

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

October 3, 2023

9:30 A.M.

Bradford County Courthouse

945 North Temple Avenue

Starke, Florida 32091

AGENDA

1. Chair to call meeting to order.

2. Public Comments

- Three (3) minutes per speaker;
- Comments will not be accepted after the meeting begins;
- State your name and address into the record before addressing the board;
- Address your questions to the bours, not county staff;
- Refrain from demands for an immediate board response; and
- No boisterous behavior, personal, impertinent, or slanderous remarks.

3. Approval of Consent Agenda

ACTION

- A. Amend something previously adopted in the January 19, 2023, meeting minutes. The roll-call vote for agenda items 5 and 8 should reflect a vote of “aye” under Commissioner Thompson.
- B. Request to refer delinquent EMS accounts to National Recovery Agency for further collection efforts and write-off for deceased patients in the amount of \$42,520.44.

4. Judicial Circuit Consolidation

5. UF Agriculture Extension Office

ACTION

- A. National 4H Week Proclamation
- B. Presentation of 4-H Community Supporter Awards to Each Commissioner.

6. Clerk Reports – Denny Thompson, Clerk to the Board and Clerk of the Circuit Court

7. Sheriff Reports – Gordon Smith, Sheriff

8. County Manager Reports – County Manager, Scott Kornegay

Information

- A. Legislative Appropriations Request
- B. FDEP Division of Recreation and Parks Public Meeting Announcement

9. County Attorney Reports – Richard Komando

10. Commissioner's Comments

11. Chair's Comments

NOTICE:

Pursuant to Section 286.0105, Florida Statutes, notice is hereby provided that, if a person decides to appeal any decision made by the Board of County Commissioners of Bradford County, Florida with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Information

ACTION

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

AGENDA ITEM INFORMATION SHEET (AIIS)

DATE OF MEETING: October 3, 2023

AGENDA ITEM Amend something previously adopted in the January 19, 2023, meeting minutes. The roll-call vote for agenda items 5 and 8 should reflect a vote of “aye” under Commissioner Thompson.

JUSTIFICATION:

With respect to the January 19, 2023, meeting minutes, it was discovered that the role-call vote for agenda items 5 and 8 was incorrect. Where it noted “nay” under Commissioner Thompson, it should have noted “aye”.

AGENDA ITEM #5 – ROLL CALL VOTE CORRECTION:

Chair Andrews Conducted A Roll-Call Vote:

Chair Andrews: Aye
Vice-Chair Spooner: Aye
Commissioner Riddick: Aye
Commissioner Thompson: Aye
Commissioner Dougherty: Aye

AGENDA ITEM #8 – ROLL CALL VOTE CORRECTION:

Chair Andrews Conducted A Roll-Call Vote:

Chair Andrews: Aye
Vice-Chair Spooner: Aye
Commissioner Riddick: Aye
Commissioner Thompson: Aye
Commissioner Dougherty: Aye

As such, per Roberts Rule of Order 12th Edition – 48:15, the following steps are advised: If the existence of an error or material omission in the minutes becomes reasonably established after their approval – even many years later – the minutes can be corrected by means of a motion to Amend Something Previously Adopted, which requires a two-thirds vote, or a majority vote with notice, or the vote of a majority of the entire membership, or unanimous consent. In such a case the content of the original minutes must not be altered, although it may be advisable for the secretary to make a marginal notation indicating the corrected text referring to the minute of the meeting at which the correction was adopted. The minutes of the later meeting must include the full text of the motion to *Amend Something Previously Adopted*, which necessarily includes all information required to construct an accurate record of the actions taken at the earlier meeting.

DEPARTMENT: Clerk’s Office

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

January 19, 2023

6:30 P.M.

Bradford County Courthouse

945 North Temple Avenue

Starke, Florida 32091

MEETING MINUTES

BOARD MEMBERS PRESENT: Commissioner District 5 – Chair Diane Andrews
Commissioner District 1 – Vice-Chair Carolyn Spooner
Commissioner District 3 – Joseph C. Dougherty
Commissioner District 2 – Kenny Thompson
Commissioner District 4 – Danny Riddick

PRESS PRESENT: Bradford County Telegraph

STAFF MEMBERS IN ATTENDANCE: County Manager Scott Kornegay; Executive Assistant Michelle Evernden; County Attorney Rich Komando; Clerk Denny Thompson; Chief Deputy Clerk Rachel Rhoden; Finance Director Dana LaFollette; Public Works Director Jason Dodds; Community Development Director Kelly Canady; and Solid Waste Director Bennie Jackson.

