

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: State Attorney/Public Defender Furniture for the Criminal Justice Center

DEPARTMENT: Administrative Services **DIVISION:** Support Services

AUTHORIZED BY: Jamie Croteau, Director **CONTACT:** Angi Thompson **EXT.** 5250

Agenda Date <u>3/23/04</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing - 1:30 <input type="checkbox"/> Public Hearing - 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION: Approve and authorize funding for the purchase of furniture requested by the State Attorney's office and replacement shelving for the State Attorney's and the Public Defender's offices for the Criminal Justice Center. Additionally, staff is requesting approval to amend the existing contract with Thomas W. Ruff, RFP-4201-03/BJC, approved by the Board on 12/09/03 (Increase by \$69,763.30).

BACKGROUND:

The State Attorney's office has approached the County about purchasing new furniture for some of their offices at the Criminal Justice Center (CJC). The State Attorney has attempted in the last few years to replace furniture, but has been unable to replace all of it or purchase furniture for new positions. The majority of the furniture from the existing State Attorney offices will be moved to the CJC. New furniture is requested to replace furniture that a) is in poor condition and/or b) can not be reconfigured into the new space. Thomas Ruff has provided preliminary pricing for the requested furniture, totaling \$55,263.30.

There will be an additional cost for replacement shelving for the file rooms for both the State Attorney and the Public Defender, as well as the law library for the Public Defender. The County's Safety Officer has advised that some of the existing file room shelving can not be moved because it is neither OSHA nor ADA compliant. Thomas Ruff is estimating the cost of the replacement shelving at \$14,500.00.

Staff is aware that Revision 7 to Article V requires the County to turn over ownership of the furniture to the State on July 1, 2005. The Board understandably may have concerns regarding purchasing furniture that will ultimately become the property of the State. The County Attorney has advised that under the current language of the law (FS Section 29.008), the County is responsible for providing furnishings in the offices of the State Attorney and Public Defender as part of its obligation to fund "construction or lease" of facilities for the Court System. A copy of the County Attorney's opinion is attached. Based on the current statute, Staff recommends moving forward with this item.

The funding source will be from the budgeted contingency for this project. Administrative Services, the County Attorney's office and Purchasing/Contracts Division recommend approval of this agenda item.

Reviewed by:	
Co Atty:	<u>[Signature]</u>
DFS:	
Other:	
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>3.A.21</u>



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

To: Angi Thompson, Principal Analyst

From: Ann Colby, Assistant County Attorney
Ext. 7254

Date: January 29, 2004

Subject: County Financial Responsibility for State Attorney Furniture

In your Request for Opinion dated January 27, 2004, you asked whether or not the County is responsible for paying for furniture for the State Attorney in their new space at the Criminal Justice Center.

At the current time, under Section 29.008, Florida Statutes, the County provides furnishings in the Offices of the State Attorney as part of its obligation to fund "construction or lease" of facilities for the court system. Effective July 1, 2005, the County statutory obligation to provide furnishings will be limited to "that appropriate for courtrooms, jury facilities and other public areas in courthouses" and will no longer extend to furnishings for public defenders' offices and state attorneys' offices. Also, as of July 1, 2005, furnishings in existence and owned by counties and used for areas other than courtrooms, jury facilities and other public areas in courthouses, i.e. furnishings in the state attorneys' offices, shall be transferred to the state at no charge. I have attached a copy of the amended Section 29.008 for your information and review.

If you have any additional questions regarding this matter, please do not hesitate to call.

Select Year: 2003 ▾

[Go](#)

The 2003 Florida Statutes

Title V
JUDICIAL BRANCHChapter 29
COURT SYSTEM FUNDING[View Entire Chapter](#)

¹29.008 County funding of court-related functions.--

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of implementing these requirements, the term:

(a) "Facility" means reasonable and necessary buildings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing personnel, equipment, or functions of the circuit or county courts, public defenders' offices, state attorneys' offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term also includes access to parking for such facilities in connection with such court-related functions that may be available free or from a private provider or a local government for a fee.

(b) "Construction or lease" includes, but is not limited to, all reasonable and necessary costs of the acquisition of facilities, equipment, and furnishings for all judicial officers, staff, jurors, volunteers, and the public for the circuit and county courts, the public defenders' offices, state attorneys' offices, and for performing the court-related functions of the offices of the clerks of the circuit and county courts. This includes expenses related to financing such facilities and the existing and future cost and bonded indebtedness associated with placing the facilities in use.

(c) "Maintenance" includes, but is not limited to, all reasonable and necessary costs of custodial and groundskeeping services and renovation and reconstruction as needed to accommodate functions for the circuit and county courts, the public defenders' offices, and state attorneys' offices and for performing the court-related functions of the offices of the clerks of the circuit and county court and for maintaining the facilities in a condition appropriate and safe for the use intended.

(d) "Utilities" means electricity services for light, heat, or power; natural or manufactured gas services for light, heat, or power; water and wastewater services and systems, stormwater or runoff services and systems, sewer services and systems, all costs or fees associated with these services and systems, and any costs or fees associated with the mitigation of environmental impacts directly related to the facility.

