

RESOLUTION R-18-015

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DESIGNATING THE JURY ASSEMBLY ROOM IN THE MANATEE COUNTY JUDICIAL CENTER BUILDING AS THE HONORABLE CIRCUIT JUDGE GILBERT A. SMITH, SR. JURY ASSEMBLY ROOM; AUTHORIZING THE PLACEMENT OF APPROPRIATE SIGNAGE OUTSIDE AND WITHIN THE ROOM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gilbert A. Smith, Sr., who later became known as Judge Smith, was born on May 10, 1923, in Arcadia, Florida to Cook Hall and Grace Gilbert Smith; and

WHEREAS, Judge Smith graduated from DeSoto County High School on June 5, 1942, and enlisted in the United States Navy on June 18, 1942. He was trained as a diesel mechanic and became a fireman first class as well as a motor machinist on LST #6 in the Atlantic Theatre--supporting invasions in North Africa, Italy, France, and Great Britain. Judge Smith served on the LST #6 transporting soldiers from Great Britain to Omaha Beach on the coast of France during the D-Day invasion on June 6, 1944. In early 1945, he transferred to the AVP 36 (USS Half Moon), a small seaplane tender ship in the South Pacific, in preparation for the invasion of Japan. After World War II ended with the surrender of Japan and Germany, Judge Smith served in the Pacific until he was honorably discharged on February 1, 1947, at San Diego, California; and

WHEREAS, upon his return to Florida after the war, Judge Smith enrolled at the University of Florida where he graduated from the University of Florida College of Law with an A.B. in law on February 3, 1951; and

WHEREAS, Judge Smith began his legal career with the Florida Attorney General's Office on February 8, 1951, as a special assistant attorney general assigned to the legislative research bureau for the Florida legislature, earning \$56 per week; and

WHEREAS, Judge Smith became counsel for Florida's State Road Department in July 1951, where he became a seasoned civil trial attorney specializing in eminent domain cases. During his time working for the State of Florida, he tried at least one eminent domain case in every county within the state; and

WHEREAS, Judge Smith tried an eminent domain case in 1956 in the only courtroom in the Manatee County Courthouse with Circuit Judge William T. Harrison presiding and against attorney William Grimes; and

WHEREAS, Judge Smith became resident attorney and general counsel of the Florida State Turnpike Authority on May 15, 1955, where he was responsible for condemning all the land for the Florida Turnpike System; and

WHEREAS, Judge Smith became resident attorney and general counsel of the State Road Department of Florida on October 1, 1958, where he continued trying eminent domain cases throughout the state; and

WHEREAS, Judge Smith and his family moved to Bradenton in 1960 and he began practicing law with a law school classmate, George Harrison. He then joined the law firm of Dye & Dye in Bradenton as an associate in 1961, and became a partner on March 1, 1965. Judge Smith continued his civil trial practice of trying eminent domain cases as well as providing legal services to Manatee Memorial Hospital and the West Coast Navigational Authority; and

WHEREAS, Judge Smith was appointed by Governor Farris Bryant to the 12th Judicial Circuit Census Commission on May 10, 1964, to determine whether the increase in population in the circuit justified an additional circuit judge; and

WHEREAS, on September 22, 1971, Governor Rubin Askew appointed Judge Smith as Circuit Judge of the 12th Judicial Circuit to replace retiring Circuit Judge Robert Willis; and

WHEREAS, on October 1, 1971, Circuit Judge Robert Hensley swore in Judge Smith as a circuit judge of the 12th Judicial Circuit; and

WHEREAS, from 1971 through 1991, Judge Smith served as a circuit judge presiding over cases in Manatee, Sarasota, and DeSoto counties; and

WHEREAS, Judge Smith was extensively involved in the community serving as Elder of Palma Sola Presbyterian Church, President of Bayshore Middle School PTA and Manatee High School PTA, and was a member of the Manatee District of Sunny Land Council Boy Scouts of America; and

WHEREAS, during Judge Smith's tenure as a circuit judge, he served as Chief Judge of the 12th Judicial Circuit a total of eight years; and

WHEREAS, as Chief Judge, Judge Smith issued many administrative orders including Administrative Order No CM – 86-03 in July 1986, establishing that all courthouses in the 12th Judicial Circuit be secured facilities, requiring security checks and prohibiting firearms and weapons from being brought into the courthouses; and

