this is Carly Shrader, and
20 I'm from the law firm of Neighbors, Giblin,
21 Nickerson; and we represent, just for the record,
22 Charlotte County, Collier County, Manatee County,
23 Nassau County, Okaloosa County, St. Lucie County,
24 and Walton County.

25 We've previously filed a comment letter back

1 in March 28th, 2014, while this was through rule
2 development. We -- as John Milla stated, we've
3 also filed written comments prior to this hearing.
4 And just kind of wanted to emphasize some of the
5 points in that letter and to kind of give, for the
6 record, some background as to these joint
7 stipulations, for those that may not be aware of
8 the history of how those came to be. And just
9 wanted to make sure it's clear for the record that
10 we object to the rules as they're currently
11 proposed, and believe that they continue to
12 conflict with the statute, and with the rule
13 challenge decision, and what the Department's
14 prior interpretation.

15 The statute -- the dividing line that's part
16 of the statute, this final court disposition, has
17 been in the statute since the beginning of the
18 detention cost-share program. The Department had
19 rules back in 2006 which gave a definition for
20 final court disposition.

21 In 2010, however, the Department promulgated
22 rules which attempted to move the dividing line
23 and they defined commitment disposition. And the
24 effect was to transfer tens of thousands of days
25 to the counties limiting its responsibility to

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1 only final court dispositions of commitment
2 excluding days served for other types of
3 dispositions, such as after probation, after
4 dismissal of the charge.

5 Because of the several counties did file a
6 challenge to the Department's rules, they were
7 successful in that challenge. It resulted in a
8 final order from the Administrative Law Judge
9 invalidating the Department's 2010 rules; and this
10 was also affirmed on appeal almost one year ago to
11 the date.

12 Also at the time that the rule challenge
13 decision was going forth, there was also three
14 separate administrative challenges to the
15 Department's allocation of cost to the counties
16 for Fiscal Years 2009/2010, 2010/2011, and
17 2011/2012.

18 In September 2013, after the rule decision
19 was finalized and was affirmed by the 1st District
20 Court of Appeal, the Department published on its
21 website certain recalculations of the costs
22 assessed to the counties for those years in
23 question -- this is '09/'10 through '11/'12 -- and
24 for that period of time, these recalculations
25 shows that the counties had overpaid cumulatively

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1 more than \$125 million dollars for secure
2 detention.

3 In order to try to resolve the factual
4 issues, the Department and the counties entered
5 into joint stipulations of fact, and this included
6 agreeing to the numbers in the recalculation
7 showing that the counties had overpaid for
8 detention for those years; and it also stipulated

9 to certain definitions.
10 And those definitions I just kind of want to
11 make sure that those are read into the record.
12 Those joint stipulations stated that the parties
13 agree that final court disposition as contained in
14 Section 985.686, Florida Statutes, and based on
15 the decision of the 1st District Court of Appeal,
16 means "A disposition order entered by a court of
17 competent jurisdiction, including an order
18 sentencing a juvenile to commitment to the
19 Department or other private or public institutions
20 as allowed by law, placing the juvenile on
21 probation or dismissing the charge.

22 "The parties further agree that a
23 predispositional day means any secure detention
24 day occurring prior to the day on which a final
25 court disposition is entered. Predispositional

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1 day does not any include secure detention day
2 after a juvenile has been sentenced to commitment
3 or placed on probation, or is waiting for release
4 after dismissal of the charge."

5 Those stipulations were entered into by the
6 counties and the Department, and they were filed
7 with the Administrative Law Judge in
8 December 2013, mere months ago.

9 Despite this clear delineation of
10 responsibility for detention cost share, the
11 current proposed rules attempts to once more move
12 the statutory dividing line between the counties

13 and the state's responsibility and shift
14 additional obligations to the counties. Instead
15 of accepting full responsibilities for the days
16 occurring after a final court disposition is set
17 forth in the rule challenge decision, and the
18 Department's prior interpretation, the Department
19 now attempts to shift a portion of detention days
20 occurring for a violation of probation to the
21 counties.

22 As the Florida Association of Counties'
23 representative has noted, this will have a great
24 fiscal impact on the counties. This is contrary
25 to the statute and the interpretation of the same.

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1 Significantly, the rule definitions, final
2 court disposition and predisposition are contrary
3 to the Department's interpretation, and this was
4 just memorialized a few months prior.

5 The counties continue to insist that the
6 Department's rules come into compliance with the
7 applicable legal authority, and that the counties
8 be treated fairly and consistently with the
9 statutory requirements.

10 MS. HURLEY: If I may, staying within the
11 1.011 definitions, I think, Ms. Shrader just
12 covered the final court disposition issue, and the
13 proposed definition and the reason why we'd object
14 to the proposed rule as currently drafted.

15 And what I'd like to do now is move on to
16 Subsection (12) of that rule, which is the

17 Estimated Per Diem. And in the proposed rule, the
18 Department is proposing that to base the estimate
19 per diem by looking at the prior year's -- prior
20 fiscal year's total detention days, but then also
21 looking at -- but also basing it on the total
22 budget -- or the total -- let me quote it, "The
23 prior fiscal year -- actual cost -- "total
24 appropriation for detention centers," sorry.
25 That's what the Department is proposing that they

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1 base the estimated on: The total appropriation
2 for detention center.

3 It's our position that that is another issue
4 that has been litigated. The courts have ruled
5 that, you know, the estimated cost and actual
6 costs cannot be a derivative of the appropriation
7 in the budget numbers. What the statute calls for
8 is actual costs. They use two terms in there when
9 the Department is to calculate our estimated cost
10 and our actual cost. And those are the terms.

11 And so we believe those terms, for matter of
12 consistency, should be used in the proposed rules.
13 And so what we have suggested is, when calculating
14 the estimated per diem, that the Department not
15 only look to the prior fiscal year's actual
16 utilization days, but they look to the prior
17 fiscal year's actual costs.

18 We believe that is the most fair way to
19 calculate your estimated per diem. And let me of
20 give you an example why: This past fiscal year

21 the total budget for secure detention was about
22 \$106 million dollars. The best information that
23 we have is from Fiscal Year '12/'13 on, as to
24 actual cost, and it was \$87 million dollars.

25 Now, let me just pause there and say we

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1 appreciate the cost coming down, we really do.
2 Thank you for that. But I think you see where I'm
3 getting at on why this is unfair: That's a
4 \$19-million-dollar different range in what
5 counties are being made to pay on the front end.
6 And we know at the end of the year, because you
7 are bringing down the cost, that you're reverting
8 millions and millions of dollars back to the state
9 every year.

10 And so my point is not only is it wholly
11 unfair to charge us based on the budget, because
12 it inflates the costs -- money that you don't need
13 to run detention, clearly, because you're
14 reverting it back -- and so it would also factor
15 in and help with the annual end-of-year
16 reconciliation in the sense that if it was based
17 on the prior year's actual cost, we would expect
18 the gap or the difference between the estimated
19 and the actual would be a lot lower. And I think
20 that would lead to better budget predictability
21 for the counties.

22 And so what we have proposed in our response
23 is that you look to the prior fiscal year actual
24 costs. You know, even if you look to the prior

25 fiscal year and, you know, we all know that maybe

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1 there may be some blips in the road, costs
2 actually increase, you know, but put a cap on it.
3 You know, prior fiscal year, you know, no more
4 than five percent of the prior fiscal year's
5 actual cost, something like that.

6 But I just don't believe that in the statute
7 estimated costs -- I don't think your budget
8 number is a fair assessment of estimated costs
9 which is what's called for in the statute. And
10 we'd ask you to consider and please incorporate
11 that into your proposed rules.

12 MR. ELWELL: Yes, I had something to say.
13 Mike Elwell from Broward County. Broward County
14 strongly urges the Department to clarify this
15 definition of estimated per diem.

16 This definition uses total appropriation for
17 detention centers, which is the amount
18 appropriated by the legislature, for its detention
19 budget. This number is the base used for the
20 calculation of each county, the estimated
21 detention cost share. This calculation results in
22 inflating the county's cost share as found on the
23 Okaloosa final order.

24 Broward County is opposed to any subsidizing
25 of the state's secure detention care

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1 responsibility. Broward County requests the
2 language be included acknowledging if the total
3 amount appropriated in the general appropriations
4 act for secure detention cover DJJ's actual
5 post-dispositional cost, DJJ shall immediately
6 address this deficit with the governor, the
7 legislature, or the budget commission for
8 applicable mechanisms to resolve any budget
9 short-falls.

10 Florida counties are not responsible for
11 deficits in DJJ's budget, and any cost shifts are
12 unacceptable. So in essence, we're urging you to
13 use the actual cost as opposed to the estimated
14 cost on any appropriations. Thank you.

15 MR. PARASOT: Dave Parasot, Okaloosa County,
16 again. And to expand on a topic the Ms. Hurley
17 brought up, and also our gentleman from Broward
18 County, with shortfalls on the budget, I don't
19 understand how you can say you have short falls
20 when in FY '9/'10, you gave roughly 13.3 million
21 out of your budget back to the state; and '10/'11,
22 you gave back roughly two-point -- \$22.6 million.
23 In '11/'12, almost 15 million; and in '12/'13,
24 just a tad over 27 million.

25 And it appears for me, if I'm reading the way

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1 the calculations are being done, since you based
2 the per diem rate based on your budget
3 allocations, that even that will increase the per
4 diem rate over what actual costs are, because in

5 '12/'13, you gave 27 million back to the state,
6 but that 27 million, I'm going to assume, was used
7 in figuring out what the daily per diem rates are.

