

RESOLUTION NO. 2016- 16

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY; SUPPORTING LEGISLATION TO ADDRESS THE FUNDING OF SECURE JUVENILE DETENTION COSTS; AUTHORIZING THE COUNTY ATTORNEY TO DISMISS PENDING ACTIONS AGAINST THE STATE OF FLORIDA, DEPARTMENT OF JUVENILE JUSTICE UNDER CERTAIN CIRCUMSTANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the provisions of Florida law, the non-fiscally constrained counties, including Nassau County, participate with the State of Florida in sharing the cost of secure juvenile detention; and

WHEREAS, over the years, the Department of Juvenile Justice has inappropriately charged many of the counties resulting in unfair and illegal payments in excess of one hundred million dollars; and

WHEREAS, for the fiscal years 2009-2010 through 2012-2013, the Department of Juvenile Justice has overcharged Nassau County by the amount of \$94,994.09; and

WHEREAS, Nassau County has instituted several challenges to the actions of the Department of Juvenile Justice in overcharging the County more than its fair share of the costs of secure juvenile detention and is seeking refunds or credits for these overpayments; and

WHEREAS, there is currently pending in the Florida Legislature SB 1322 and HB 1279 both of which would establish by statute that the non-fiscally constrained counties would pay no more than 50% of the cost of secure juvenile detention; and

WHEREAS, before those bills are acted upon, the Legislature wants some assurances that any pending litigation over the cost sharing would be resolved in the event that this legislation is passed and approved by the Governor; and

WHEREAS, though the legislation, if adopted, would not provide immediate refunds or credits to Nassau County, it would gradually over time provide a savings to the County through reduced annual payments over the 57% allocation of cost to counties as it currently exists; and

WHEREAS, the County supports the legislation and is willing to dismiss all pending litigation regarding secure juvenile detention costs provided that the legislation is passed and either signed by the Governor or allowed to become law; and

WHEREAS, this would be contingent upon the agreement that should the County dismiss all of its challenges for the years prior to fiscal year 2015-2016 that the State of Florida and the Department of Juvenile Justice would agree to no longer seek to recover amounts from counties for alleged underpayments made by them for the years prior to fiscal year 2015-2016.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida as follows:

1. The Board of County Commissioners supports the passage of SB 1322 and HB 1279 by the Florida Legislature to provide a more equitable allocation of costs between the non-fiscally constrained counties and the State of Florida for secure juvenile detention.

2. In the event that the above legislation is passed and pursuant to the legislation, non-fiscally constrained counties would not be charged more than fifty percent (50%) of the cost of secure juvenile detention as set forth therein, it is agreed that the County Attorney is directed to dismiss all pending actions against the State of Florida, Department of Juvenile Justice within ten days after the Governor of the State of Florida signs a law (or allows the law to become effective without his signature).

3. The dismissal of the actions is contingent on upon the agreement that should the County dismiss all of its challenges for the years prior to fiscal year 2015-2016 that the State of Florida and the Department of Juvenile Justice would agree to no longer seek to recover amounts from counties for alleged underpayments made by them for the years prior to fiscal year 2015-2016.

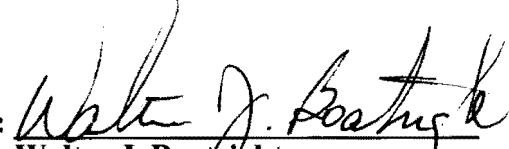
4. This resolution shall take effect on adoption.

PASSED AND DULY ADOPTED this 8th day of February 2016.

**ATTEST AS TO CHAIRMAN'S
SIGNATURE:**

**BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA**


John A. Crawford
Its: Ex-Officio Clerk

BY: 
Walter J. Boatright
Its: Chairman

**APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:**


Michael S. Mullin