

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

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SUBJECT	Article V Costs: FACo Request for special assessment	TYPIC AGENDA ITEM	Other County Business
DATE REQUESTED	February 24, 1998	DATE SUBMITTED/REVISED	February 19, 1998
BRIEF ISSUES/WHO?	Requested by Commissioner Stephens	CONSEQUENCES IF DEFERRED	Public information campaign may not be conducted in a timely manner
DEPARTMENT/DIVISION	Board of County Commissioners	AUTHORIZED BY TITLE	Stan Stephens, Commissioner of District 1
CONTACT PERSON TELEPHONE/EXTENSION	Ernie Padgett, County Administrator, X3783	PRESENTER/TITLE TELEPHONE/EXTENSION	Ernie Padgett, County Administrator, X3783

ADMINISTRATIVE APPROVAL:

ACTION DESIRED

INDICATE WHETHER "REPORT" or "DISCUSSION," "FORM OF MOTION," or "OTHER ACTION REQUIRED:"

Discussion of Florida Association of Counties' request for a special assessment for the purpose of conducting a public information campaign in order to have the Constitutional Review Committee include Article V among the proposed amendments for the November election.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, or ordinances, resolutions, policy.)

N/A

BACKGROUND/DISCUSSION

• See attached correspondence from Commissioner John Manning, President, Florida Association of Counties

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" @ right. (If "NO," proceed to 1) below; and if "YES," proceed to 2) below) N/A

1) IF "NO" TO ABOVE:

A) Please explain below: (See also following section 1B) re: contract, agreement, lease, etc.)

This is a policy decision to be made by the Board

B) If a contract, agreement, lease or other document was previously approved, state year as last use at right.

2) IF "YES" TO FIRST QUESTION IN THIS SECTION:

A) Has entire matter, or only a portion, been reviewed? If only a portion, which portion?

N/A

B) Have all comments/suggestions raised by County Attorney been addressed/incorporated; if not, please explain. A copy of final County Attorney memo re: this matter MUST BE ATTACHED. (If comments were verbal, so indicate.)

N/A

APPROVED IN OPEN SESSION
FEB 24 1998
BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

ATTACHMENTS: (List in order as attached)	INSTRUCTIONS TO BOARD RECORDS:
Correspondence from Commissioner John Manning, President, Florida Association of Counties	N/A
COST \$ 27 per capita population	SOURCE (ACCT# & NAME) To be determined
COMMENTS N/A	AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT) N/A

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**FLORIDA
ASSOCIATION
OF COUNTIES**

P.O. Box 549 / Tallahassee, Florida 32302
Phone: 850/922-4300 Sunrom: 292-4300 FAX: 850/488-7501

MEMORANDUM

TO: County Commissioners
FROM: Commissioner John Manning, President
DATE: February 10, 1998
SUBJECT: FAC's Article V Initiative

Last Friday, I sent you a memorandum alerting you to important decisions made by the Florida Association of Counties Board of Directors. As promised, I am providing additional details about the actions taken.

As you well know, funding of the state court system is an onerous financial burden for each and every county of this state. In fact, today, counties spend more local resources on the courts than does the state. For more than a decade, the issue has topped FAC's list of priorities. And, with the Constitution Revision Commission, we are now dealing with our best hope for significant relief for county budgets.

For two years, our membership has been working strategically to insure that the CRC addresses the problem. We have been very successful as Article V funding is a very visible issue and we are hopeful that the CRC will include it among its recommendations to the electorate. However, the proposal which the Commission adopts may not be acceptable to us. At this point, the courts have mired negotiations and, as of this moment, the outlook for a proposal which we can support is diminishing.

To reiterate my February 6 memo, the board approved the following:

● **Initiation of a petition initiative campaign to ensure that the November ballot includes the Article V issue regardless of what the Constitution Revision Commission does. This action has become necessary because the CRC deliberations have been mired. The courts stand fast to its proposal to constitutionally saddle counties with the funding of "salaries, costs, and expenses of the state courts system, state attorneys, public defenders and clerks of circuit court performing court related functions to meet local requirements." Local requirements mean such programs as guardian ad litem, dispute resolution, teen courts, drug courts and any other future programs. This is unacceptable to FAC. The outcome at this juncture is uncertain requiring an alternative strategy.**

WYMAN ZABICKI
EXECUTIVE DIRECTOR

JOHN MANNING
PRESIDENT
LEE

ELIUD MALOY
PRESIDENT-ELECT
LEON

EDWARD J. DIXON
1ST VICE PRESIDENT
GADSDEN

JUDY D. JOHNSON
2ND VICE PRESIDENT
MABION

CAROL A. BOBERTS
IMMEDIATE
PAST PRESIDENT
PALM BEACH

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It is important to note that we have been very actively negotiating with all the parties involved in the judiciary. FAC has approved a proposal by the Florida Association of Court Clerks which is in the present CRC committee draft. However, we have not been able to reach consensus with the courts. We offered no less than 8 alternative proposals to the courts' representatives which they have rejected. We have also invited alternative proposals from them with no success. I believe it is fair to characterize the courts' posture as "non-negotiable" despite our continuing efforts to find compromise.