8 MR. WELTY: As it relates to those numbers --
9 and I'll have to take a look -- but the -- I don't
10 believe that is only in the detention center
11 budget entity. I'm sorry, this is Jason Welty,
12 speaking for the Department of Juvenile Justice.
13 That is probably -- I believe that's an
14 agency-wide number, and we have -- the legislature
15 has broken this agency up into five different
16 budget entities, and those budget entities, while
17 we can have the authority to transfer money
18 between them, our authority to do so is limited.

19 And the legislature appropriates in budget as
20 a mechanism to ensure that we are spending our
21 money as they have appropriated it as they see --
22 as they've directed us by their public policy.
23 Our budget reflects the state's public -- the
24 legislature's direction that we should be going;
25 and so as it relates to that specifically, those

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1 numbers, I believe those are agency-wide numbers,
2 and not detention center budget-only numbers. And
3 so we'd -- I'd have to double-check, though.

4 So as it relates to a few other things, the
5 reason -- one of the reasons -- or let me kind of
6 start. One of the things that we are trying to do
7 with the actual per diem is as it relates to the
8 utilization, we're actually trying to make sure

9 that our utilization numbers are more accurate
10 going into the beginning of the fiscal year than
11 they have been in the past.

12 One of the things that has caused significant
13 shifts over the years is when we go into the year
14 estimating 400,000 days, and we come out at the
15 end and we only have 300,000 days, it creates an
16 incredible -- it would be creating an incredible
17 spike in the per diem.

18 So one of the things that we're trying to do
19 is to make sure that our per diem going into the
20 year is more accurate. And so we are going -- we
21 are going to be doing some things to actually
22 estimate the days up front to ensure that, from
23 the days standpoint, that that part of the
24 equation goes in and makes the per diem more
25 accurate.

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1 Now, as it relates to utilizing the General
2 Appropriations Act, one of the things -- and
3 again, I mentioned it earlier -- the legislature
4 appropriates money to the agency to carry out the
5 mission that they have set forth for us in
6 statute. And so when they appropriate funds, it
7 is their intention that those funds are spent.

8 Now, that being said, we know over the last
9 several years we have not spent our appropriation,
10 and some of that has to do with the fact that we
11 know that there were inequities in the split. And
12 the other issues there, for instance, for this

13 particular fiscal year, we also are not going to
14 spend our appropriation because we knew we had an
15 incredible budget deficit because of the ruling
16 that came down.

17 And so we had -- we were on hiring freezes
18 and we -- you know, we've got several detention
19 centers that actually aren't fully operational
20 right now because we simply don't have enough
21 staff. That being said, as we move forward, we
22 are going to be making sure that our detention
23 centers are appropriately staffed to make sure
24 that we are -- the youth in our care and custody
25 are safe and secure, and the public is also safe

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1 and secure.

2 With all that being said, we agree -- I
3 agree -- that there needs to be some adjustments
4 from the General Appropriations Act. I will
5 not -- I cannot agree that we should look at last
6 year's actuals because, again, take this year for
7 instance, this year's actuals are not going to be
8 reflective of next year, because this year's
9 actuals included a budget freeze and it included
10 hiring freezes. And we know that those things are
11 going to increase the costs when we come off of
12 the budget freeze; and we come off of the hiring
13 freeze, we're going to be hiring more staff which
14 will increase our costs in secure detention.

15 So the -- I think that we will go back and
16 take a look at -- there are some things, for

17 instance, there is a double-budgeted item in
18 detention centers where we have both general
19 revenue for the fiscally-constrained counties, and
20 it's also within the Department -- within the
21 county's trust fund. So that's a double-budget
22 issue that we can back out.

23 We also know several of your comments reflect
24 the 2.5 million that is exclusive -- excluded; the
25 counties have to pay. I think that's another

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1 issue that we may take a look at and may look at
2 trying to maybe back out of the -- of how we
3 estimate our costs.

4 So I agree that there's some work -- there
5 could -- there needs to be some work done in this
6 definition. I cannot agree to looking at just the
7 actuals, because we know that if we do that, we
8 will wind up -- you know, we will wind up in the
9 situation where Broward County -- the idea of
10 having to address the budget shortfalls in front
11 of the governor and LBC, I think, I like that
12 idea. I'll have to take a look at and see whether
13 or not it needs to be in rule, since we already
14 have that statutory authority, but the idea that
15 we'll get something that is not the General
16 Appropriations Act, but is closer to what our
17 actual expenditures are, I think we are moving in
18 that direction.

19 And this was one of the -- this was actually
20 from Neighbors, Giblin, and Nickerson, one of the

21 suggestions that they had made, so we have kind of
22 incorporated that just wholly, but we understand
23 that there are sixty -- or thirty -- 28 interests?
24 38?

25 MS. HURLEY: 38.

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1 MR. WELTY: 38. There we are. Sorry. So --

2 MS. HURLEY: Well, I appreciate that and --
3 you know, and we're here and we're willing to work
4 with you and we want to work with you. That's
5 great news, because I think there's a much more
6 fair way --

7 MR. WELTY: Yeah.

8 MS. HURLEY: -- to calculate that for the
9 counties.

10 In staying within 1.011, I personally have
11 one more comment, and it's regarding the
12 definition that doesn't appear in the definitions
13 and we believe should be in the definitions; and
14 that is, to define actual costs. Again, actual
15 costs are what's used in the statute and that's
16 how the counties, at the end of the year through
17 the reconciliation process, are to be billed --
18 the actual costs of detention -- and so we would
19 ask the Department to define that term.

20 I know that there are appropriation
21 categories for secure detention. I see it on your
22 annual reversions and expenditures document that
23 you produce every year, and so I think that a good
24 starting point would be to list all the

25 appropriations categories in the rule so everybody

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1 knows what we're paying for. And then to the
2 point that you brought up, Mr. Welty, is to also
3 recognize in the actual cost what costs are
4 excluded, and that would be those costs that are
5 in 985.686(3) which is the cost of any
6 pre-adjudicatory, nonmedical education or
7 therapeutic services. And then the two-and-a-half
8 million dollars provided for additional medical
9 mental health care in detentions centers. Per
10 statute, the counties are not supposed to pay for
11 that, and --

12 MR. WELTY: And I don't know that we
13 necessarily -- again, I don't know -- Jason Welty,
14 Department of Juvenile Justice -- that we
15 necessarily need to reiterate that in our rule
16 because it is in statute, but at the same time, as
17 we're developing what our estimate should be, I
18 think we should take that into consideration. So
19 I -- we're going to work on it.

20 MS. HURLEY: Sure. I mean, and you can do it
21 by just defining actual costs. And if those items
22 are not included in the actual costs, then
23 presumably we won't be paying for it. And so on
24 that same note with regard to the actual cost, we
25 would ask the Department to use that term

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1 throughout your rules. I believe you use the term
2 "actual expenditures" in a couple places in your
3 rules, and I think that would just add to the
4 consistency with the statute, and so we're all
5 clear that they're one in the same; particularly
6 with regard -- I think it appears in the
7 Reconciliation statute, which is 1.017.

8 MR. LABRADOR: And if I could add one
9 thing -- Eddy Labrador on behalf of Broward
10 County. You mentioned that with respect to the
11 fiscally-constrained county costs, that you would
12 back -- that there's a double count in the budget;
13 and you could back out one of those.

14 I think you need to back out all of it; both
15 the general revenue and whatever's in the trust
16 fund for fiscally-constrained counties, because
17 the non-fiscally-constrained counties aren't
18 responsible for any of those costs. So they
19 should be -- those amounts, whatever they are --
20 if it's 20 million or 10 million, whatever the
21 double is, needs to be backed out completely,
22 because we're not responsible for those costs.
23 And that's also one of the things that we've
24 raised in our comments is that that should also be
25 reflected in the rule; where you deal with those

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1 costs that are the responsibility of the state.
2 Because it's very clear in the statute that we're
3 not responsible for that.

4 MR. WELTY: Right. And you aren't
5 responsible for that because the state does
6 provide a specific general revenue appropriation
7 for that.

8 MR. LABRADOR: Right. But what I'm
9 suggesting to you is that, that being the case,
10 whenever you determine the universe of the
11 detention budget in order to estimate your costs
12 that you are then going to bill for the counties
13 for the pre-disposition days, that that can't be
14 part of it. That can't -- that amount can't be
15 part of any of that detention budget, because
16 we're not responsible for it.

17 MR. WELTY: I have to think about how the per
18 diem works and how -- because I mean, the way -- I
19 guess the way to do that is to simply not count
20 the fiscally-constrained counties' estimated days,
21 and back out their budget as well. But I have to
22 get with the finance people that are much smarter
23 than I am on how to operationalize or make that
24 work, or if it even will work. Okay.

25 MS. HURLEY: From the Association's

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1 standpoint, that's all the comments we have on
2 that rule.

3 MR. WELTY: Okay.

4 MS. SHRADER: And this is Carly Shrader from
5 Neighbors, Giblin, Nickerson. There was some
6 comment that some of the budget figures might have
7 come from us. I just want to make clear our

8 position is consistent with back on the estimate
9 procedures.

10 MR. WELTY: Oh, well, that -- okay.

11 MR. PARASOT: Have we left Rule -- the 1.011,
12 or have we --

13 MR. MILLA: Unless anybody's got anything
14 else on 1.011, we can go to 1.013.

15 MR. PARASOT: All right. Well, I just want
16 to read into the record before we leave 1.011 --
17 and I think this -- and I don't know, Mr. Welty,
18 if you've seen this email or not, but it's one
19 that was obtained under a public records request
20 that probably started all of this confusion
21 between the definitions and the statute between
22 pre-and post-disposition and commitment and things
23 like that.

24 And this is from Beth Davis, sent Friday,
25 April 10th, 2009, to Brian Berkowitz (phonetic)

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1 who I believe is the general counsel for DJJ.

