

R-97-220

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RELATING TO COURT-APPOINTED ATTORNEYS IN DEATH PENALTY CASES; OPPOSING THE ADOPTION OF MINIMUM STANDARD G WHICH WOULD REQUIRE TRIAL COURTS TO APPOINT TWO ATTORNEYS IN EACH DEATH PENALTY CASE; REQUESTING THAT THE FLORIDA SUPREME COURT NOT ADOPT MINIMUM STANDARD G BECAUSE STATE FUNDS HAVE NOT BEEN APPROPRIATED IN THE CURRENT BUDGET AND BECAUSE OF THE FINANCIAL IMPACT ON FLORIDA'S COUNTIES; AUTHORIZING THE COUNTY ADMINISTRATOR TO SEND CERTIFIED COPIES OF RESOLUTION TO CERTAIN OFFICIALS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, in July, 1997, the Supreme Court announced its intent to adopt certain minimum standards for the representation of indigent defendants in death penalty cases; and

WHEREAS, the proposed minimum standards will apply in all situations where a defendant is represented by private court-appointed counsel; and

WHEREAS, these proposed standards were developed without the input of or participation by county government officials; and

WHEREAS, the Supreme Court has proposed the adoption of a standard (Minimum Standard G) that would require the appointment of a lead counsel and co-counsel in each death penalty case wherein the defendant is not represented by the Public Defender; and

WHEREAS, if adopted, it is anticipated that Minimum Standard G will substantially increase the amount of public funds to be expended for the judicial system; and

WHEREAS, although the Supreme Court's proposed standard does not address which entity will be responsible for funding the additional counsel mandated under Standard G, history suggest that the state will shift the costs of paying for such additional counsel to Florida's counties; and

WHEREAS, if adopted, the proposed standard will significantly add to the ever-increasing financial burden placed on counties by the failure of the Legislature to fully fund Florida's judicial system; and

WHEREAS, the standard proposed by the Florida Supreme Court creates substantive rights which the Court is not authorized to adopt under the exercise of its rule-making power to prescribe procedural rules.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

Section 1. The Board of County Commissioners of Manatee County (Board) opposes the adoption by the Florida Supreme Court of any standard which mandates that, in each capital case, a trial court must appoint two (2) attorneys to represent a defendant accused of committing a capital crime.

Section 2. The Board requests that the Florida Supreme Court not adopt proposed Minimum Standard G because it will require the expenditure of public funds not otherwise appropriated by the state in its current budget. More importantly, the Board further requests the Florida Supreme Court refuse to adopt any standard which may cause Florida's counties to incur additional expenditures on behalf of the state's judicial system.

Section 3. The County Administrator is authorized to send a certified copy of this resolution to the Governor of Florida, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the Chairman of the Senate Ways and Means Committee, the Chairman of the Senate Judiciary Committee,

the Chairman of the House Fiscal Responsibility Council, the Chairman of the House Justice Council, and the Chairman of the Manatee County Legislative Delegation.

Section 4. This Resolution shall be effective upon adoption.

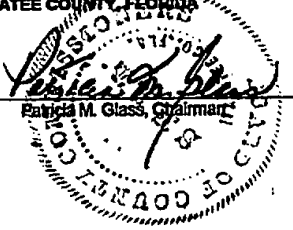
ADOPTED with a quorum present and voting this the 21st day of October, 1997.

ATTEST: R. B. Shore  
CLERK OF THE CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By: *Susan Polivka*

By: *Patricia M. Glass*  
Patricia M. Glass, Chairman



*Copies to:  
Att'y. 1 copy to show for record  
8 sent to Clerk for distribution  
pursuant to Sect 3.  
10/22/97 J  
11/1/97 J*