1. CALL TO ORDER: Chair Andrews called the meeting to order at 6:30 P.M.

Before moving into the public hearing, Chair Andrews:

- i. Recognized Solid Waste Director Bennie Jackson who presented a retirement plaque to Charles W. Jones (a.k.a. Chuck), an employee of the solid waste department.
- ii. Announced an amendment to the agenda to adopt a resolution. Chair Andrews recognized County Attorney Rich Komando who read the title and body of the resolution into the record.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA REQUESTING FROM THE UNIVERSITY OF FLORIDA A LIST OF THREE QUALIFIED CANDIDATES FOR THE POSITION OF 4-H YOUTH DEVELOPMENT AGENT FOR BRADFORD COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE. [title of resolution].

It was MOVED by Commissioner Dougherty and SECONDED by Commissioner Thompson to approve the resolution as read.

Discussion

- Candidates: number of existing candidates for the position; qualifications of candidates.
- Statute requirements.
- Purpose of adopting resolution.

- Question on whether the position could be reposted. It was advised by County Attorney Rich Komando that the board review the current applicant pool to select or reject applicants before considering readvertisement.

Chair Andrews Conducted A Roll-Call Vote:

Chair Andrews: Aye
Vice-Chair Spooner: Aye
Commissioner Riddick: Aye
Commissioner Thompson: Aye
Commissioner Dougherty: Aye

Motion Carries 5-0

2. PUBLIC HEARING – ENACTMENT OF AN ORDINANCE – RANDY ANDREWS, ZONING DIRECTOR.

AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; RELATING TO THE REZONING OF MORE THAN TEN CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION, Z 22-03, BY THE PROPERTY OWNERS OF SAID ACREAGE; PROVIDING FOR CHANGING THE ZONING DISTRICT FROM RESIDENTIAL, SINGLE FAMILY-1 (RSF-1) TO RURAL RESIDENTIAL (RR) OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF BRADFORD COUNTY, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Chair Andrews opened the public hearing; there being no response, the public hearing was closed.

It was **MOVED** by Commissioner Thompson and **SECONDED** by Commissioner Riddick to approve the ordinance.

Chair Andrews Conducted A Roll-Call Vote:

Chair Andrews: Aye
Vice-Chair Spooner: Aye
Commissioner Riddick: Aye
Commissioner Thompson: Aye
Commissioner Dougherty: Aye

Motion Carries 5-0

3. PUBLIC COMMENTS:

- Marie Dyle (spelling of name unknown)
- Carol Mosley
- Sara Younger
- Paul Still

4. APPROVAL OF CONSENT AGENDA ITEMS:

- A. ACKNOWLEDGEMENT THAT AN ADDITIONAL \$25,000.00 OF GENERAL FUND REVENUE WAS EXPENDED ON PLANNING AND DESIGN OF A NEW EMERGENCY OPERATIONS CENTER (EOC) IN FISCAL YEAR 2021-2022.**
- B. STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) RIF GRANT AGREEMENT D0144, EXTENSION.**
- C. RELEASE OF PARTIAL OWNERSHIP OF PARCEL 141 TO FDOT.**
- D. RETROACTIVE APPROVAL (APPROVED BY CHAIR DIANE ANDREWS 1/12/2023) OF ORIGINAL FLORIDA TOURISM TASK FORCE 2023 APPLICATION FOR RURAL REGIONAL DEVELOPMENT GRANT.**
- E. REQUEST TO REFER DELINQUENT EMS ACCOUNTS IN THE AMOUNT OF \$64,459.55 TO NATIONAL RECOVERY AGENCY FOR FURTHER COLLECTION EFFORTS.**
- F. LEASE AGREEMENT BETWEEN BRADFORD COUNTY AND CAREERSOURCE FOR LEASE OF COUNTY OWNED OFFICE SPACE, SUITES C AND D, LOCATED AT 925 NORTH TEMPLE AVE. STARKE, FLORIDA 32091, IN THE AMOUNT OF \$1,800.00 MONTHLY.**

It was **MOVED** by Commissioner Thompson and **SECONDED** by Commissioner Dougherty to approve the consent agenda.