WHEREAS, Judge Smith served as president of the National Conference of Metropolitan Courts in 1987; and

WHEREAS, Judge Smith retired as a circuit judge on December 31, 1991, but continued his career serving as a senior judge within the circuit and throughout Florida until 1998; and

WHEREAS, on March 26, 2003, at the age of 79, Judge Smith was appointed as municipal judge of Due West, South Carolina where he served until 2009 and was paid \$1.00 per year for his services; and

WHEREAS, at 80 years old, Judge Smith became an active member of the Due West Lions Club serving as president in 2004 and receiving the Melvin Jones Award in 2013 for his dedication to humanitarian service to others; and

WHEREAS, throughout his life and especially during his career as a circuit judge, Judge Smith was known for his sense of humor and his loud, contagious, rat-a-tat-tat laugh, which could be heard reverberating throughout the courthouse; and

WHEREAS, in his personal life, Judge Smith instilled his love of Manatee County and Florida's rich history in his family: Alpha, his wife of 68 years and his children, Kembra, Gilbert Jr., Brooks, and Kace; and

WHEREAS, Judge Smith returned to Bradenton on January 17, 2009, to swear in his son, Gilbert A. Smith, Jr., as a circuit judge of the 12th Judicial Circuit, who had been elected to the position by the citizenry of Manatee County on August 27, 2008; and

WHEREAS, Judge Smith returned to Bradenton on July 15, 2015, to participate in the ceremony for the reopening of the Historic Courtroom in the Manatee County Historical Courthouse; the courtroom where he had tried a case almost 60 years earlier; and

WHEREAS, Judge Smith, who passed away on October 23, 2017, at the age of 94, was known as the *Great Equity Judge*, whose belief in equity for all parties transcended the courtroom; and

WHEREAS, Manatee County Resolution R-93-156, allows for the naming of a County facility or location for an individual on criteria including that the individual has "demonstrated integrity, contribution to the community, and patriotism"; and

WHEREAS, in recognition of Judge Smith's lifetime of contributions to Manatee County, the 12th Judicial Circuit, and the State of Florida, the Chief Judge has requested that the Manatee County Board of County Commissioners bestow a special honor in Judge Smith's memory by naming the jury assembly room in the Manatee County Judicial Center after Judge Smith; and

WHEREAS, based on the foregoing, the Manatee County Board of County Commissioners finds that Judge Smith's integrity in office and incalculable positive contributions to his community more than qualify him for the honor requested by the Chief Judge of the 12th Judicial Circuit; and

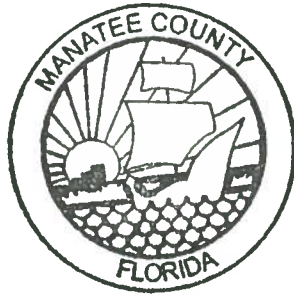
WHEREAS, Manatee County has complied with all procedural requirements to make this dedication as provided for in Resolution R-93-156; and

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the County to adopt this resolution.


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, as follows.

1. The jury assembly room in the Manatee County Judicial Center building is hereby named and designated as the "Judge Gilbert A. Smith, Sr., Jury Assembly Room."
2. The County Administrator (and his designee) is hereby authorized and directed to work with the Chief Judge and the Clerk of the Circuit Court (and their respective designees) on the design, content, and placement of suitable signage outside and within the jury assembly room to memorialize this designation.
3. This Resolution shall be effective immediately upon adoption.

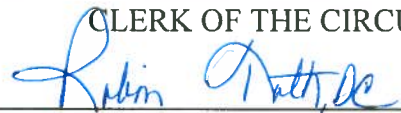
DULY ADOPTED with a quorum present and voting this 13th day of February, 2018.



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

By: 
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: 
Deputy Clerk

February 13, 2018 - Regular Meeting
Agenda Item #53

Approved in Open Session 2/13/18,
Manatee County
Board of County Commissioners

Subject

Naming of the Judicial Center Jury Assembly Room after Circuit Judge Gilbert A. Smith, Sr.

Briefings

None

Contact and/or Presenter Information

- Dan Schlandt, Deputy County Administrator, ext. 3732, or
- Mitchell O. Palmer, County Attorney, ext. 3750

Action Requested

Adoption of Resolution R-18-015, designating the jury assembly room in the Manatee County Judicial Center building as the Circuit Judge Gilbert A. Smith, Sr. Jury Assembly Room.