● **Approval of ballot language for the initiative which requires full state funding of Article V.** The petition form with the amendment is enclosed.

● **Approval of a \$3.8 million budget for a political committee, Floridians for Fairness in Court Funding, to implement a public information campaign and the petition drive.** The Committee will be chaired by Mayor Alexander Penelas, Miami-Dade County.

● **Approval of a special assessment of all counties to fund the campaign.** The assessment is based on 27 cents per capita of population. The listing of the pro-rata amount for each county is attached. Also included in the information are legal opinions about the use of county funds for this purpose and a model ordinance your county may want to adopt.

SPECIAL ASSESSMENT

Your county is being asked to contribute to the political committee for the purpose of conducting a public information campaign leading to the November election. It is our hope that the CRC's proposed amendments will include Article V. It is essential that counties mount a statewide campaign to insure passage. Without a campaign the likelihood is the question will fail.

If the CRC fails to adopt an acceptable proposal, the Association will continue the petition drive. We will need to collect 620,000 signatures by July 1, 1998, to appear on this year's ballot. Because of the timing, the collection of signatures is already underway. Should the CRC address our concerns, the petition drive will be halted thereby avoiding the added expense.

I am very aware, as is our Board of Directors, that this is a very significant expense for your county to assume. However, I ask that you focus on the cost of Article V funding to your taxpayers each and every year compared to the amount of the special assessment. It is in this light that I hope you will decide to participate in this most critical joint effort.

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Enclosed is information which hopefully will provide you with comfort that this bold action is absolutely necessary if counties are to be heard. After more than two decades of earnestly seeking a solution to this onerous mandate, there is broad consensus among our diverse board that bold action is necessary.

Because time is of the essence, I ask that you agenda this item for your board's consideration as soon as possible. If approved, make check payable to:

Florida for Fairness in Court Funding
Post Office Box 1783
Tallahassee, Florida 32302

Please feel free to call me, Vivian Zaricki or Mary Kay Cariseo should you have any questions or require additional information.

Enclosures

cc: **County Administrators**
County Attorneys
County Lobbyists

Questions & Answers on FAC's Article V Initiative

What does the Initiative do?

The "Floridians for Fairness in Court Funding" initiative proposes an amendment to Article V of the State Constitution to require the state to fully fund the costs of the State Courts System. These costs include all salaries, costs and expenses of the State Courts System, State Attorneys, Public Defenders and Clerks of the Circuit Court performing court-related functions. The state would be prohibited from requiring counties to fund these expenses. The state would also be required to pick up the expenses by July 1, 2002.

What does the Initiative mean to the taxpayer?

Counties statewide presently expend more than \$800 million dollars for the state courts system. That means more than 50 cents on every dollar is spent on the state courts. When "Floridians for Fairness in Court Funding" is approved by the voters, counties could roll back property taxes or direct the monies for better local services such as more police on our streets or improvements to our roads.

What is the difference between the state taxpayer and the county taxpayer?

County property taxpayers should not be subsidizing our judiciary, which serves all Floridians and our visitors. Thus, the system would be more appropriately served by a wider base of taxpayers, such as through the state sales tax.

What does it take to get on the ballot through the petition process?

The committee will have to collect approximately 620,000 signatures. Of this amount, 435,000 signatures will have to be certified as meeting all the requirements of state law. After the requirements are met, the amendment language is then reviewed by the State Supreme Court. Given the strong support for this reform, we are positive that we can collect the signatures needed for this initiative.

Why are you coming out with this initiative now when this issue has been around for 25 years?

Because costs borne by counties to run the State Court System have skyrocketed in recent years and property taxpayers have said "no more." In addition, many counties (about one-third) are at or approaching the ten mil cap and cannot realistically continue to pay for the state's courts anyway. The statewide poll conducted in December shows the voters want this inequity fixed, so we know they will support the counties on this petition drive.

Have you tried working with the Legislature on this issue before?

Yes. The Florida Association of Counties, as directed by its members, has had Article V funding as its number one priority for more than a decade. For the first time last year, the 1997 Legislature took a small, important step to alleviate some of the burden of Article V costs by creating a trust fund (\$25 million over 5 years) and providing some direct appropriations (\$9 million). Unfortunately, it pales in comparison to the ever increasing financial burden the state court system is placing on county budgets (\$613 million statewide).

Why do you have to use public dollars for this campaign?

Securing funding for state court costs is a public policy issue. Thus, it is very appropriate to use public funds to educate those impacted by this issue, county property taxpayers. We will also be accepting lawful private donations from supporters of this constitutional reform.

It is legal to spend public dollars on this campaign?