2 MR. WELTY: Um-hmm.

3 MR. PARASOT: "Subject: Got a crazy idea."
4 It says, "As I am attempting to once again revise
5 the rule, I thought to myself why not take out the
6 reference to pre-di spo and post-di spo, and instead
7 use the terms 'pre-commitment' and
8 'post-commitment'?"

9 "I have also in my attempt to revise a
10 statute -- I have also in my attempt to revise the
11 statute has included there the following

12 definition: 'Committed to the Department' means
13 court-ordered to the custody of the Department to
14 include juveniles on condition of release. Any
15 previous mention of final court disposition I
16 replace with 'Committed to the Department.' Do
17 you think that would work?" Beth Davis, Director
18 of Program Accountability.

19 And it kind of seems we now -- you know,
20 we've got a statute that defines terms, but now it
21 looks like we got the Department trying to
22 substitute terminology and kind of change the
23 rules that were set by the legislature.

24 MR. MILLA: John Milla, let me just clarify:
25 That deals with the changes that were made in

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1 2010, which were subsequently invalidated. So
2 that doesn't have anything to do what we're --

3 MR. PARASOT: I understand, but it looks like
4 we're trying to go back to implement --

5 MR. MILLA: Right, well if --

6 MR. PARASOT: -- the definitions that were
7 invalidated by the court ruling that were put in
8 place in 2010.

9 MR. MILLA: Well, I guess the problem we have
10 is that we don't have definitions. In other
11 words, a court ruling doesn't define what a
12 predisposition day or a post-disposition day does;
13 and unfortunately, neither does the statute. And
14 it leaves the Department with the unenviable
15 position of having to do it, and that's what we're

16 doing here today.

17 MR. PARASOT: Even though the counties and
18 the Department stipulated to definitions during
19 the court process?

20 MR. MILLA: Well, what was stipulated in --
21 again, what was stipulated in litigation I can't
22 speak to. We only do rules here. And so the
23 litigation -- you know, if something in the -- the
24 way litigation works, and they decided, "Well,
25 this is what we'll call it, we'll use this

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1 definition for these old years." That doesn't
2 mean, moving forward, we're going to use that same
3 definition.

4 And I'm not even certain what in the
5 definition is inconsistent with what we're doing,
6 or -- I'm sorry, with -- what in the stipulation
7 inconsistent with what we're doing.

8 It clearly says that a probation is a status
9 that will -- everything after that probation
10 disposition -- will be state responsibility. It
11 doesn't say anything about specifically what
12 happens when somebody who is on probation -- is on
13 probation for stealing a pack of gum, commits an
14 armed robbery, and is in detention -- may be in
15 detention a long time waiting for the adjudicatory
16 hearing on that armed robbery. 21 plus 9, I
17 think, is the statute.

18 So why necessarily would that probation
19 disposition trump -- would the probation

20 disposition for stealing the pack of gum trump the
21 armed robbery, which is clearly pre-adjudicatory.
22 And so I guess that's not really covered in the
23 stipulation, that's what we're trying to hash out
24 here.

25 And so I just didn't want to confuse things

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1 just to -- to make sure what we're talking about.
2 We're talking about changing the rule as it exists
3 after 2010, after that commitment side --
4 side-step, which was invalidated by the court.

5 MR. WELTY: Which -- and I wasn't going to,
6 but I feel kind of obligated to now -- is that in
7 2010, the Department didn't just change the rule
8 to commitment just because we, on a whim, we felt
9 like we wanted to shift more days to the counties;
10 that was done based upon additional DOAH rulings
11 from Hillsborough County that -- where a judge
12 basically said, "Unless you are awaiting
13 placement, you can't be in secure detention."

14 And so it wasn't -- the Department -- the
15 Department is not changing its rules on its own
16 accord, we're changing our rules in order to make
17 our rules consistent with the most recent DOAH
18 rulings. And you know -- and I don't know -- I
19 think it's -- it was in one of the '07 cases from
20 Hillsborough County, I can't remember which one it
21 was, but you know, the Department's rule-making
22 process is one that we are here to correct
23 deficiencies identified in the rule-making

24 process. So --

25 MS. BREHMER-LANOSA: Good morning, this is

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1 Linda Brehmer-Lanosa from Orange County.

2 MR. WELTY: Good morning, Linda.

3 MS. BREHMER-LANOSA: Thank you for
4 considering our input. It's important for all of
5 us to have a billing system that will be fixed
6 going forward. As we all know, the system in the
7 past was broken, the counties overpaid by millions
8 of dollars. With respect to Orange County, Orange
9 County overpaid by three or four million dollars a
10 year for Fiscal Years 2009/'10, '10/'11, and
11 '11/'12, for a total overpayment of three point --
12 or 11.3 million, based upon the joint stipulation.

13 Prior to that, Orange County discovered that
14 some counties were getting huge credit, some of
15 which was due to an outdated "waiting for
16 placement" list, which shifted numerous days from
17 the state onto to the counties, but some counties
18 weren't given credit for those known errors.

19 So as a result of all of the discrepancies
20 and flaws in the billing system, inequities, it's
21 required numerous counties to participate in
22 time-consuming administrative proceedings.

23 I think the goal of all the parties here is
24 to create a system that's fair, that's
25 transparent, and that accurately bills the

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1 counties collectively and individually for only
2 the costs, the actual costs, of predisposition
3 detention days. You should have a letter from
4 Orange County, and Mark Jeffries in the room also
5 has a duplicate original for the record.

6 I did want to address the definition or the
7 lack of a definition for actual cost. As Lisa
8 Hurley mentioned, Section 985.683 of the Florida
9 Statutes does exclude the cost of predisposition
10 detention care for any pre-adjudicatory
11 nonmedical, educational, or therapeutic services,
12 and 2.5 million for additional medical and mental
13 health care detention centers; and the plain
14 meaning of the statute should be given force and
15 effect.

16 But the proposed rules don't indicate how
17 actual costs will be determined, and it doesn't
18 indicate -- well, it does indicate that
19 expenditures will be detailed by appropriations
20 category and by detention center, but because it's
21 necessary to have some transparency so that we can
22 monitor and see that all of the counties are being
23 billed equally and fairly. It would be nice to
24 have a line item or to have the information
25 showing that the actual pre-adjudicatory cost of

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1 nonmedical, educational, or therapeutic services
2 is excluded from the cost, the actual cost, billed
3 to the counties; as well as the cost associated

4 with medical and mental health care up to the 2.5
5 million.

6 Are those types of expenditures made, and are
7 you planning on including line items so that those
8 costs can be reviewed as part of the overall
9 analysis of the final reconciliation?

10 MR. WELTY: Linda, this is Jason, I am not
11 sure how we're going to do it. We're going to do
12 something, specifically on the 2.5. As it relates
13 to the nonmedical, educational or therapeutic
14 services, we have never really known what those
15 things are. The -- we're trying to figure out a
16 definition of what those are, quite frankly,
17 because we don't know if we provide them. I mean,
18 obviously we don't provide education, that's
19 provided by the local school districts. And I
20 don't know what a non-medical educational service
21 is.

22 Now, as it relates to therapy, I don't know
23 if that's therapy -- I don't -- for the most part,
24 our mental health services in detention are more
25 focused on crisis management, crisis

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1 stabilization, suicide-risk assessments, so
2 there's not -- in terms of actual paying for a
3 therapy, so -- like a cognitive behavioral
4 therapy, we don't do that in detention, because
5 detention is such a short stay. That is more of a
6 function of our probation and residential
7 branches.

8 So I -- we're looking at that definition.
9 You as well as several others brought that up, and
10 we -- I recognize that there isn't anything in the
11 rule about it, so there might be -- there might
12 need to be something in the rule as it relates
13 specifically to actual costs and those things.
14 But at this point, I can't -- I couldn't tell you
15 what an non -- what a pre-adjudicatory,
16 nonmedical, educational, or therapeutic service
17 is.

18 MR. MILLA: All right. Anything on sixty --
19 anything else on the definitions? We'll go to
20 63G-1.013, Calculating Estimated Fund --

21 MR. BRODY: Good morning, this is Carl Brody
22 down in Pinellas County --

23 MR. MILLA: Hello.

24 MR. BRODY: -- representing Pinellas County
25 -- how are you doing? I also want to thank you

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1 guys for giving us time to discuss some of these
2 questions we have regarding the proposed rules. I
3 did have one more question regarding Rule .011(10)
4 in the proposed rules regarding Service Days.

5 In my letter to the Department, which you
6 should have, I suggested it would be more accurate
7 to change "service dates" to "service hours," and
8 I did that based on the concern that we see
9 certain juveniles come in for less than 24 hours
10 but we're charged for two service days, because of
11 the timing of their entering into detention. And

12 I wanted to know if it was possible, or if the
13 Department currently is able to make a
14 determination based on hours; and if so, if that
15 was something that you would think about doing in
16 order to get a more accurate determination of the
17 amount of time that the juveniles are in
18 detention.

19 MR. WELTY: Thank you. This is Jason from
20 DJJ. We do not have that capability, and so we
21 can't -- we couldn't implement that into our rule.

22 MR. MILLA: Okay --

23 MS. BREHMER-LANOSA: This is Linda
24 Brehmer-Lanosa from Orange County, again, and I do
25 have a question about the definition of final

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1 court disposition, as well as post-disposition
2 detention days. And specifically, I was wondering
3 whether a detention day that's related to
4 administrative handling, such as pick-up orders,
5 would be matched to a disposition day for the
6 corresponding statutory charge, even if there is a
7 new law violation of probation.

8 And specifically, I'm referencing one of the
9 Department's former rules, Rule 1.004(1)(b) that
10 requires placement associated with administrative
11 handling to be matched with the corresponding
12 statutory charge in a disposition date. In other
13 words, the devil's in the details, so
14 understanding how the definitions in your proposed
15 rules applies would be helpful.