Enabling/Regulating Authority

- Chapter 125, Florida Statutes
- Resolution R-93-156

Background Discussion

Former Circuit Judge Gilbert A. Smith, Sr. passed away on October 23, 2017, at the age of 94, in South Carolina.

In a letter dated December 19, 2017, the Chief Judge of the Twelfth Judicial Circuit asked the Board of County Commissioners to consider naming the jury assembly room in the Manatee County Judicial Center building after Judge Smith. The Chief Judge's letter, along with a copy of a *Sarasota Herald-Tribune* editorial about Judge Smith's distinguished career, is the first attachment below.

The Board of County Commissioners subsequently directed County Administration and the Office of the County Attorney to work on accomplishing the request of the Chief Judge.

Per Resolution R-93-156, an advertised public hearing is necessary. Proof of publication in the *Bradenton Herald* is the second attachment below.

The County Administrator's Office, Court Administration and the Office of the County Attorney, have jointly prepared a formal Resolution to accomplish the desired goal. The proposed Resolution is the third attachment below.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

The Resolution was prepared with oversight by the Office of the County Attorney.

Reviewing Attorney

Palmer

Instructions to Board Records

Assuming adoption, please provide one fully executed copy of the Resolution to County Attorney Mitchell O. Palmer. **Orig. Resolution given to B. Oswianka, to deliver to J. Plescia & Kim Miller, Judicial Ctr; also distributed to D. Bassett & L. Stephens, 2/15/18, RT**

Cost and Funds Source Account Number and Name

\$4,407.81 for signage; BCC reserve for contingency (001-0990000-599000)

Amount and Frequency of Recurring Costs

N/A

Attachment: [Williams Jury Assembly Room 12-19-17 \(002\).pdf](#)

Attachment: [Smith Proof of Publication.pdf](#)

Attachment: [Gilbert Smith Jury Room Resolution 18-015 1-16-18.pdf](#)

February 13, 2018 - Regular Meeting

Agenda Item #2

Subject

9:15 A.M. - ITEM #53 - Naming of the Judicial Center Jury Assembly Room after Circuit Judge Gilbert A. Smith, Sr.

Briefings

None

Contact and/or Presenter Information

Action Requested

Enabling/Regulating Authority

Background Discussion

See Item 53 for supporting materials.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Cost and Funds Source Account Number and Name

Amount and Frequency of Recurring Costs



Charles E. Williams
CHIEF JUDGE
TWELFTH JUDICIAL CIRCUIT OF FLORIDA
2002 RINGLING BLVD.
SARASOTA, FLORIDA 34237
TELEPHONE: (941) 861-7942
FACSIMILE: (941) 861-7913
LFudge@jud12.flcourts.org

December 19, 2017

Hon. Betsey Benac
Chair
Board of County Commissioners
P.O. Box 1000
Bradenton, FL 34206-1000

Re: The renaming of the Manatee Courthouse Jury Assembly Room

Dear Commissioner Benac:

The judges, the public, and the entire legal community was saddened by the death of Retired Circuit Court Judge Gilbert A. Smith, Sr. who passed away in October of this year.

Judge Smith served the 12th Judicial Circuit for 20 years, from 1971-1991. He called Manatee County his home and lived here until he retired to South Carolina. Judge Smith was a World War II veteran, he presided over many high profile cases in Manatee County and served the public for the majority of his working life.

It is our desire to rename the Manatee County Jury Assembly Room to the Judge Gilbert A. Smith Sr., Jury Assembly Room in his honor. In order to accomplish this we are asking that the Manatee County Commission allow this renaming so that those who come to the courthouse for jury service, the highest calling for the public in our justice system, will know the legacy of Judge Smith and why it is important for these potential jurors and others who visit the courthouse to understand the importance of public service as personified by the late Judge Smith.

I have attached an editorial by Manatee County resident and opinion editor for the Herald Tribune, Tom Tryon, titled "*Smith's belief in equity transcended the court*" which I think nicely sums up the contributions made by Judge Smith to our judiciary and to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Williams".

Charles E. Williams
Chief Judge
12th Judicial Circuit

cc. Members of the Manatee County Commission
Ed Hunzeker, County Administrator
Angel Colonesso, Manatee County Clerk of Court and Comptroller
Judges of the 12th Judicial Circuit

Attached: Editorial HT 10/30/17

Editorial: Smith's belief in equity transcended the court

Gilbert A. Smith Sr. was a "great equity judge."

