

FLORIDA DEPARTMENT OF JUVENILE JUSTICE

**Proposed Rule Hearing
June 1, 2017 (If Requested)**

63G-1.010 Scope.

~~This rule establishes the process by which the funding of detention services is shared by state and county government.~~

~~Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(1) FS. History—New 7-6-10.~~

63G-1.010 Scope.

~~Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(1) FS. History—New 7-6-10, Repealed~~

63G-1.011 Definitions.

- ~~(1) “Funding of detention services” means the funding required to provide detention services as determined by the General Appropriations Act Implementing Bill and/or General Bills.~~
- ~~(2) “Commitment” means the final court disposition of a juvenile delinquency charge through an order placing a youth in the custody of the department for placement in a residential or non-residential program. Commitment to the department is in lieu of a disposition of probation.~~
- ~~(3) “Shared County/State Juvenile Detention Trust Fund” means the state trust fund used to capture budget and costs associated with the counties’ share of detention funding.~~
- ~~(4) “Fiscally constrained county” means a county which is not required to pay the full costs of its resident juveniles’ detention services.~~
- ~~(5) “Juvenile Probation Officer” (JPO) means the primary case manager for the purpose of managing, coordinating, and monitoring the services provided and sanctions required for youth on probation, post-commitment probation or conditional release supervision.~~
- ~~(6) “Juvenile Justice Information System” (JJIS) means the department’s electronic information system used to gather and store information on youth having contact with the department.~~
- ~~(7) “County of Residence” means the county where, at the time of referral, a child resides, as determined by a~~

department intake officer pursuant to Rule 63G-1.012, F.A.C., and entered in the Juvenile Justice Information System, except for those youth described in subsection 63G-1.012(2), F.A.C., below.

(8) “Pre-commitment” means those days a youth is detained in a detention center prior to being committed to the department.

(9) “Reconciliation period” means the first through the last day of a month during which reconciliation by the county and the department for the previous month’s utilization takes place.

(10) “Secure detention” means a physically state owned and operated restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(11) “Service day” means any day or portion of a day spent by a youth in secure detention.

(12) “Utilization” means a summary of service days.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686 FS. History–New 7-6-10.

63G-1.011 Definitions.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686 FS. History–New 7-6-10, Repealed

63G-1.012 Determining Residence.

(1) Department of Juvenile Justice (DJJ) JPOs 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 arrest affidavit and against any existing address for the child already in the JJIS.

(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) County of residence for children in substitute care placements, such as foster care, will be where the dependency case originated for the youth. Street address information recorded in the JJIS will be that of the Department of Children and Family Services or its contracted agency district office or service center for confidentiality purposes.

~~(3) Address verification procedures are to be included in the annual refresher training on the JJIS given to departmental JPOs and its contracted providers responsible for intake.~~

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5) FS. History–New 7-6-10.

63G-1.012 Determining Residence.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5) FS. History–New 7-6-10, Repealed

63G-1.013 Calculating Estimated Funding.

- ~~(1) Estimates for each county’s individual portion of detention funding will be calculated as follows:~~
- ~~(a) All youth served in secure detention during the most recently reconciled previous fiscal year as reflected in the JJIS will be identified;~~
 - ~~(b) The total number of pre-commitment service days in secure detention is computed by including all days up to but not including the date of commitment to the department.~~
- ~~(2) The total number of pre-commitment service days for each county from the most recently reconciled previous fiscal year utilization data will be divided by the total pre-commitment service days for all counties for that same time period to arrive at each county’s percentage of the total.~~
- ~~(3) Each county’s percentage will be multiplied by the total estimated annual appropriation in the shared county/state juvenile detention trust fund for the upcoming fiscal year to determine each county’s share of the total budget.~~
- ~~(4) The estimated share of the total budget will be billed to the counties in monthly installments.~~
- ~~(5) Invoices are to be mailed at the beginning of the month prior to the service period, so that an invoice for the August service period will be mailed in July.~~

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(3) FS. History–New 7-6-10.

63G-1.013 Calculating Estimated Funding.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(3) FS. History—New 7-6-10, Repealed

63G-1.014 Fiscally Constrained Counties.

(1) Each fiscally constrained county's estimated share of detention budget is determined in the same manner as those for non-fiscally constrained counties.

(2) For informational purposes, fiscally constrained counties will be invoiced for their estimated monthly share even though they will not be required to remit payment.

(3) Prior to the beginning of each fiscal year the total estimated budget needed for all fiscally constrained counties will be compared to the amount appropriated in General Revenue to the department for fiscally constrained counties. If the total estimated annual amount for utilization exceeds the appropriated amount, 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) Each fiscally constrained county's utilization will be compared to the total for all fiscally constrained counties to determine a percentage of the total.