16 MR. WELTY: This is Jason from DJJ, again.
17 We didn't go back to that rule, and we -- and so
18 the way that it would be work now is that it
19 wouldn't matter that there is the administrative
20 handling of it, because the -- there is the new
21 law violation that creates the new period of time
22 prior to final court disposition. So the
23 administrative handling of it if it's a pick-up
24 order, it doesn't matter; because, you know, the
25 pick-up order, it -- you're in detention with a

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1 new law violation.
2 MS. BREHMER-LANOSA: And I -- here's the
3 question, though: If the pick-up order relates to
4 the old charge, not the new charge, and the
5 pick-up order is because of a violation of
6 probation for failing to report every month to
7 tell the judge that you've gone to school, then
8 that's related to the prior -- the old charge, not
9 the new charge. It may occur after there is a new
10 charge, but it's a result of the violation of
11 probation from the old charge, and isn't related
12 to the new charge. What would happen in that
13 instance?

14 MR. WELTY: I'll have to ask.

15 MR. MILLA: I'm trying to get the timing
16 down.

17 MR. WELTY: Yeah.

18 MR. MILLA: So in other words, there's a
19 pick-up order, it may be administrative, and there

20 may not be a new charge; right? And if there
21 isn't, then it's a state day, because it's --
22 really, the only status is the probation; right?
23 But now if --

24 MS. BREHMER-LANOSA: Right.

25 MR. MILLA: -- there's a new charge

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1 intervening, and so he's got -- so he's on
2 probation, he picks up a new charge, and there's
3 also a pick-up order?

4 MS. BREHMER-LANOSA: Right. In other words,
5 many juveniles are accused multiple times and have
6 multiple charges pending over time. The repeat
7 offenders.

8 MR. MILLA: Right, that's pretty much all we
9 deal in.

10 MS. BREHMER-LANOSA: Right. Many repeat
11 offenders. So the instance where you have an
12 existing violation that was adjudicated and
13 disposed, and now the juvenile is on probation and
14 has, you know, requirements to report on a monthly
15 basis, or something like that, doesn't get the
16 pick-up order, that's post-disposition. But
17 interject into that -- maybe it's a two-year, you
18 know, violation of -- or probationary period,
19 interject into that a new law violation which will
20 now start a track, so when you have -- do you see
21 what I'm saying?

22 MR. WELTY: Yeah.

23 MS. BREHMER-LANOSA: Administrative handling

24 such as pick-up orders --

25 MR. WELTY: Yeah.

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1 MS. BREHMER-LANOSA: -- how would you handle
2 that?

3 MR. WELTY: The -- if the pick-up order -- if
4 the pick-up order and the new law violation are
5 simultaneous, I guess would be the -- then I
6 believe the -- I believe it would -- the detention
7 period would go back to the counties. But if
8 there was a pick-up order and we picked him up,
9 put him in detention and then subsequently, you
10 know, was released and then committed a new law
11 charge -- I'll have to ask the data -- the
12 programmers on exactly how that would -- exactly
13 how that would work, because my initial thought is
14 is that it would be -- we -- what we have done is
15 we actually parse out days. We take the
16 individual cases and we say, "Okay, from this date
17 to this date, it was a predisposition case, from
18 this date to this date, it was a post-disposition
19 case."

20 When we were doing this analysis, we actually
21 looked at individual face sheets, looked at the
22 disposition dates, looked at time spent in secure
23 detention, and parsed those days out. So there
24 are some kids, when you look at them, they are
25 both pre- and post- because they've got ten days

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1 on the pre- side and 11 days on the post- side.

2 So the system is designed to do some parsing;
3 now, whether or not it's going to pick up that
4 exact situation that you just described, I'm not
5 sure.

6 MS. BREHMER-LANOSA: That's the way you did
7 it, I believe, in '08/'09.

8 MR. WELTY: Right.

9 MS. BREHMER-LANOSA: But when might you know
10 how the system would work?

11 MR. WELTY: I mean, I'll -- after this
12 meeting, I'll go and talk to the programmers and
13 try to describe the situation that you described.
14 And let me see if I can accurately describe it back
15 to you so that way I can accurately describe it to
16 them: So a youth is on probation and is --
17 receives a pick-up order; so an administrative
18 charge related to that probation. And also
19 receives -- also has a new law violation and is in
20 detention.

21 MS. HURLEY: Take the detention part out.
22 How about the youth is on probation, picks up a
23 new law violation -- okay, so now we have an open
24 charge -- but then is not put into secure
25 detention on the new law violation, but is put

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1 into secure detention on a technical violation.

2 And so you see, just if you're only looking at a

3 youth on probation is in detention and he has an
4 open charge, you're going to miss that one, you're
5 going to bill us for that one.

6 And that goes back to the issue that I raised
7 before, which is if it is the intent of the
8 Department to give counties some of the violations
9 of probation for new law, is there going to be
10 just a bright-line, just because a youth has an
11 open charge on probation it's automatically ours?
12 Or is there going to be a digging down to figure
13 out exactly why that youth is in secure detention
14 because he's on probation? Because those
15 things -- you know, all those scenarios happen,
16 and so -- and that's the fuzzy, is it pre- is it
17 post-, and so Linda I'm glad you brought that back
18 up. It's a good point, and I would hope that we
19 would look into that a little bit further.

20 MS. BREHMER-LANOSA: That is a good example,
21 too, thank you.

22 MR. PARASOT: All right, could I ask -- Lisa,
23 could you -- I'm not familiar with this term
24 "bright-line test" can you define what that is?

25 MS. HURLEY: Well, I mean, I use that as, you

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1 know, just, you know, instead of trying to parcel
2 out what youths on probation belong to the state
3 and the counties. What I refer to the bright-line
4 test is what appear to have been the original
5 interpretation of DJJ of the final order; which
6 was if a youth is on probation and ends up in

7 detention for any reason, it's the state. So we
8 don't have to get into this analysis why is he in
9 there? Was it a new law violation? Was it a
10 technical violation? Was it both?

11 And so, you know, from a practical
12 administering a system and making it as
13 transparent as possible and just, you know, easy
14 for everyone to track, and for accounting purposes
15 for days, that bright-line test seems to be the
16 better way to go. You know, less disputes --

17 MR. PARASOT: Okay, I thought maybe that was
18 some legal term or something --

19 MS. HURLEY: Well, I'm sure it picked it up
20 in some laws books along the way, but --

21 MS. BREHMER-LANOSA: And this is Linda
22 Brehmer-Lanosa from Orange again. The date of
23 final court disposition is entered is, you know,
24 basically a date and that does create a line. And
25 Orange County submits that the definition of final

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1 court disposition is subject to a plain meaning
2 and doesn't require agency expertise.

3 So based on that, anything that would shift
4 post-disposition days back onto the counties, even
5 though they're clearly post-disposition days,
6 would be contrary to the intent of the statutory
7 demarcation in Section 985.686 of the Florida
8 Statutes.

9 MR. MILLA: Okay. Anybody have anything to
10 say on 63G-1.013? And if they involve comments or

11 are similar arguments to ones that have already
12 been made, have at it. I mean, these kind of --
13 these rules -- these rule sections kind of chase
14 their own tails.

15 MS. HURLEY: Lisa Hurley, with the
16 Association. And we have, I think, covered this,
17 but -- and it's in our written comments, but with
18 regard to Subsection (1)(b) and (c), this is where
19 the proposed rules reference the total budget, and
20 I think we covered that; that it should be some,
21 you know, basis on the actual cost. But we'll
22 rely on our written responses for the rest part of
23 the rule.

24 MR. MILLA: All right.

25 MR. LABRADOR: Yeah, and Broward County is

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1 also -- this is Eddy Labrador, Broward County --
2 Broward County has also made the same point.

3 MS. BREHMER-LANOSA: This is Linda
4 Brehmer-Lanosa from Orange, again. I just had a
5 question for you based upon Section 985.686,
6 specifically, the requirement that the Department
7 determine each quarter the counties that are
8 remitting to the Department their share of the
9 cost of detention.

10 So the question is what will be done at the
11 end of each quarter to determine that the amount
12 of the estimated payment is close to the actual
13 payment? And I think that's something that you
14 wanted to address, Mr. Welty, and I agree

15 with that; I think that is a good goal.

16 And so specifically, since you're moving to a
17 fixed per diem rate, it seems that the actual
18 estimated cost could be more aligned with the
19 actual costs so there wouldn't be massive
20 adjustments at the end of the year after the close
21 of the fiscal year for a county.

22 MR. WELTY: This is Jason Welty from the
23 Department. The -- in the rule-making process
24 that we're working on for today, most of what we
25 were trying to do was to fix the issues that were

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1 identified in the DOAH ruling. That wasn't
2 specifically brought up as it relates to -- as it
3 relates to what we're going to do quarterly.

4 You know, right now, we do reconciliation on
5 a monthly basis, and we did that I think -- I want
6 to say that started in 2009 or 2010 sort of as a
7 way to try to ensure the counties didn't have --
8 because we had been doing it on a quarterly basis,
9 and we moved to the monthly basis to try to reduce
10 the -- you know, the burden of getting an entire
11 quarter's worth of youths records to comb through,
12 rather than doing it -- and by doing it monthly,
13 what we've done is we've, you know, taken that and
14 broken it up -- broken it up in four sections so
15 you don't have to -- you don't have to go through
16 all, you know, four month's worth of -- or three
17 month's worth of data.