Absolutely. Florida's courts and the Attorney General have made it clear that county governments can engage in Florida's political process, especially in terms of conducting public education campaigns on issues which affect the citizens in those counties. Attached are two legal opinions on this subject for your review.

Where would the state get the money from if your proposal passed?

Counties do not want to create a crisis for the state's budget. This initiative provides for the effective date to begin July 1, 2000, which would give the state a full year to determine an appropriate funding source.

But the truth is, the state has access to more revenue sources and has the power to create taxes whereas counties are primarily reliant on property taxes. Furthermore, counties are constitutionally restricted by the ten mil cap. Thus, their capacity to fund the state's courts is restricted.

What would counties do with the money saved?

It will vary from county to county, but this reform offers the promise of both property tax relief and better local services such as more police on our streets or improvements to our roads.

Is anyone opposed to the change you want to make in court funding?

There has been no group that opposes the basic fairness proposition that the state should pay for its courts. The state courts system is a common, shared asset that needs to be funded by all Floridians and not just county property taxpayers.

How does the Constitution Revision Commission's (CRC) proposal on Article V differ from the petition initiative amendment?

The petition initiative amendment requires the state to fully fund the costs of the State Courts System.

Under the CRC's proposal, counties would still be a funding partner with the state by continuing to cover the costs of facilities, maintenance and security. The state would be responsible for all costs associated with state attorneys' and public defenders' offices, clerks of court when performing court-related functions, and court-appointed counsel.

Who is collecting the signatures?

The FAC will be contracting with a petition vendor, National Voter Outreach, based in Carson City, Nevada.

Are you using a political consulting firm?

The FAC has been working with CS2, a national public affairs and political campaign management firm based in Washington, D.C.

**Floridians for Fairness in Court Funding
Calculation of 1997/98 Contributions**

<u>COUNTY</u>	<u>POPULATION</u>	<u>DUES</u>	<u>COUNTY</u>	<u>POPULATION</u>	<u>DUES</u>
ALACHUA	202,140	\$54,578	LAKE	182,309	\$49,223
BAKER	20,709	\$5,591	LEE	383,706	\$103,601
BAY	142,159	\$38,383	LEON	221,621	\$59,838
BRADFORD	24,983	\$6,745	LEVY	30,690	\$8,286
BREVARD	450,164	\$121,544	LIBERTY	7,439	\$2,009
BROWARD	1,392,252	\$375,908	MADISON	18,745	\$5,061
CALHOUN	12,504	\$3,376	MANATEE	236,778	\$63,930
CHARLOTTE	129,468	\$34,956	MARION	229,260	\$61,900
CITRUS	107,889	\$29,130	MARTIN	114,464	\$30,905
CLAY	125,431	\$33,866	MONROE	83,789	\$22,623
COLLIER	193,036	\$52,120	NASSAU	51,097	\$13,796
COLUMBIA	52,565	\$14,193	OKALOOSA	165,319	\$44,636
DADE	2,043,316	\$551,695	OKEECHOBEE	33,643	\$9,084
DE SOTO	26,716	\$7,313	ORANGE	777,556	\$209,940
DIXIE	12,602	\$3,403	OSCEOLA	139,724	\$37,725
DUVAL	728,437	\$196,678	PALM BEACH	981,793	\$265,084
ESCAMBIA	286,301	\$77,301	PASCO	309,936	\$83,683
FLAGLER	39,052	\$10,544	PINELLAS	981,383	\$279,973
FRANKLIN	10,378	\$2,802	POLK	482,707	\$122,231
GADSDEN	46,322	\$12,507	PUTNAM	70,287	\$18,977
GILCHRIST	12,150	\$3,281	ST. JOHNS	101,729	\$27,467
GLADES	9,413	\$2,542	ST. LUCIE	175,458	\$47,374
GULF	13,545	\$3,657	SANTA ROSA	98,491	\$26,593
HAMILTON	13,431	\$3,626	SARASOTA	305,848	\$82,579
HARDEE	22,519	\$6,080	SEMINOLE	329,031	\$88,838
HENDRY	30,157	\$8,142	SUMTER	40,593	\$10,960
HERNANDO	119,931	\$32,381	SUWANNEE	31,424	\$8,484
HIGHLANDS	77,996	\$21,059	TAYLOR	19,022	\$5,136
HILLSBOROUGH	910,855	\$245,931	UNION	13,023	\$3,516
HOLMES	17,412	\$4,701	VOLUSIA	407,199	\$109,944
INDIAN RIVER	102,311	\$27,597	WAKULLA	18,022	\$4,866
JACKSON	48,629	\$13,130	WALTON	34,328	\$9,269
JEFFERSON	13,713	\$3,703	WASHINGTON	19,751	\$5,333
LAFAYETTE	7,012	\$1,893			
			TOTAL	14,411,563	\$3,891,120

Legend:

Rate per capita: 0.27