Discussion:

- Item 4(A): Remarks were made regarding the necessity of making sure that measures are taken to prevent overspending in budgets approved by the board. It was advised that the county manager or project manager of a county project should be able to assist in that regard.

Chair Andrews Conducted A Roll-Call Vote:

Chair Andrews: Aye

Vice-Chair Spooner: Aye

Commissioner Riddick: Aye

Commissioner Thompson: Aye

Commissioner Dougherty: Aye

Motion Carries 5-0

- 5. CONSIDER APPROVAL OF A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FINANCIAL PROJECT #447120-1-38-02.**

It was **MOVED** by Commissioner Dougherty and **SECONDED** by Commissioner Thompson to approve resolution as read.

Discussion: No discussion.

Chair Andrews Conducted A Roll-Call Vote:

Chair Andrews: Aye
Vice-Chair Spooner: Aye
Commissioner Riddick: Aye
Commissioner Thompson: Nay
Commissioner Dougherty: Aye

Motion Carries 5-0

6. CLERK REPORTS – DENNY THOMPSON, CLERK TO THE BOARD AND CLERK OF THE CIRCUIT COURT.

A. ARPA FUNDING REQUEST IN THE AMOUNT OF \$152,000.00 TO SCAN OFFICIAL RECORDS ONSITE IN THE CLERK’S OFFICE.

Clerk Thompson requested ARPA funding in the amount of \$152,000.00 to digitize official records from years 1875 through 2000 that must be maintained permanently. He recommended US Imaging citing a piggy-back contract from the Clerk’s Office in Desoto County. He recognized US Imaging as a sole source vendor because they will come onsite to scan records and they have over 40 years of governmental experience. Clerk Thompson advised that once these records are scanned and relocated, it will allow for future redesign plans of his vault to meet ADA and CCIS requirements, while also addressing security and safety needs.

Discussion:

- City of Starke record scanning project with Forensic Inc.

7. SHERIFF REPORTS – GORDON SMITH, SHERIFF

Sheriff Smith acknowledged Laura Gapske, who he suggested to be the magistrate for code enforcement hearings, and Glenn Ward, the code enforcement inspector. A presentation containing Laura Gapske's resume, suggested code enforcement fines, and notice of violation forms was given to the board by Sheriff Smith. Sheriff Smith stated that his department is still developing a procedure for handling noise complaints and gatherings at private residences.

County Attorney Rich Komando asked for a copy of the contract with Laura Gapske and advised deferring a formal vote until after the board members have had a chance to evaluate it and her credentials. County Manager Scott Kornegay advised that he would place the agreement on the next agenda for board action.

Discussion:

- Code violations pertaining to house party/gatherings. Concerns expressed with issuing a violation where over 50 people are gathered.
- Common code enforcement complaints.
- Citation method for code violations.

8. COUNTY MANAGER REPORTS – COUNTY MANAGER SCOTT KORNEGAY
A. ARPA FUNDING SPENDING PLAN.

Mr. Kornegay presented the board with an ARPA spend plan for consideration. He noted that the ARPA account has a current balance of \$5,479,560.25 and that by recent action of the board, \$500,000.00 was encumbered and allotted to the Concerned Citizens of Bradford County, leaving a balance of \$4,979,560.25. Mr. Kornegay recommended that the board encumber the remaining balance as follows:

- \$4 million to leverage the construction of water and wastewater infrastructure in partnership with the City of Starke and the State of Florida.
- \$152,000.00 to fulfill the clerk of court's request for scanning project.
- \$827,560.25 for roof, chiller, boiler, and other HVAC components at the courthouse.