(e) "Security" includes but is not limited to, all reasonable and necessary costs of services of law enforcement officers or licensed security guards and all electronic, cellular, or digital monitoring and screening devices necessary to ensure the safety and security of all persons visiting or working in a facility; to provide for security of the facility, including protection of property owned by the county or the state; and for security of prisoners brought to any facility. This includes bailiffs while providing courtroom and other security for each judge and other quasi-judicial officers.

(f) "Communications systems or communications services" are defined as any reasonable and necessary transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by judges, clerks, public defenders, state

attorneys, and all staff of the state courts system, state attorneys' offices, public defenders' offices, and clerks of the circuit and county courts performing court-related functions. Such system or services shall include, but not be limited to:

1. Telephone services and equipment, including facsimile, wireless communications, video teleconferencing, pagers, computer lines, and telephone switching equipment and the maintenance, supplies, hardware, software, and line charges, including local and long-distance toll charges, and support staff or services necessary for operation.
2. Computer systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services, training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county courts and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes.
3. Postage, printed documents, radio, courier messenger and subpoena services, support services, all maintenance, supplies, and line charges.

(g) "Existing radio systems" includes, but is not limited to, law enforcement radio systems that are used by the circuit and county courts, the offices of the public defenders, the offices of the state attorneys, and for court-related functions of the offices of the clerks of the circuit and county courts. This includes radio systems that were operational or under contract at the time Revision No. 7, 1998, to Art. V of the State Constitution was adopted and any enhancements made thereafter, the maintenance of those systems, and the personnel and supplies necessary for operation.

(h) "Existing multiagency criminal justice information systems" includes, but is not limited to, those components of the multiagency criminal justice information system as defined in s. 943.045, supporting the offices of the circuit or county courts, the public defenders' offices, the state attorneys' offices, or those portions of the offices of the clerks of the circuit and county courts performing court-related functions that are used to carry out the court-related activities of those entities. This includes upgrades and maintenance of the current equipment, maintenance and upgrades of supporting technology infrastructure and associated staff, and services and expenses to assure continued information sharing and reporting of information to the state. The counties shall also provide additional information technology services, hardware, and software as needed for new judges and staff of the state courts system, state attorneys' offices, public defenders' offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

(2) Counties shall pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

History.--s. 8, ch. 2000-237; s. 1, ch. 2001-265; ss. 44, 45, ch. 2003-402.

¹**Note.**--

A. Effective July 1, 2004. Section 44, ch. 2003-402, effective July 1, 2003, revised the July 1, 2003, effective date set by s. 1, ch. 2001-265, effective October 1, 2001, which revised the July 1, 2001, effective date set by s. 24, ch. 2000-237, to July 1, 2004.

B. Section 45, ch. 2003-402, amended s. 29.008, effective July 1, 2004, to read:

29.008 County funding of court-related functions.--

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of

communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of implementing these requirements, the term:

(a) "Facility" means reasonable and necessary buildings and space, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing personnel, equipment, or functions of the circuit or county courts, public defenders' offices, state attorneys' offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term also includes access to parking for such facilities in connection with such court-related functions that may be available free or from a private provider or a local government for a fee. The office space provided by a county may not be less than the standards for space allotment adopted by the Department of Management Services. County funding must include physical modifications and improvements to all facilities as are required for compliance with the Americans with Disabilities Act. Upon mutual agreement of a county and the affected entity in this paragraph, the office space provided by the county may vary from the standards for space allotment adopted by the Department of Management Services. This section applies only to facilities that are leased, or on which construction commences, after June 30, 2003.

(b)1. "Construction or lease" includes, but is not limited to, all reasonable and necessary costs of the acquisition or lease of facilities, equipment, and furnishings for all judicial officers, staff, jurors, volunteers of a tenant agency, and the public for the circuit and county courts, the public defenders' offices, state attorneys' offices, and for performing the court-related functions of the offices of the clerks of the circuit and county courts. This includes expenses related to financing such facilities and the existing and future cost and bonded indebtedness associated with placing the facilities in use.

2. As of July 1, 2005, equipment and furnishings shall be limited to that appropriate and customary for courtrooms, jury facilities, and other public areas in courthouses.

3. Equipment and furnishings under this paragraph in existence and owned by counties on July 1, 2005, for areas other than courtrooms, jury facilities, and other public areas in courthouses, shall be transferred to the state at no charge.

(c) "Maintenance" includes, but is not limited to, all reasonable and necessary costs of custodial and groundskeeping services and renovation and reconstruction as needed to accommodate functions for the circuit and county courts, the public defenders' offices, and state attorneys' offices and for performing the court-related functions of the offices of the clerks of the circuit and county court and for maintaining the facilities in a condition appropriate and safe for the use intended.

(d) "Utilities" means all electricity services for light, heat, or power; natural or manufactured gas services for light, heat, or power; water and wastewater services and systems, stormwater or runoff services and systems, sewer services and systems, all costs or fees associated with these services and systems, and any costs or fees associated with the mitigation of environmental impacts directly related to the facility.