That is how longtime attorney Dan Bailey summarily and accurately characterized Smith, who died last week at 94.

Plaintiffs and defendants, and their lawyers, the judicial system and the public can ask nothing more — nothing — of a judge than to be a great arbiter of equity.

But Smith did more than that. As a full-time judge from 1971 to 1991 in the 12th Judicial Circuit — which includes Sarasota and Manatee counties, as well as DeSoto County, where he was born in 1923 — Smith helped elevate the professionalism of the judiciary. He came to the bench with extensive knowledge in government and eminent domain law but quickly mastered civil and criminal affairs. He presided over both mundane and controversial cases — always, according to Bailey, with openness.

And, despite his position and command of authority, Smith was neither condescending nor authoritarian. "He had this knack of never letting himself, the judge, become more important than the people in the courtroom," said longtime friend and lawyer Lamar Matthews.

Two other legacy judges in the 12th Circuit who preceded Smith in passing — Robert Hensley and Lynn Silvertooth — possessed the same qualities, Matthews said, adding: "They had a way of letting it be known that they simply remained human beings."

But what human beings they were. Upon Smith's death, Chief Circuit Judge Charles Williams noted that the images of the trio belong on the equivalent of the Mount Rushmore of judges. Indeed they do.

Like his colleagues and his notable brother Chesterfield Smith, Gilbert Smith Sr. served in World War II, performing perilous duties. Smith overcame the Great Depression, fought in the Big War, returned to Florida for law school and then moved to Manatee County — where he built a career, helped his wife, Alpha, raise a family and provided countless hours of community service. He was a certifiable member of the Greatest Generation.

Although Smith was born and raised when segregation remained legal in the South, he became an advocate for diversifying the judiciary and providing legal counsel for folks who could not afford to hire lawyers. He was honored for those efforts, many of which were groundbreaking at the time.

"Gilbert was for the underdog," Bailey said.

In large part due to positive changes in society, government and the law, the judiciary in our region has diversified, but also because Smith and others laid a foundation for breaking the mold.

Just as notable about his life on and off the bench, Smith was known for his laugh — a loud, contagious, rat-a-tat-tat sound that would echo through the courthouse or hunting camp. He was the teller of funny stories who equally enjoyed listening to humorous stories told by others.

In short, he was a serious judge who didn't take himself too seriously.

Most important, he was a judge whose commitment to equity under the law transcends time. May he rest in peace and his belief in equity and justice transcend the ages.

BRADENTON HERALD

WWW.BRADENTON.COM
P.O. Box 921
Bradenton, FL 34206-0921
1111 3rd Ave. W.
Bradenton, FL 34205-8894
941-746-7355

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

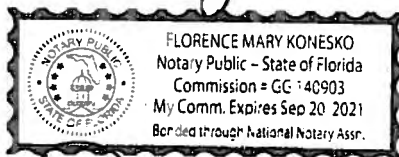
STATE OF FLORIDA
COUNTY OF MANATEE

Before the undersigned authority personally appeared Donna Stults, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice of Public Hearing**, was published in said newspaper in the issue(s) of **01/22/2018**.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this
22 Day of Jan, 2018



SEAL & Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on the 13th day of February 2018, at 9:00 a.m., or soon thereafter, in the Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, to consider, act upon, adopt, or reject the following resolution:

RESOLUTION R-18-015

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DESIGNATING THE JURY ASSEMBLY ROOM IN THE MANATEE COUNTY JUDICIAL CENTER BUILDING AS THE HONORABLE CIRCUIT JUDGE GILBERT A. SMITH, SR. JURY ASSEMBLY ROOM; AUTHORIZING THE PLACEMENT OF APPROPRIATE SIGNAGE OUTSIDE AND WITHIN THE ROOM; AND PROVIDING FOR AN EFFECTIVE DATE.

Copies of proposed **RESOLUTION R-18-015** may be inspected by the public during normal business hours in the Office of the County Attorney, 1112 Manatee Avenue West, Suite 989, Bradenton, Florida. Interested parties may appear at the public hearing and be heard with respect to the proposed resolution.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony and evidence upon which the appeal is to be based.
1/22/2018