Discussion:

- Comments expressing interest in using ARPA funds towards road paving projects.
- Comments expressing interest in using ARPA funds on projects with a return on investment.
- Clarification on how the water and wastewater infrastructure will be funded between the county and city. Woodard and Curran consultant Tammy Ray Ross responded by saying the total cost for water plan and sewer main extension is \$14.8 million; the county's investment is \$4 million with a return on investment of approximately \$20-\$25 million back into Bradford County. Ms. Ross also noted that the City of Starke will assume all long-term maintenance responsibility of the new system and that they are seeking grant opportunities for additional improvements.

It was MOVED by Commissioner Thompson and SECONDED by Commissioner Riddick to approve the ARPA spend plan as presented.

Chair Andrews Conducted A Roll-Call Vote:

Chair Andrews: Aye

Vice-Chair Spooner: Aye

Commissioner Riddick: Aye

Commissioner Thompson: Nay

Commissioner Dougherty: Aye

Motion Carries 5-0

B. HPS MINING UPDATE.

Mr. Kornegay reported that the law firm representing HPS Enterprises II, LLC (HPS), Taylor, Arrubla, and Hardwich (TAH) emailed Zoning Director Randy Andrews on January 19, 2023 advising that HPS wishes to withdraw their application for a special use permit for a mining master plan submitted April 27, 2016.

C. BOCC LETTERS TO SENATOR JENNIFER BRADLEY AND REPRESENTATIVE CHARLES BRANNAN FOR SUPPORT OF THE WATER AND WASTEWATER EXTENSION.

Mr. Kornegay sought consensus from the board to send support letters.

Discussion:

- Recommended minor revisions to the letters.

The board was in consensus to send the letters with the revisions discussed.

D. RJE LEGISLATIVE BUDGET REQUEST LETTERS OF SUPPORT.

Mr. Kornegay sought consensus from the board to send support letters.

Discussion – No discussion.

The board was in consensus to send letters of support.

At the conclusion of county manager reports, Mr. Kornegay reminded the board of their joint workshop with the Bradford County School Board on January 23, 2023 at 6:30 p.m., at the school board.

9. COUNTY ATTORNEY REPORTS – RICH KOMANDO – No reports.

10. COMMISSIONER'S COMMENTS

Commissioner Spooner:

- Martin Luther King (MLK) banquet.
- Youth recognition event held Monday.
- Extended an invitation to the opening of the health and wellness hub ribbon cutting on January 24, 2023 at 10:00 AM, at the Church of God by Faith Community Center.

11. CHAIR'S COMMENTS

ADJOURN: There being no further business, the meeting adjourned at 7:53 p.m.

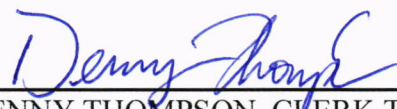
January 19, 2023
BoCC Meeting Minutes

**BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA**



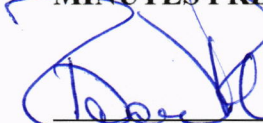
DIANE ANDREWS, CHAIR

ATTEST:



DENNY THOMPSON, CLERK TO THE BOARD

MINUTES PREPARED BY:



RACHEL RHODEN, CHIEF DEPUTY CLERK

Minutes approved by the BOCC during a scheduled meeting on March 7, 2023

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

AGENDA ITEM INFORMATION SHEET (AIIS)

DATE: October 3, 2023

AGENDA ITEM: Request to refer delinquent EMS accounts to National Recovery Agency for further collection efforts and write-off for deceased patients.in the amount of \$42,520.44.

DEPARTMENT: Fire Rescue

PURPOSE/DESCRIPTION: Refer delinquent EMS accounts to collections.

ASSOCIATED COST(S): 15% collection fee

BUDGET LINE (G/L #): n/a



Bradford County

Fire Rescue Department

945-C North Temple Avenue – Starke, Florida 32091

September 25th, 2023

Memorandum:

To: Mr. Scott Kornegay, County Manager
From: Ben Carter, Chief of Fire Rescue
Subject: Request to refer EMS billing accounts to collections

As you may be aware, the EMS Department has been moving forward with compiling and evaluating the uncollectible accounts that are reflected within the EMS accounting system.

At this time, I submit the amount of \$42,520.44 and request that the BOCC consider this amount to be referred to National Recovery Agency for further collection efforts.

Thank you in advance for your patience of the EMS Department as we continue to put forth efforts to collect fees for services and maintain the accounting system in accordance with the County's Auditors.