18 So as it relates to what we're going to do to

19 ensure that the counties are remitting, we will --
20 we do this on a regular basis, not just quarterly,
21 for internal purposes, but we ask our finance and
22 accounting who's paying and who's not. And what
23 we do beyond that, I don't that know that we have
24 any really -- I don't think we have any -- the
25 statute doesn't really give us any authority to do

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1 anything beyond that. I think the original law
2 did in 2004. I think the CFO was involved in
3 withholding payments from the counties, but that
4 was taken out during the special session. So we
5 can do -- if you'd like for us, we can do
6 something quarterly and send it to the counties
7 and say "everybody's paying," or "everybody's
8 paying except for" -- and I'm going to pick on you
9 because you asked the question -- "Orange County."
10 Even though we know you're a very good payer.

11 MR. MILLA: Yeah -- John Milla, yeah, I think
12 Linda's -- Linda, is your point that the statute
13 talks about quarterly and we're doing monthly?

14 MS. BREHMER-LANOSA: Well, the point is that
15 the estimates aren't close to the actual amounts.
16 And so now that you're moving to a fixed per diem
17 rate, hopefully getting rid of some of the
18 tethering, there shouldn't be huge adjustments at
19 the end of the year; because you should know on a
20 quarterly basis or a monthly basis whether or not
21 the amount -- the estimated amount paid is close
22 to that actual amount, because you'll know that

23 the per diem rate's about, you know, 250, let's
24 say, and a county's had one thousand days. So
25 you'll know approximately how much it's costing --

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1 the actual cost is for each county.

2 And so why if -- if you know that the actual
3 cost is only, let's say, you know, a hundred
4 thousand dollars, and yet a county's paying five
5 hundred thousand dollars, what are you doing on a
6 quarterly basis to make sure that each county
7 isn't being overpaid -- or isn't overpaying the
8 state?

9 MR. WELTY: Um --

10 MS. BREHMER-LANOSA: Because I think that's
11 what is required by the statute when it says, you
12 know, look at a quarterly basis whether each
13 county is paying. But I think part of that is, if
14 a county's paying too much, and by -- or faster,
15 that should be looked at as well.

16 MR. MILLA: So you would want to adjust
17 the -- you would want to adjust the estimate on a
18 quarterly basis? In other words, right now, the
19 estimate covers the whole year; right? You get
20 your estimate, you pay that in 12-month
21 installments.

22 MS. BREHMER-LANOSA: And hopefully over time
23 there will be a more stable system. I think that
24 that is a goal; and a stable rate so that the
25 estimates will more accurately reflect the amount

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1 that we're actually required to pay.

2 MR. WELTY: Yeah, Linda, this is Jason. I
3 don't know that we had contemplated doing anything
4 with -- as it related to either looking back
5 quarterly and adjusting how much the counties were
6 paying in order to make it more closely align with
7 the final reconciliation. We had not contemplated
8 that because I don't -- and again, when we were
9 drafting these rules, it was -- we were drafting
10 these rules to address the deficiencies identified
11 by DOAH.

12 MS. BREHMER-LANOSA: Thank you.

13 MR. MILLA: Okay. Anything else on .013
14 before we go to .016? .016 is really brief, and I
15 think there was just a coding error in the notice,
16 because section (4) of .016 -- that is .016(4) --
17 isn't new language.

18 MS. HURLEY: You're right.

19 MR. ELWELL: I have a comment, this is Mike
20 Elwell from Broward County. This is regarding
21 monthly reporting. If you somehow go forward with
22 your definition of probation and you separate
23 technical from new law violations, you need to
24 change what's in that reporting. There is no --
25 the way we report now is whether or not there's a

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1 probation violation. We don't differentiate
2 between technical and new law violations, so you

3 would need to actually change that, because that's
4 the only way it's going to be an efficient process
5 for us.

6 MR. MILLA: You mean the information that
7 you're provided?

8 MR. ELWELL: Yes.

9 MR. MILLA: Oh, okay.

10 MR. ELWELL: Absolutely. Thank you.

11 MS. HURLEY: Yeah, I think it would be the
12 reasons for each service day was a suggestion that
13 Ms. Shrader suggested. And on that same note --
14 and you know, I think part of this process is, you
15 know, how do we make the system better, and it's
16 in that vein that we'd say with regard to the
17 monthly reporting, we also think it would be
18 important that the counties be given the total
19 number of detention days each month, both pre- and
20 post.

21 That's important so everyone's following, has
22 the same information, everyone's tracking the same
23 days. And particularly because we're now moving
24 to a per-diem system, and so the number of days,
25 actual total days are going to be important --

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1 MR. WELTY: Important, right.

2 MS. HURLEY: -- in calculating those. So
3 we'd like to help you out with that.

4 MR. WELTY: Okay.

5 MS. HURLEY: Okay? Thank you.

6 MR. WELTY: And we would welcome your input.

7 MS. BREHMER-LANOSA: Going to go back to the
8 definitions, once, and I just have another
9 hypothetical for you, Mr. Welty, for you to ask
10 staff, and that is -- and this is Linda from
11 Orange County -- if a child is in post-disposition
12 and is in secure detention, and escapes the
13 facility and commits a new law violation, who
14 would be responsible since it was the state who
15 was responsible for securing that youth?

16 MR. WELTY: You know, right now -- I mean, if
17 the youth -- let me ask this as a clarifying
18 question: is the youth post-disposition and going
19 to a residential program, or is he on probation?

20 MS. BREHMER-LANOSA: Let's say the youth was
21 in secure detention.

22 MR. WELTY: But what status is he on? Is he
23 on --

24 MR. MILLA: In other words, that -- is he on
25 post -- is he on community control? I mean,

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1 post-commitment probation, conditional release,
2 what's his status? He's in detention, why is he
3 in detention post-disposition? So say he was on
4 probation --

5 MS. BREHMER-LANOSA: Yeah, it would be
6 post-disposition residential secure detention,
7 could be you know --

8 MR. WELTY: Then that would be -- we consider
9 that a state day.

10 MR. MILLA: Yeah. For example, like, if he

11 were on probation and he got a contempt, and he
12 was put in the detention center for the contempt
13 and then he escaped?

14 MS. BREHMER-LANOSA: I think all of the
15 scenarios we would need to know what would happen
16 under your system. But if he's committed and then
17 committed a new law violation, I guess you're
18 saying that that would be the state's
19 responsibility.

20 MR. WELTY: Correct.

21 MR. MILLA: All right. 63G-1.017, you're all
22 welcome to go back. We'll give a last call, too.
23 63G-1.017 Monthly/Annual Reconciliation and
24 Dispute Resolution.

25 MS. SHRADER: This is Carly Shrader from

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1 Neighbors Giblin again. This isn't a -- this is
2 an existing portion of your rule that's not
3 proposed for change, but in 63G-1.017(3), it talks
4 about the Department's responses to the monthly
5 dispute process.

6 As part of that section, it says the
7 Department's response provided online constitutes
8 notice of final action. That has been confused in
9 the past, and I know that the agency's past
10 practice has been to not treat the monthly -- the
11 monthly determinations, but the annual
12 reconciliation at the end of the year as the entry
13 point into the 120 proceedings.

14 And this provision kind of confuses that

15 issue, and I'm not sure what the -- if you can
16 explain what the Department's intent is for the
17 way the process is supposed to work, where is the
18 entry point into the 120 proceedings? This rule
19 is kind of confusing on that, and I hope that you
20 can provide some clarification on that point.

21 MR. WELTY: I am not prepared to do that
22 right now. I know that the idea -- as you
23 mentioned, I know that we traditionally have --
24 the entry to 120 has been after the final
25 reconciliation, and that constitutes final agency

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1 action after we've, you know, settled up, you
2 know, what's the state's responsibility and the
3 county's responsibilities.

4 I -- this is an issue that I had not taken a
5 look at, but we will go back and take a look at in
6 terms of if it needs to be final agency action
7 there, or if we need to have a section as it
8 relates to what -- when the -- when it becomes
9 final agency action and the counties have the
10 ability to proceed into DOAH and Chapter 120.

11 And again, one of the reasons -- one of the
12 things that we had done in this rule was that we
13 only took a look at those sections that were
14 challenged and amended, rather than to create
15 or -- to create a new rule, because again, there
16 would be, as I understand it, there's additional
17 things that you have to do with a creation of a
18 new rule versus amending -- amendment of a rule.

19 So that was not something that I had kind of taken
20 a look at, but you know, maybe there's something
21 we look at doing some new rule making that clearly
22 delineates when the counties have the ability to
23 take to DOAH.

24 MS. SHRADER: And just to be clear, this is
25 part of the rule that's set for amendment --

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1 MR. WELTY: Right.

2 MS. SHRADER: -- the cycle with the proposed
3 changes. And the other issue is at the end of
4 that year, when we have the annual
5 reconciliation -- say, there's only one county
6 that has a challenge to that annual
7 reconciliation. In the past, once that's happened
8 and if there's some kind of shift in days, because
9 of that one county's -- because that one county's
10 challenge, that has affected other counties that
11 never challenged that annual reconciliation.

12 And so that's a procedure that you may also
13 want to look at clarifying in these rules, because
14 it's been confused in the past on how the
15 Department's going to handle that situation where
16 there's some counties that challenge, but it's led
17 to affects on other counties that never even
18 challenged.

19 MR. MILLA: And that would happen if there
20 were a shift in responsibility, for example, place
21 of residence for the child. In other words, "He's
22 not our kid, he's your kid;" so that would affect

23 two counties. But what you're talking about was,
24 I think, based on tethering; right?

25 MS. SHRADER: Well --

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1 MR. MILLA: Because anybody's day that
2 changed changed everybody's.

3 MS. SHRADER: Well, I think it's both. I
4 think either way it could affect other counties,
5 but they're -- and I think the way it's supposed
6 to work is if a county doesn't challenge the
7 annual reconciliation, that becomes final action
8 as to that county; and another county's challenge
9 should not affect the county that accepted that
10 annual reconciliation, and that's never been
11 addressed in the rules.

