

RESOLUTION R-13-31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING PROCEDURES FOR THE CIRCUIT CHIEF JUDGE TO CERTIFY LOCAL COURT-RELATED PROGRAM REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article V, § 14 of the Florida Constitution provides that the State government shall be primarily responsible for the funding of the State's court system, including hiring staff, and limits the financial obligation of the State's counties only to supporting trial court infrastructure such as courthouses, technology and communications resources, and the funding of salaries and expenses for local requirements if required by general law; and

WHEREAS, in addition to the statewide nature of the court system, and statutorily imposed local requirements, individual Circuits may, in conjunction with locally elected constitutional officers and as permitted by State law, develop optional "local" court-related programs such as alternative dispute resolution, domestic violence case coordination and drug court programs; and

WHEREAS, counties are not required by State law to pay for such optional programs, but may, in their discretion, elect to provide financial support for such programs; and

WHEREAS, to create a procedure for how such funding requests are developed and made, Florida Statutes § 29.008(2)(c) requires the Circuit Chief Judge to coordinate the identification of all local court requirements within the county, and to certify in writing to the county commission a budget for all such programs; and

WHEREAS, the statute permits a county commission to set a date not later than June 1 of each year by which the certification shall be made; and

WHEREAS, the Manatee County Commission finds that it is in the best interests of the County to adopt an earlier certification date and to establish requested standards related to the annual certification and to request the Circuit Chief Judge to reference them when making his or her annual certification of local court requirements and related funding requests.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT:

1. Pursuant to Florida Statutes § 29.008(2)(c), the Chief Judge of the Twelfth Judicial Circuit shall, to the extent County funding or other assistance is desired, annually submit a certification of local court requirements to the Manatee County Commission no later than March 1 of each year to cover requests related to the fiscal year beginning October 1 of the same year in which the certification is made.

2. Prior to developing the certification, pursuant to Florida Statutes § 29.008(2)(c)(1), the Chief Judge should attempt to meet with the Circuit Public Defender, State Attorney, and head of the Regional Conflict Counsel's Office. The County Commission also requests that the Chief Judge invite the Circuit Court Administrator and Clerk of the Circuit Court to attend consultation meetings to the extent those officials' operations/funding bear on the certification of local court requirements.
3. Pursuant to Florida Statutes § 29.008(2)(c)(1), the certification should set forth all local court-related requirement for which County funding is sought, should as to each such requirement/program identify, by means of a program budget or similar method, the reasonable and necessary salaries, costs, and expenses to meet each such program. It is requested, to the extent reasonably possible with available data and assistance from County budget staff, that the individual budgets reflect at least generally where and in what proportions the funding for the local requirements/programs is proposed to come from, and specify what amount and/or non-monetary form of County support is being requested. Support requests may be either for an award of funding, the coordination of grant applications and contract administration, the establishment of County positions to be assigned to work on court-related requirements/programs as authorized by Florida Statute § 29.0081, or any combination of these.
4. For each requirement/program for which staffing support is part of the request, it is requested that the certification note what efforts the program has made to obtain volunteer services.
5. While not statutorily required, the County requests that after hearing from all interested constitutional officers, the Circuit Chief Judge's certification include some discussion of prioritization of the individual requirements or programs, including of possible a ranking of which requests are of most critical interest vs. those of lesser import. Additionally, to assist the County in responding to the requests being certified, if a requirement/program cannot be sustained without a full award of funding or other requested support, such that a partial award will not be effective, such factors should also be set forth.
6. The County Administrator is directed to receive on behalf of the County the annual certification of the Circuit Chief Judge, and shall use the certification when developing his/her overall budget recommendations to the County Commission. The County Administrator and relevant designees shall coordinate any follow up discussions, negotiations and certification revisions with the Circuit Chief Judge and, for multi-county programs, other County Administrators. Budget recommendations concerning local court requirements and programs shall be informed by the certification. Individual constitutional officers with court-related local needs are encouraged to work through the Circuit Chief Judge, as contemplated by the Legislature. Therefore, absent extraordinary circumstances, the County Administrator shall decline to receive funding requests made by such officials which are not coordinated through the Circuit Chief Judge and incorporated into the certification. To the extent the certification does not provide for any ranking or other prioritization, the County Administrator, when developing his/her

budget recommendations, shall attempt to prioritize requests with the best information available.

7. Pursuant to Florida Statutes § 29.008(2)(c), once the Circuit Chief Judge has provided the certification required herein, and once the County Administrator has transmitted a recommended budget to the County Commission, the County Commission will determine whether, and to what extent, to provide funding or other requested support, in its final adopted budget.
8. Upon adoption, a copy of this Resolution shall be transmitted by the County Administrator or designee to the Chief Judge, and to all other constitutional officers mentioned herein.

BE IT FURTHER RESOLVED that any existing Resolution or portion thereof of the Board of County Commissioners which contains terms or provisions which are in direct conflict with and cannot be harmonized with the provisions of this Resolution shall, as to such terms or provisions, be deemed as superseded by this Resolution.

BE IT FURTHER RESOLVED that the provisions of this Resolution are severable such that the invalidity of any one provision shall not operate to invalidate any other provision.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon adoption.

ADOPTED, with a quorum present and voting, this 29 day of January, 2013.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

ATTEST: R.B. "CHIPS" SHORE
Clerk of the Circuit Court

By: Wabi Jensen
Deputy Clerk

By: Larry Bustle
Larry Bustle, Chairman



January 29, 2013 Regular Meeting
Agenda Item #12

APPROVED in Open Session
Manatee County Board of County Commissioners

Subject

Resolution 13-31 Certifying local court-related program requirements

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Karen Windon, Deputy County Administrator

Action Requested

Adopt Resolution 13-31

Enabling/Regulating Authority

Florida Statute 29.008(2)(c)

Background Discussion

During the 2013 budget workshops, Larry Eger, Public Defender, and Walt Smith, Court Administrator, requested additional funding for the Drug Court program. This request was predicated on the significant increase in Drug Court clients. The request included an additional \$52,000 for a third Drug Court counselor from Manatee Glens, as well as an additional \$10,000 for drug testing reagents. As this request came from outside of the budget cycle, it was determined that staff needed to develop a better process going forward.

Article V of the Florida Constitution holds that the state is not be responsible for local court related programs such as alternative dispute resolution, domestic violence case coordination and drug court programs, and that the counties, while not required to pay for optional programs, may choose to provide financial support for such programs. This financial participation can be in the best interest of community safety and maximize resource utilization by decreasing jail populations.

Florida Statutes § 29.008(2)(c) requires the Circuit Chief Judge to coordinate the identification of local court requirements in the county, and to certify to the county commission a budget for these programs.

This resolution suggests that the Chief Judge meet with involved stakeholders to determine the needs and program requirements for which county funding is being sought, to include reasonable and necessary salaries, costs, and expenses. The resolution also suggests that the Circuit Chief Judge's certification discuss a prioritization of the requirements or programs, to aid in funding decision making. While the statutory requirement for certification is for a June 1st document, in light of the county budget cycle, the resolution anticipates a March 1 submission.

County staff continues to work closely with the courts to maximize opportunities and to evaluate the program offerings and the efficacy of the funds for these programs. Multiple meetings between the Court Administration and County staff occurred to ensure that this resolution would add value to the budgeting and funding process.

County Attorney Review

Formal Written Review (Opinion memo must be attached) [Sent via email 1/31/13 \(vj\)](#)

Explanation of Other

Reviewing Attorney

Eschenfelder

Instructions to Board Records

Forward copy to Court Administrator's Office

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [CourtNeedsCertRES.pdf](#)