

63G DETENTION

CHAPTER 63G-1 DETENTION COST SHARING

- 63G-1.001 Scope.
- 63G-1.002 Definitions.
- 63G-1.003 Determining Residence.
- 63G-1.004 Calculating Estimated Costs.
- 63G-1.005 Fiscally Constrained Counties.
- 63G-1.006 Receipt of Payment.
- 63G-1.007 Quarterly Reporting.
- 63G-1.008 Annual Reconciliation.
- 63G-1.009 Dispute Resolution and Collection.

63G-1.001 Scope.

This rule establishes the process by which pre-disposition detention costs are shared by state and county government.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(1) FS. History--New 7-16-06.

63G-1.002 Definitions.

- (1) "Cost of detention care" means the cost of providing detention care as determined by the General Appropriations Act.
- (2) "County estimated cost of detention care" means a projected cost estimate based upon a county's prior annual usage.
- (3) "Final court disposition" means the date the court enters a disposition for the subject referral.
- (4) "Fiscally constrained county" means a county designated as defined in Section 985.2155, F.S., which is not required to pay the full costs of its resident juveniles' predisposition detention care.
- (5) "Residence" means the county where, at the time of referral, a child resides, as determined by a DJJ intake officer pursuant to Rule 63G-1.003, F.A.C., and entered in the Juvenile Justice Information System.
- (6) "Secure detention" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155 FS. History--New 7-16-06.

63G-1.003 Determining Residence.

(1) DJJ Juvenile Probation Officers and contracted providers responsible for intake shall utilize the following procedure to determine a referred child's county of residence:

(a) The address provided by the child at intake will initially be checked against the address included in the police report and against any existing address for the child already in the Juvenile Justice Information System.

(b) In all cases, an effort will be made to verify the address with the child's parent or guardian.

(c) All attempts to contact the parent or guardian, and the results of those attempts, will be noted in the chronological record in the child's case file.

(2) Children in substitute care placements, such as foster care, will be deemed to reside in the county where the Department of Children and Family Services or its contracted agency has a district office or service center that arranged the temporary placement.

(3) Address verification procedures are to be included in the annual refresher training on the Juvenile Justice Information System given to Departmental Juvenile Probation Officers and its contracted providers responsible for intake.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5) FS. History--New 7-16-06.

63G-1.004 Calculating Estimated Costs.

(1) Each county's share of predisposition detention costs is based upon usage during the previous fiscal year, with the first year's estimates based upon usage during fiscal year 2004-05. Estimates will be calculated as follows:

(a) All youth served in secure detention during the relevant fiscal year as reflected in the Juvenile Justice Information System will be identified;

(b) Each placement record will be matched to the appropriate referral based upon the referral identification code. Placements associated with administrative handling, such as pick-up orders and violations of probation, will be matched to a disposition date for their corresponding statutory charge;

(c) The number of service days in secure detention is computed by including all days up to and including the date of final disposition for the subject referral.

(2) Each county will receive a percentage computed by dividing the number of days used during the previous year by the total number of days used by all counties. The resulting percentage, when multiplied by the cost of detention care as fixed by the legislature, constitutes the county's estimated annual cost.

(3) The estimated cost will be billed to the counties in monthly installments.

(4) Invoices are to be mailed on the first day of the month prior to the service period, so that an invoice for the August service period will be mailed on July 1.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(3) FS. History—New 7-16-06.

63G-1.005 Fiscally Constrained Counties.

(1) Each fiscally constrained county will be assigned a percentage computed by dividing its previous year's number of predisposition detention days by the total number of predisposition detention days used by all fiscally constrained counties during the previous year.

(2) Each county's percentage is multiplied by the amount appropriated by the legislature to pay the costs of detention care. For informational purposes, fiscally constrained counties will be invoiced for their prorated monthly share.