(b) The county's percentage will be multiplied by the shortfall amount computed in subsection (3) above to determine the individual county's amount due.

(4) The department shall determine whether an estimated shortfall is likely by July 31. If a shortfall is expected, the department shall provide fiscally constrained counties information on their share of the expected shortfall on or before August 15.

(5) Fiscally constrained counties will be billed for their share of the shortfall in equal monthly installments beginning November 1 through May 1.

(6) If after the annual reconciliation is complete it is found that there was in fact no shortfall or that the shortfall was overestimated, the fiscally constrained counties will receive a refund. If the shortfall was underestimated, the department may seek matching funds from the counties to make up the difference.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(4) FS. History—New 7-6-10.

63G-1.014 Fiscally Constrained Counties.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(4) FS. History–New 7-6-10, Repealed

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63G-1.015 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, such that the July service period payment is due July 1.~~

~~(2) Payment will be deemed in arrears on the second day of the month the payment is due.~~

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5), (6) FS. History–New 7-6-10.

63G-1.015 Receipt of Payment.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5), (6) FS. History–New 7-6-10, Repealed

63G-1.016 Monthly Reporting.

~~(1) Each month, the department shall generate a web based on-line utilization report that provides each county's actual usage for the previous service month. The report is to be used by the counties to validate utilization.~~

~~(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, if available;~~
- ~~(f) Phone contact, if available;~~
- ~~(g) Charge category;~~
- ~~(h) Admission date;~~
- ~~(i) Commitment disposition date, if available; and~~

(g) Number of detention days.

(3) The report will be available electronically on the first day of each month for the previous month's utilization.

~~(4) The limited release of juvenile identifying information contained in each county's monthly 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.~~

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(7) FS. History—New 7-6-10.

63G-1.016 Monthly Reporting.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(7) FS. History—New 7-6-10, Repealed

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63G-1.017 Monthly/Annual Reconciliation and Dispute Resolution.

~~(1) On the first day of each month, the department shall make available to each county a utilization report described in Rule 63G-1.016, F.A.C.~~

~~(2) The county shall have from the first to the fourteenth day of the month to review the on-line utilization information reported for the previous month. If the county takes issue with any of the utilization data, it shall mark the record for dispute on-line and provide a reason for the dispute. Disputes involving a detained youth's county of residence or disposition must include one or more of the following indicia of specificity:~~

- ~~(a) Address invalid – not in county;~~
- ~~(b) Address invalid – street number not valid;~~
- ~~(c) Address invalid – not residence of youth;~~
- ~~(d) Address invalid – see text (must enter text);~~
- ~~(e) Detention stay invalid – see text (must enter text).~~

~~(3) The department will make every effort to review all disputes for the previous month between the fifteenth and twenty-fourth day of each month for the reconciliation period. The department's response, provided on-line, constitutes notice of final action. All pending disputes will be resolved by the department no later than 60 days after~~

the end of the reconciliation period.

(4) In October of each year, the department will perform an annual reconciliation of utilization and costs for the prior fiscal year. Based on a county's actual utilization, a recalculation of that county's share of the shared county/state juvenile detention trust fund expenditures will be performed.

~~(5) In November of each year, the department will provide each county an annual reconciliation statement for the previous fiscal year. The statement shall reflect the difference between the amount paid by the county based on the estimated utilization and the actual utilization reconciled in subsection (4) above.~~

~~(6) If the total amount paid by a county falls short of the amount owed based on actual utilization, the county will be invoiced for that additional amount. The amount due will be applied to the county's account. An invoice will accompany the reconciliation statement, and shall be payable on or before March 1. If the amount paid by a county exceeds the amount owed based on actual utilization, the county will receive a credit. The credit will be applied to the county's account and be included on the invoice sent in November.~~

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5), (7) FS. History—New 7-6-10.

63G-1.017 Monthly/Annual Reconciliation and Dispute Resolution.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5), (7) FS. History—New 7-6-10, Repealed _____.

63G-1.018 Billing.

~~(1) The monthly 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) Invoices will include the following information:~~

- ~~(a) Invoice date;~~
- ~~(b) Invoice number;~~
- ~~(c) Remittance address;~~
- ~~(d) Payment due date;~~
- ~~(e) Billing Service period;~~

(f) Total amount billed; and

(g) Department contact information.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5), (7) FS. History—New 7-6-10.

63G-1.018 Billing.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5), (7) FS. History—New 7-6-10.

Repealed.