Please contact me should you require any additional information.

Professionally,

Ben Carter
Bradford County Fire Rescue

BENJAMIN P. CARTER
CHIEF OF FIRE RESCUE

DYLAN P. RODGERS
DIVISION CHIEF

JEREMY LOOMIS
CAPTAIN

CHRIS COOKSEY
FIRE MARSHAL

MATTHEW R. ODOM, M.D.
MEDICAL DIRECTOR

Office Phone:
904-966-6911

Fax:
904-966-6171

Website:
www.bradfordcountyfl.gov

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

AGENDA ITEM INFORMATION SHEET

DATE: October 3, 2023

AGENDA ITEM Judicial Circuit Assessment

DEPARTMENT: 8th Judicial Circuit Court

PURPOSE: Discuss the potential impact of the upcoming Judicial Circuit Assessment.

September 6, 2023

The Honorable Jonathan D. Gerber, Chairman
Judicial Circuit Assessment Committee

Dear Judge Gerber,

I was pleased to attend your committee's meeting in Orlando on August 25, 2023. During the public comment period several speakers addressed a variety of topics regarding the issues that circuit consolidation presents for the information technology that drives the Court System. I would like to take a brief opportunity to provide you with a much greater amount of information regarding some of those challenges from the perspective of a State Attorney. Often, those who must consider the bigger picture can benefit from the perspective of those who will be charged with implantation of that picture. I hope that you find this information helpful in understanding how the status of information technology in the State Attorneys' Offices and Public Defenders' Offices will impact the issues that you must address in your report to the Florida Supreme Court.

My office uses STAC. As you have heard, 24 of the 40 State Attorneys and Public Defenders' offices use STAC. There are several other case management systems in use as well, just as there are several records management systems for the clerks and judge viewers for the courts. While there are others, STAC is the predominant system, and, in the event of consolidation, it would be at the forefront of all the IT infrastructure issues.

A Brief History and Description of STAC

STAC is a Microsoft SQL Server driven database overlaid by a graphical user interface. To oversimplify it, it is a series of tables and spreadsheets that are accessed by a query driven interface to return the user a set of data. That data is displayed and utilized in a manner that allows all users to perform the various functions of the office. All our staff, from the reception staff to the Assistant State Attorneys use STAC all day, every day. STAC is highly adaptable and highly adapted to allow each office to set-up workflow in the manner that best suits that office. No two offices operate the same. Different offices have different needs, different rules, and different structures. In some offices STAC may be utilized differently from county to county, division to division. STAC is designed to accommodate all these variations.

STAC addresses all the core components of our business. It electronically files documents for us. It is our document viewer. It sets our workflow. It processes our discovery responses. It calendars

our subpoenas. It authorizes our billing. It automates communication with victims, officers, and witnesses. Other than our time keeping, it is integrated into every aspect of our work. In my circuit, STAC is connected to the Public Defender and to the Clerk of the Court. STAC delivers our discovery responses directly to the Public Defender. The Clerk delivers our documents and imports our court dates directly to STAC. It provides seamless automation that eliminates uncountable hours of staff time.

STAC is the product of CIP. CIP originated as an offshoot of the Fourth Circuit State Attorney's Office. This occurred long before electronic files or filing. CIP is a small privately owned company with less than 20 employees. CIP owns STAC and BOMS (our accounting program). Originally, for my office, STAC replaced an index card system that we used to track and find paper files. Over the next 20 plus years, STAC has evolved with our office to meet our changing needs and work patterns. I suspect that the same or similar could be said for every case management system in Florida that is not STAC.

Integration Issues

The information technology integration issues posed by circuit consolidation are many, and those issues are not specific to STAC. Every clerk, court administrator, state attorney and public defender have a case management system. Integration may require that two versions of the same system be normalized; that the data in each system be mapped to another version of that system. When two circuits combine two different case management systems, a program will have to be crafted to convert and migrate the data from one system to the other. Either way research, development, and implementation of a conversion and migration will take significant time and money.

I have set out some of the most prominent issues below. I am certain that there are other issues that I lack the technical sophistication to anticipate. While some of the issues that discussed below may vary from system to system, each will have some set of these issues.