(3) If the total number of predisposition service days actually used by all fiscally constrained counties combined exceeds the previous year's usage for which appropriation was made by the legislature, matching funds will be required to make up the shortfall. Fiscally constrained counties will be assessed for the amount of the shortfall under the following methodology:

(a) The total number of excess service days will be translated into a dollar figure based upon the percentage of increase over the original budgeted amount.

(b) Each fiscally constrained county will be responsible for a share of the shortfall computed by multiplying its assigned percentage calculated in subsection (1) by the total shortfall computed in paragraph (3)(a).

(4) The department shall determine whether a shortfall is likely at the end of the third quarter. If a shortfall is expected, the department shall provide fiscally constrained counties an estimate of their share of the expected shortfall on or before June 1.

(5) Fiscally constrained counties will be billed for their share of the shortfall by August 1, and payment is due no later than November 1.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(4) FS. History—New 7-16-06.

63G-1.006 Receipt of Payment.

(1) Payment is to be made by check or by pre-arranged wire transfer, which is due the first day of the monthly service period.

(2) Payment will be deemed in arrears on the second day of the monthly service period.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(6) FS. History—New 7-16-06.

63G-1.007 Quarterly Reporting.

(1) Each quarter, the Department shall prepare a report to determine the extent of each county's actual usage. The report is to assist counties in fiscal planning and budgeting, and is not a substitute for the annual reconciliation or grounds for adjusting or withholding payment.

(2) The report shall contain the following information:

(a) Youth's name;

(b) Youth's address at the time of the referral;

(c) Sex;

(d) Date of birth;

(e) Name of parent or guardian;

(f) Phone contact, and;

(g) Number of detention days.

(3) The report will be provided to counties 45 days after the end of each quarter.

(4) The limited release of juvenile identifying information contained in each county's quarterly report is confidential. The release will not include treatment or charging information, is limited to the county official(s) designated to receive the report, and is not to be used for any purpose other than that of verifying the provision of detention services.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(7) FS. History—New 7-16-06.

63G-1.008 Annual Reconciliation.

(1) On or before November 30 of each year, the Department shall provide a reconciliation statement to each paying county. The statement shall reflect the difference between the estimated costs paid by the county during the past fiscal year and the actual cost of the county's usage during that period.

(2) If a county's actual usage is found to have exceeded the amount paid during the fiscal year, the county will be invoiced for the excess usage. The invoice will accompany the reconciliation statement, and shall be payable on or before January 31.

(3) If a county's actual usage was less than the estimated amounts paid during the fiscal year, the county will be credited for its excess payments. Credit will be reflected in the November billing, and will carry forward as necessary.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5) FS. History—New 7-16-06.

63G-1.009 Dispute Resolution and Collection.

(1) The quarterly reporting marks the point at which a county may take issue with the charges referenced in the report, but it cannot be the basis for withholding payment. Adjustments, including those necessitated by dispute resolution, cannot be made until the annual reconciliation.

(2) Disputes based upon a quarterly report, such as those relating to the residence of served youth or the number of chargeable service days, must be brought within 90 days of receipt of the quarterly report to which the dispute pertains.

(3) General objections, such as those seeking confirmation of a youth's county of residence, will be summarily denied. Disputes involving a detained youth's county of residence must include one or more of the following indicia of specificity:

- (a) An alternative address asserted to be correct;
- (b) Supporting documentation, and;
- (c) An explanation of the basis for the dispute on form 63G-1-1.

(4) Disputes must be raised by means of form 63G-1-1, and sent by certified mail to the Department's Bureau of Finance and Accounting at 2737 Centerview Drive, Suite 212, Tallahassee, Florida 32399-3100. Accompanying documentation in support of the county's position may be included.

(5) Form 63G-1-1 (May 2006), "Notice of Disputed Detention Charge," is incorporated by reference and is available from the Bureau of Finance and Accounting in Tallahassee.

(6) The Department's response constitutes final agency action and may be challenged through the process available in Chapter 120, F.S.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(8) FS. History—New 7-16-06.