12 MR. PARASOT: And I think that -- it's Dave
13 Parasot, Okaloosa County -- and I think that kind
14 of goes back to the fact when you base your per
15 diem rates and things based on your budgeted
16 amount, well, a state's only got so much. If one
17 county's goes down, then whatever that individual
18 county goes down gets prorated amongst the other
19 37 counties that are paying into this thing,
20 because, you know, that's just the way you've been
21 doing it.

22 MS. SHRADER: And this is Carly again.
23 Just -- there needs to be some kind of finality to
24 the process where it's not a circular thing, and
25 because one county challenges, it shifts the days

1 to the other county. And we've had the situation
2 where counties had to intervene to protect their
3 interest. I mean, it's a whole host of problems
4 and it needs to be addressed.

5 MR. MILLA: I'd certainly hope so. Okay, so
6 yeah, anything else on .017?

7 MS. HURLEY: Yeah, Lisa Hurley with the
8 Association. There was some really good comments
9 made by Hillsborough County, and I think
10 Ms. Shrader's counties as well, with regards to
11 the Subsections (4) and (5) in the rule. Seems a
12 little overly confusing on, you know -- the
13 calculation should be pretty darn simple to reach
14 our actual costs, and if you're looking at the
15 actual days and your actual costs, and that should
16 determine what the actual per diem is, and then
17 you just multiply it by the County's actual days.

18 And so you know, I'm not sure that there
19 is -- you necessarily need Subsection (4). I
20 think there's one calculation here, and it is
21 simply that in -- you know, it may make things a
22 little more clear if we kind of clean that up a
23 bit. But you know there is one issue that I'd
24 like your feedback on, is in the proposed
25 subsection (4)(a), it speaks to breaking out the

1 actual expenditures, and it's by detention center.

2 And I think that was probably intended to
3 give us as much information as possible, but the
4 question is, when you're doing the end-of-year
5 reconciliation, will it still be done on a
6 state-wide basis, or are you guys planning to use
7 that specific detention center cost information in
8 such that counties will be billed differently?

9 MR. WELTY: No, we'll be using the
10 state-wide. This is, again, Jason Welty from the
11 Department of Juvenile Justice. Based on the
12 recommendation from the rule workshop and the
13 letter dated March 28th, we picked up what was
14 recommended, and this is the language that was in
15 there to break those costs down by detention
16 center. But as it relates to the actual cost,
17 it's the entire state-wide actual costs.

18 MS. HURLEY: Okay, thank you.

19 MR. WELTY: And I think -- and I didn't know
20 if the reason why you wanted it by detention
21 center was to -- I didn't -- I didn't know, I
22 just -- it was a recommendation that we thought we
23 could implement and -- because we actually already
24 produce that in our documents that we do now --

25 MS. HURLEY: Okay.

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1 MR. WELTY: -- and the only difference is
2 that we don't break it down by expenditure
3 category, but we're -- actually, I think we do
4 break it down by expenditure category. So I mean,
5 we already do it now, so we didn't feel like that

6 that suggestion was out of left field.
7 MS. HURLEY: Understood.
8 MS. SHRADER: And this is Carly Shrader, and
9 just to clarify, that request was for
10 informational purposes for some of our counties --
11 MR. WELTY: Okay.
12 MS. SHRADER: -- that wanted the information
13 broken down by detention centers.
14 MR. WELTY: Fair enough. Yeah. So that's
15 the reason why it's in there just like that.
16 MS. HURLEY: Okay. And if we could just --
17 MR. BRODY: This is Carl Brody down in
18 Pinellas, and one of the concerns we had on the
19 definitions here was that actual cost has two
20 different definitions. In (4)(a), there's a
21 definition that references actual expenditures;
22 and in (5)(b), there's a definition that
23 references actual per diem that's applied to
24 actual predispositional service days. Can you
25 explain that distinction?

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1 MR. WELTY: The actual cost is calculated by
2 producing the actual per diem -- or let me back
3 up. The actual per diem is produced by the actual
4 cost. So the actual costs are all the
5 expenditures in the detention budget, then divided
6 by the total number of days, which produces the
7 actual per diem. And then that actual per diem is
8 then multiplied by the actual predispositional days
9 by each county.

10 MS. HURLEY: And Carl, correct me if I'm
11 wrong, I mean, as I say see it, it appears it's
12 just the different use of terminology --

13 MR. WELTY: Total expenditure versus actual
14 cost?

15 MS. HURLEY: Yeah. Yeah.

16 MR. WELTY: Okay.

17 MS. HURLEY: And I think that was the comment
18 early on: If we actually craft the definition and
19 define what actual costs are, and you can define
20 them that way as your total expenditures, if you
21 want, and list them out, then if we could just use
22 actual cost, be consistent --

23 MR. WELTY: Yeah.

24 MS. HURLEY: -- so there is no confusion in
25 the rule.

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1 MR. BRODY: Well, one of the concerns I have
2 in trying to figure out how we get to the numbers,
3 we seem to take, I think, actual expenditures and
4 divide them out to get actual costs, and then we
5 multiply them for each county, or is it reversed?

6 MR. WELTY: Yeah, it's reversed. You'd have
7 the actual costs -- the expenditures are the
8 actual costs. So wherever it says "expenditure,"
9 you could sub "actual cost" in for there. And I
10 think that's probably -- we'll probably take that
11 suggestion. And the actual costs which are the
12 total expenditures are then divided by to produce
13 an actual per diem.

14 MR. BRODY: And then we multiply the actual
15 per diem for each county.

16 MR. WELTY: Yes. Based upon your total
17 actual days.

18 MR. BRODY: And that's our final number for
19 that year that we're going to compare to the
20 estimated costs --

21 MR. WELTY: Correct. Correct.

22 MR. BRODY: Well, that -- if we can clarify
23 that language, because it does -- you --

24 MR. WELTY: Yeah, and I --

25 MR. BRODY: -- incorporate in the rule.

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1 MR. WELTY: Yeah, I think we can do that.

2 MS. BREHMER-LANOSA: This is Linda
3 Brehmer-Lanosa from Orange County. One question
4 that I have regarding the use of total
5 expenditures versus actual cost. Total
6 expenditures don't necessarily take into account
7 income received from parents or other sources that
8 may offset the expenditure and turn into a cost,
9 so will the -- how will you deal with offsetting
10 the expenditures with payments made from parents
11 and other sources to determine the actual cost?

12 MR. WELTY: This is Jason from the Department
13 of Juvenile Justice. We use -- I think what
14 you're referencing there is cost of care, and we
15 have -- that money goes into the grants and
16 donations trust fund, which we -- we have grants
17 and donation trust fund authority to spend in the

18 detention budget, so we use that money that comes
19 in from parents in the paying -- in the final
20 expenditures of secure detention. Does that
21 answer the question?

22 MS. BREHMER-LANOSA: So the total costs that
23 are paid by the counties will be offset by any
24 grants or other sources of income?

25 MR. WELTY: Yes.

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1 MS. BREHMER-LANOSA: Okay.

2 MR. WELTY: We also have a federal grants
3 trust fund where the Department receives money
4 from the school lunch -- I don't remember what
5 title it is -- but basically National School Lunch
6 Program. We receive money from the feds that pays
7 for food products and food service as well.

8 MS. BREHMER-LANOSA: And those funds will be
9 used for both the pre- and post-disposition
10 detention days equally?

11 MR. WELTY: Absolutely.

12 MR. MILLA: Okay.

13 MS. BREHMER-LANOSA: We had one more question
14 on the definition of final court disposition, and
15 that involves an age-out; where if you had a -- if
16 you have a juvenile who was detained and that
17 order was closed, but then subsequently there was
18 another detention stay, even though that person
19 aged out, or for some other reason the offense was
20 terminated, would that be a state day?

21 MR. WELTY: Go ahead.

22 MR. MILLA: It would depend on the status of
23 the youth. In other words, we don't have anything
24 in our rule that allows us to say this kid
25 shouldn't be in attention, so nobody's getting

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1 charged. If there's a detention order, if the
2 kid's put in detention by a judge, then somebody's
3 paying for the day. I guess that's a -- maybe a
4 too-blunt a way to say it, but yeah, if he's --

5 MS. BREHMER-LANOSA: Okay --

6 MR. MILLA: -- if he's aged out, even though
7 he shouldn't be in detention --

8 MS. BREHMER-LANOSA: And it's a final court
9 disposition --

10 MR. MILLA: If it's a final --

11 MS. BREHMER-LANOSA: -- final court --

12 MR. MILLA: After final court disposition, it
13 would be our day; if it's before, it would be
14 yours, I guess, is the --

15 MS. BREHMER-LANOSA: So even though there's a
16 court order for detention due to a pick-up order
17 or a failure to appear, that will still be a
18 post-disposition detention day?

19 MR. MILLA: Well, now you're back to that
20 other question that we're working on. If you're
21 just talking about because he's 19 and he
22 shouldn't be in detention, or he's 23 and he
23 shouldn't be in detention, that's, I guess, not
24 considered in the rule. But if you're talking
25 about his status, whether it's a pre-day or a

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1 post- day, that's I guess something that would --
 2 it would depend on the circumstance. And I mean,
 3 you're back to that -- your earlier question,
 4 which I -- we may not have satisfactorily answered
 5 before.

6 MS. BREHMER-LANOSA: This one's a little
 7 simpler because it is a post-dispo day --

8 MR. MILLA: Okay.

9 MS. BREHMER-LANOSA: -- because there was a
 10 disposition, but there's still a detention stay
 11 that's occurred after the final court disposition.

12 MR. WELTY: Yeah, if it's just simply a final
 13 court disposition and there's a detention stay,
 14 then yes, it would be the state's day.

15 Now, I think maybe if I can expand on it and
 16 ask this question: are you suggesting that the --
 17 say that the probation has been terminated, so now
 18 there is no status, so there's no probation
 19 status, there's no commitment status, are you
 20 ask -- is that the question that you're asking?