(e) "Security" includes but is not limited to, all reasonable and necessary costs of services of law enforcement officers or licensed security guards and all electronic, cellular, or digital monitoring and screening devices necessary to ensure the safety and security of all persons visiting or working in a facility; to provide for security of the facility, including protection of property owned by the county or the state; and for security of prisoners brought to any facility. This includes bailiffs while providing courtroom and other security for each judge and other quasi-judicial officers.

(f) "Communications services" are defined as any reasonable and necessary transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire,

radio, optical, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by judges, clerks, public defenders, state attorneys, and all staff of the state courts system, state attorneys' offices, public defenders' offices, and clerks of the circuit and county courts performing court-related functions. Such system or services shall include, but not be limited to:

1. Telephone system infrastructure, including computer lines, telephone switching equipment, and maintenance. Each county shall continue to provide access to a local carrier for local and long distance service and shall pay for the local service. Telephone equipment, including facsimile and video teleconferencing equipment, owned by the counties shall be transferred to the state at no charge, effective July 1, 2004.

2. All computer systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services, training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county courts and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by January 1, 2006, and, at a minimum, must be able to electronically exchange judicial case background, sentencing guidelines and scoresheets, and video evidence information stored in integrated case management systems over secure networks.

3. Courier messenger and subpoena services.

4. Auxiliary aids and services for qualified individuals with a disability which are necessary to ensure access to the courts. Such auxiliary aids and services include, but are not limited to, real-time transcription services for individuals who are hearing impaired, and assistive listening devices and the equipment necessary to implement such accommodations.

(g) "Existing radio systems" includes, but is not limited to, law enforcement radio systems that are used by the circuit and county courts, the offices of the public defenders, the offices of the state attorneys, and for court-related functions of the offices of the clerks of the circuit and county courts. This includes radio systems that were operational or under contract at the time Revision No. 7, 1998, to Art. V of the State Constitution was adopted and any enhancements made thereafter, the maintenance of those systems, and the personnel and supplies necessary for operation.

(h) "Existing multiagency criminal justice information systems" includes, but is not limited to, those components of the multiagency criminal justice information system as defined in s. 943.045, supporting the offices of the circuit or county courts, the public defenders' offices, the state attorneys' offices, or those portions of the offices of the clerks of the circuit and county courts performing court-related functions that are used to carry out the court-related activities of those entities. This includes upgrades and maintenance of the current equipment, maintenance and upgrades of supporting technology infrastructure and associated staff, and services and expenses to assure continued information sharing and reporting of information to the state. The counties shall also provide additional information technology services, hardware, and software as needed for new judges and staff of the state courts system, state attorneys' offices, public defenders' offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

(2) Counties shall pay reasonable and necessary salaries, costs, and expenses of the state courts system, including associated staff and expenses, to meet local requirements.

(a) Local requirements are those specialized programs, nonjudicial staff, and other expenses associated with specialized court programs, specialized prosecution needs, specialized defense needs, or resources required of a local jurisdiction as a result of special factors or circumstances.

Local requirements exist:

1. When imposed pursuant to an express statutory directive, based on such factors as provided in paragraph (b); or

2. When:

a. The county has enacted an ordinance, adopted a local program, or funded activities with a financial or operational impact on the circuit or a county within the circuit; or

b. Circumstances in a given circuit or county result in or necessitate implementation of specialized programs, the provision of nonjudicial staff and expenses to specialized court programs, special prosecution needs, specialized defense needs, or the commitment of resources to the court's jurisdiction.

(b) Factors and circumstances resulting in the establishment of a local requirement include, but are not limited to:

1. Geographic factors;

2. Demographic factors;

3. Labor market forces;

4. The number and location of court facilities; or

5. The volume, severity, complexity, or mix of court cases.

(c) Local requirements under subparagraph (a)2. must be determined by the following method:

1. The chief judge of the circuit, in conjunction with the state attorney and the public defender only on matters that impact their offices, shall identify all local requirements within the circuit or within each county in the circuit and shall identify the reasonable and necessary salaries, costs, and expenses to meet these local requirements.

2. On or before June 1 of each year, the chief judge shall submit to the board of county commissioners a tentative budget request for local requirements for the ensuing fiscal year. The tentative budget must certify a listing of all local requirements and the reasonable and necessary salaries, costs, and expenses for each local requirement. The board of county commissioners may, by resolution, require the certification to be submitted earlier.

3. The board of county commissioners shall thereafter treat the certification in accordance with the county's budgetary procedures. A board of county commissioners may:

a. Determine whether to provide funding, and to what extent it will provide funding, for salaries, costs, and expenses under this section;

b. Require a county finance officer to conduct a preaudit review of any county funds provided under this section prior to disbursement;

c. Require review or audit of funds expended under this section by the appropriate county office; and

d. Provide additional financial support for the courts system, state attorneys, or public defenders.

(d) Counties may satisfy these requirements by entering into interlocal agreements for the collective funding of these reasonable and necessary salaries, costs, and expenses.

(3) The following shall be considered a local requirement pursuant to subparagraph (2)(a)1.:

(a) Legal aid programs. Counties with a population of less than 75,000 are exempt from this requirement.

(b) Alternative sanctions coordinators pursuant to ss. 984.09 and 985.216.

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