21 MS. BREHMER-LANOSA: That -- yes. I mean,
 22 that is one scenario.

23 MR. WELTY: Okay.

24 MR. MILLA: Yeah, in other words, probation
 25 ended because he's 19.

1 MS. BREHMER-LANOSA: Right. And then you

2 have a court order, whether it's a pick-up order
3 or a contempt order, bringing an adult or a
4 juvenile in, and the case was adjudicated and
5 disposed, so it's post-dispo. But at one point, I
6 believe you were trying to include all orders as
7 dispositions, which is not -- it's not the case,
8 it's contrary to the plain meaning of the term
9 final court disposition. So a contempt order is
10 not a final court disposition.

11 MR. WELTY: Right. I don't know --

12 MS. BREHMER-LANOSA: Even though --

13 MR. WELTY: I don't know that we contemplate
14 that in this, because we I don't know that -- we
15 assume everyone has a status, and that status is a
16 pre- or post-disposition; and that is either
17 committed or not committed.

18 MR. MILLA: Yeah, I --

19 MR. WELTY: Or committed and probation or not
20 committed and not probation.

21 MR. MILLA: Absent some new law, I'm not sure
22 how we'd call them free, what you're talking
23 about.

24 MS. BREHMER-LANOSA: And I would assume that
25 that should be and would be post-disposition

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1 detenti on stay.

2 MR. MILLA: Yeah, in other words, I don't
3 think it -- maybe correct me if I'm wrong, Jason,
4 but I don't think he would -- just because he's
5 19, I don't think we'd say, "Well, his probation

6 terminated, he's therefore not on probation, so
7 any day in detention he spends is therefore the
8 responsibility of the counties."

9 If there's a new law violation -- well, if
10 there's a new law violation after 19, he shouldn't
11 be in detention, he should be in jail; but I don't
12 know that we would say, "He's 19 he can't be on
13 probation, so therefore it's your day, County."
14 Does that answer your question?

15 MS. BREHMER-LANOSA: Yes.

16 MR. WELTY: Linda, I'll --

17 MS. BREHMER-LANOSA: -- just wanted to --

18 MR. WELTY: I'll double-check and make sure
19 that the way our business rules are being set up
20 that that takes that into account.

21 MS. BREHMER-LANOSA: Okay.

22 MR. BRADEN: This is Richard Braden with
23 Orange County, I just wanted to elaborate a little
24 bit what Linda was talking about. The situation
25 in Orange County is often times the kids

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1 terminated from probation or jurisdiction has
2 expired, but the court has retained jurisdiction
3 for fees or restitution. They would periodically
4 set review hearings, and if there's a failure to
5 appear on that review hearing, then they would end
6 up with a custody order of detention, and there
7 are no open referrals in the system, only open
8 court order. And those are currently being billed
9 to the counties.

10 MR. WELTY: Okay.

11 MR. MILLA: And this is where?

12 MR. BRADEN: I'm in Orange County.

13 MR. MILLA: Okay.

14 MS. BREHMER-LANOSA: And I think the problem
15 becomes is that you may understand what you think
16 the system should do, but perhaps your programmers
17 don't.

18 MR. WELTY: Sure.

19 MR. MILLA: Okay.

20 MR. BRODY: Oh, I got one more question down
21 in Pinellas, sorry. In Section 1.017(2), you
22 reference that the counties have 14 days to review
23 the online utilization information. The problem
24 that our people reviewing records down here have
25 is that numbers can change and there are

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1 adjustments from other counties. So that
2 utilization report that they receive, that they
3 review within that 14 days, there can be changes
4 that occur that they don't see until after that 14
5 days expires. Is there any way that we can fix
6 that?

7 MR. WELTY: I think that -- this is Jason
8 from DJJ -- I think that that is an internal
9 process system that we need to take a look at in
10 terms of making sure that you're given an
11 opportunity. Because if the date changes, you
12 should get a 14-day review from the time that the
13 date changes, because when you you've received it,

14 that's when your clock should start.

15 But I don't know that that's necessarily for
16 the rule so much as it is for our internal
17 operating procedures of how we look at these days.

18 MR. BRODY: Okay. As long as you understand
19 what the problem is and if you guys could try to
20 address that --

21 MR. WELTY: Yeah, let me see if I can
22 articulate it back to you: It's that you receive
23 a day from Hillsborough County on -- Hillsborough
24 challenged it on the 10th of April, and then we
25 review it and we have our 30 days and we don't get

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1 back to Hillsborough until the 9th of May, and
2 then you get it on the 10th of May, and so now
3 that date, while that stay was in the April
4 period, you don't get the opportunity to review
5 that during your April monthly reconciliation; is
6 that correct?

7 MR. BRODY: That's exactly what we're
8 concerned about.

9 MR. MILLA: Because he wasn't your kid.

10 MR. WELTY: Right. Okay. I'll talk to our
11 programmers and make sure that that's -- you know
12 that's happening, because you all need an
13 opportunity to say, "No, it really isn't a
14 Hillsborough kid, it -- or it really isn't a
15 Pinellas kid, he really is Hillsborough," so --

16 MR. BRODY: Thanks for looking into it.

17 MR. WELTY: Absolutely.

18 MR. MILLA: Okay, anything else?

19 MS. BREHMER-LANOSA: This is Linda
20 Brehmer-Lanosa again from Orange. We just want to
21 make sure that we understand the final actual
22 reconciliation. And here's a question: If the
23 total appropriation budget is 150 million, and the
24 actual cost is 130 million, and the trust fund
25 amount is a hundred million, originally the

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1 counties had to pay based on the hundred million,
2 and the Department would try to spend everything
3 in the trust fund. Would that not be the case
4 now?

5 MR. WELTY: Correct.

6 MS. BREHMER-LANOSA: Okay, thank you.

7 MR. WELTY: You will pay the actual per diem
8 on the actual days that you have.

9 MS. BREHMER-LANOSA: Regardless of the trust
10 fund amount.

11 MR. WELTY: Regardless of the trust fund
12 amount.

13 MS. BREHMER-LANOSA: Okay.

14 MR. WELTY: Doing away with tethering.

15 MS. BREHMER-LANOSA: Okay.

16 MR. WELTY: Much to everyone's joy.

17 MR. MILLA: Anything else?

18 MR. SCRUBY: This is Mark Scruby with Clay
19 County, again, I spoke earlier. I just want to
20 make sure that the record reflects that I
21 participated in the hearing.

22 MR. MILLA: Yes.
23 MR. SCRUBY: Thank you.
24 MS. HURLEY: We've got one more issue.
25 MR. MILLA: One more issue? And I scheduled

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1 this for probably a little longer than we needed,
2 but we've still got time.

3 MS. HURLEY: Yep.

4 MR. ARLINE: I'm Terrell Arline, I'm from Bay
5 County, and we submitted written comments and we
6 support FAC, we'll stand on those comments, but I
7 wanted to focus on this issue of the Statement of
8 Estimated Regulatory Costs. Call it an SERC. Let
9 me first explain kind of bullet points I'm trying
10 to make and then drill down a little bit for the
11 record.

12 The rule did not do an SERC. The Department
13 concluded that the costs were going to be less
14 than \$200 thousand dollars and so it didn't
15 prepare a Statement of Estimated Regulatory Costs.
16 We think that actually there are going to be
17 regulatory costs in excess of \$200 thousand
18 dollars in the aggregate in the state within the
19 year, which should be addressed.

20 And that under 120, the agency should have
21 performed what the statute requires: A good-faith
22 estimate of the cost to the counties of
23 implementing the proposed rule and any anticipated
24 affect on local revenues.

25 Our costs could be lower than what the rule

1 is doing. The regulatory costs on counties can be
2 reduced by adopting a less-costly alternative.

3 If the Department continues to accept the
4 days after a kid's put on probation with new
5 charges, like it's currently doing, that would
6 save the county millions of dollars, as FAC has
7 shown. And Bay County's estimation is it's well
8 over \$250 thousand dollars. If that less-costly
9 alternative was used and the Department continued
10 its current practice, it would save the counties a
11 lot of money.

12 So you know, we should -- the Department
13 should do an SERC, lay out the costs that are
14 being shifted to the counties; it should address
15 the rules also on small counties, which needs to
16 be done; explain why you're not accepting our
17 proposal here today, which is to use the
18 lower-cost alternative of what the current policy
19 is; and you know, if you did that analysis, I
20 think it would inform everybody going forward over
21 the next year as to, you know, actually what the
22 numbers are and how they're affecting things.

23 So let me just go in a little bit more detail
24 on this: The old rules limited the Department's
25 rules to secure detention days that -- where a kid

1 was placed in commitment.

2 Okay, so under the old rules which have been
3 determined to be invalid, the counties bore this
4 expense of all detention days with probation for
5 any reason. So that would be, you know, if it was
6 a VOP day or a VOP coupled with a new charge that
7 didn't result in commitment, all those days
8 associated with probation under the old rule were
9 the county's.

10 And the county's administrative challenges
11 against the rule and that we raised against the
12 annual reconciliations for '09/'10, '10/'11, and
13 '11/'12 -- and they're pending on '12/'13 -- all
14 those cases are pending and we would ask that, in
15 this proceeding that DOAH take -- I mean, the
16 Department take official recognition of those DOAH
17 cases so that, you know, we can utilize it later
18 as part of the record.

19 But anyway it's been discussed today that
20 those DOAH cases were resolved with settlement
21 agreements which remanded jurisdiction back to the
22 Department in the final orders; and the point
23 being I think those stipulations express the
24 lower-cost alternative that 120 asks you to
25 consider.

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1 You know, in each stipulation the Department
2 agreed that it would pay for all days for VOPs;
3 whether they were VOPs with new charges, or VOPs
4 just on their own. And I would submit these into

5 the record, this is, I believe, what we talked
6 about earlier, the exhibit to Orange County's
7 letter: Two charts that I understand were
8 prepared by the Department on non-billable days
9 from July 1st, 2011, to June 30th, 2012. I think
10 that the number of days that we're talking about
11 that the rule would shift back to the county is,
12 in that year, would be 92,835.

13 And the other chart is from July 1st, 2012,
14 to June 30th, 2013; and under the Department's
15 analysis the number of probation with open charges
16 is 78,596. Those are significant days. And you
17 know, by whatever method you use to put a value on
18 it -- in my letter, I said, "Well, let's just
19 assume it's \$200 dollars a day," which is, you
20 know, roughly between where the county was and the
21 state were during the old hearings, you know,
22 that's over \$18 million dollars. And if you use,
23 you know, FAC has done an analysis, and it just
24 takes the 57/32 percent shift -- split, and it's
25 like \$30 million dollars.

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1 So the rule has an impact on counties, and we
2 believe the stipulations express a lower-cost
3 alternative that the Department -- it has a legal
4 obligation under 120 to address in the statement
5 of costs.

6 We think that that's required; that basically
7 120.54(3)(b) and 120.541 compels the Department to
8 do an SERC. We think the rules are invalid

9 exercise of delegated legislative authority
10 because they, quote, "Impose regulatory costs on
11 the counties which could be reduced by the
12 adoption of less-costly alternatives that
13 substantially accomplish the statutory
14 objectives." That same thought, it would also
15 violate 120.541(1)(d) which requires that the
16 less-costly alternative be addressed and utilized.

17 And you know, for those reasons, we think the
18 rule should be changed. And if they go forward in
19 this instance, they're invalid for those specific
20 reasons, thank you.

21 Oh yeah, this is another exhibit I want to
22 introduce. This is prepared by the Florida
23 Association of Counties, and it's their analysis
24 of just the number of days that are shifted by
25 these rules based upon the 32-percent/57-percent

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1 approach to kind of calculate the numbers. Thank
2 you.

3 MR. MILLA: Sure. All right. A SERC wasn't
4 prepared --

5 MR. PARASOT: There is an error on here.
6 Instead of 24 million, that should be 34 million,
7 because 61 minus 32 is not 24, I don't believe.
8 Anyway, you had an error in the math on -- between
9 this number and this number. It's more than
10 24 million, if you could look at least --

11 MS. HURLEY: And I can tell you -- anyways,
12 go ahead. I'll look at --

13 MR. MILLA: You can fix and resubmit, that's
14 fine. The -- a SERC wasn't prepared for these
15 rules because the current rule versus the --
16 excuse me, the proposed rule is actually a cost
17 savings for the counties based on the current
18 rule. You're base -- what -- I think, Mr. Arline,
19 what you're saying is you would like to posit the
20 stipulation as an even lower cost regulatory
21 alternative for the counties.

22 MR. ARLINE: Correct.

23 MR. MILLA: And that's fine. And we'll
24 consider -- I think it's in your comments -- we'll
25 consider that as your lower-cost regulatory

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1 alternative, and we'll see if we need to prepare a
2 SERC; and if we do, we will prepare one.

3 MR. ARLINE: Thank you.

4 MR. MILLA: Okay. Anything else?

5 MR. PARASOT: Yeah, Dave Parasot, Okaloosa
6 County. I'll just kind of make a -- maybe a
7 closing comment here. You know, it seems like the
8 main issue in the proposed rules is your
9 definition of pre- and post-disposition;
10 particularly, how the impact on violations of
11 probation that involve a new offense, all right?
12 Seems like we're going back to what was
13 invalidated by the court case; however, because of
14 that -- and I'm using the figures for Okaloosa
15 County for effect -- all right, our current FY
16 '13/'14 cost for Okaloosa County is just a tad

17 over 190 thousand.

18 Under your new proposed rules, our one
19 county, Okaloosa County, goes up to about 777
20 thousand; that's a four-fold increase. Our
21 taxpayers ain't going to enjoy it. It's not my
22 money, it's their money, all right? And the
23 difference of \$587 thousand dollars, I'm going to
24 tell you gentlemen, will buy a lot of litigation.
25 And when you take as a result of this, you may

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1 have 38 counties joining in the lawsuit instead of
2 eight of us on the next one.

3 But you know, I don't want to go continue
4 litigation, but at those cost figures, we owe it
5 to our citizens to do that. You know, at the
6 state level, your state legislature and the
7 governor, they just slapped an extra two billion,
8 with a "B," \$2 billion dollars into the state
9 reserves.

10 You know, and you know, this difference in
11 that is -- the very, very -- probably -- you know,
12 very, very small percentage of what the state
13 should be able to absorb, and I think what the
14 state agreed to as a part of the stipulations in
15 the lawsuit. You know, so this being said, I
16 mean, if you continue with the way your rules are
17 proposed in this, your revised rules here in this
18 rule-making session, I don't think litigation is
19 done. Okay, thank you.

20 MR. MILLA: Okay.

21 MR. WELTY: Just as a comment to that -- and
22 I mentioned it before, but this year's billing was
23 in error, and we recognize that and -- but at the
24 same time, we aren't going to try to go back and
25 call anything back because of that error. But we

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1 understand and we appreciate your time and help.

2 MS. HURLEY: And if I may, with regard to the
3 exhibit that Mr. Arline was moving in, which was
4 the fiscal impact that the Association did, the
5 difference in the numbers is that the
6 fiscally-constrained counties were included in the
7 estimates only in order to get the paying
8 counties, the non-fiscally-constrained counties'
9 percentage of the budget appropriate and accurate.

10 And so it is for each county what we believe
11 the best estimate as to the negative fiscal; but
12 with the total negative impact, it will be less if
13 you take out the fiscally-constrained counties, so
14 I wanted to clarify that.

15 And if I may, and I just want to just close
16 by saying number one, thank you gentlemen very
17 much. I wasn't sure what to expect when we walked
18 in here today. I appreciate the dialogue, I
19 appreciate the explanations that you gave us. You
20 know, but obviously it's a very important issue
21 for the counties. And at this point we're
22 obviously very, you know, I think, far apart on
23 the critical issue here.

24 And what I would suggest and encourage and

25 request, if you will, is there a procedure under

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1 the rule-making process that calls for a
2 negotiated rule-making process, and it's under
3 120.54(2)(d). And it specifically states that, in
4 instances in which there are very complex issues,
5 or there appears to be strong opposition to the
6 rules, that you guys have the discretion, the
7 agency has the discretion to enter into that. And
8 we would ask that you consider doing that.

9 We really want to stay at the table with you.
10 We want to get the rules right this time. We
11 don't want to litigate anymore; and you know, we'd
12 hope that you'd follow that recommendation and
13 let's continue to work together.

14 MR. MILLA: All right, if there's nothing
15 more or -- I'll do a last call. Anything else on
16 the rules?

17 MR. JOBEN: This is just John Joben
18 (phonetic) in Fernando saying that I had nothing
19 to say until now, but we participated.

20 MR. MILLA: Okay.

21 MS. WOLFE: Likewise, this is Shannon Wolfe
22 (phonetic), Brevard County, I sat in through the
23 entire session, so thank you.

24 MS. JONES: Nancy Jones from Volusia County,
25 we submitted written comments and have

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1 participated by telephone throughout the entire
2 hearing; and we thank you as well for your
3 cooperation in trying to resolve this.

4 MR. MILLA: We thank you all for your
5 endurance.

6 UNIDENTIFIED SPEAKER: (inaudible due to
7 interposing speakers) -- from Alachua County, I
8 echo those comments, thank you.

9 MR. MILLA: Okay.

10 MS. JONES: Andy Jones in Santa Rosa also
11 echoes the comments.

12 MS. LENAHAN: Elizabeth Lenahan (phonetic) in
13 Martin County, same thing.

14 MS. JOHNSON: This is Sara Johnson, Osceola
15 County, same thing.

16 MR. MCCORMACK: Patrick McCormack, St. Johns
17 County, same thing.

18 MR. WESH: Richard Wesh (phonetic) Lee
19 County, same thing.

20 MR. GODWIN: Mark Godwin, Henderson County,
21 same thing.

22 MR. PIERCE: Steven Pierce, Sarasota County,
23 same.

24 MR. MILLA: All right.

25 MS. WILES: And just for the record, Sarasota

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1 County wants to follow up with written --

2 MR. MILLA: Are these identical to the
3 originals?

4 MS. WILES: Correct.

5 MR. MILLA: Yeah, they're fine. Thank you.
6 Okay, this concludes our hearing. The secretary
7 and relevant members of the Department and DOC
8 will review the submissions made here today, and
9 if necessary, a notice of change will be filed
10 with the Joint Administrative Procedures
11 Committee.

12 Notices of change and all other rule
13 activities are posted on the Department's website
14 at [www.DJJ.state.fl.us/partners/policy/resources/
15 rules/rulealerts](http://www.DJJ.state.fl.us/partners/policy/resources/rules/rulealerts). Good luck. A copy of a notice
16 of change will be provided upon written request.
17 Have a good day. Thank you for participating, and
18 the time is 12:02 as I stop the recording.
19 (The proceedings were adjourned at 12:02 p.m.)

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1 CERTIFICATE OF REPORTER

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5 I, JEFFREY R. BABCOCK, do hereby certify that
6 I was authorized to and did report the foregoing
7 proceedings, and that the transcript, pages 1 through
8 100, is a true and correct record of my stenographic

9 notes.

10

11 Dated this 23rd day of June, 2014 at

12 Tallahassee, Leon County, Florida.

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JEFFREY BABCOCK

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Court Reporter

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