- 1) Cost: Currently, under Article V of the Florida Constitution, all information technology costs fall to the counties. In the Eighth Judicial Circuit, 5 of the 6 counties are fiscally constrained. The IT cost are shared by population. No county has a current budget that would be prepared to address the cost of consolidating with another circuit or part of another circuit. Should the legislature consolidate circuits without providing the funding for the same, this would be an unfunded mandate without a known cost. This raises the next issue.
- 2) Timing and Decision Making:
 - a) Timing: The major question here is the proverbial chicken egg conundrum. Should the consolidation of circuits or the consolidation of information technology occur first? Both raise problems. First, if IT consolidation occurs first, who makes the decision which system will be used? Who will pay for the IT consolidation? How long will the vendors have to complete the process? What would happen if the agency head changed during the process? If circuit consolidation occurs first, how does the new circuit operate with multiple case management systems? How would defendants with multiple cases simultaneously in multiple case management system be handled? How would the Public Defender identify conflicts of interest

with defendants who may have co-defendants being represented on cases that exist in one case management system but not the other?

- b) Decision Making: To consolidate circuits, the surviving circuits would have to issue a request for proposal to perform the consolidation. This RFP could not issue until the surviving circuits agency heads were in place. For example, the Twelfth Circuit State Attorney is a STAC Circuit. The Thirteenth Circuit State Attorney runs a system that is in-house and connects a variety of agencies in that circuit. Only the new agency head could choose whether to convert the new surviving circuit to STAC or integrate the STAC counties into the former Thirteenth Circuit system unless the legislature dictated the decision. If not, that process could not begin until elections had been completed. This would cause significant delay.

3) Technical Issues:

- a) Vendor availability: As mentioned above, CIP is a small company. No matter how the circuits are rearranged, CIP will be involved. CIP owns the intellectual property of STAC. In essence, even if no circuit were to continue with CIP the size of CIP would provide a significant time delay to integration of IT. Nor would it be reasonable to expect CIP to become a larger entity for this purpose. Without question, CIP would need to be smaller at the end of consolidation, not larger. Even if there was a short-term financial advantage to scaling up for integration and migration, in the end, the purpose of this exercise is to reduce cost, and much of that savings would be accomplished by reducing payment to CIP. CIP would likely see this effort as digging their own grave. Other vendors would likely be similarly situated.
- b) Duration of Execution: My circuit has the experience of executing a data migration from one vendor to another. When we migrated from a stand-alone imaging system to an imaging system integrated in STAC, development of the program to do the conversion took 3 months, and the program ran for just under 6 months to complete the conversion. This was when our system was nascent. That process only involved images. STAC, and all case management systems, have dozens of different data that must be mapped to each system. Even if the consolidation migration was from one version of STAC to another, the time process would be measured in years, not months. Even if other vendors are more robust than CIP, the issue of duration of execution is going to be similar.

Information Technology and F.R.J.A. 2.241

First and foremost, consolidation at all is inappropriate for reasons that you have repeatedly heard and not germane here. I wholeheartedly agree with every person who spoke to the issues that you must consider in this process. All being in opposition to consolidation.

I bring all of this to your attention not to assert that the technological challenges of circuit consolidation cannot be overcome. Clearly, they can. Technology allows great accomplishments. To achieve greatness, careful planning, adequate funding, and appropriate expertise must be applied. Therefore, any analysis of the factors that you must consider under F.R.J.A. 2.241 must be examined based on whether careful planning, adequate funding, and appropriate expertise will be present or

absent. The effect of consolidation on effectiveness, efficiency, and access to courts will be proportional to how well it is done.

I respectfully suggest that your report to the Supreme Court should make the following clear: Counties cannot bear the cost of consolidation without ample warning and planning. Careful study and planning must precede re-drawing of circuits. Consolidation should follow, not precede, execution and implementation of new case management systems. I would respectfully suggest that appropriate planning for circuit consolidation will take years to complete. Execution of that plan will take additional years. Given how long the circuits have existed in the current configuration, one would find it difficult to see the need to act precipitously and incur the inevitable degradation of the public's trust and confidence in the judicial system.

As an aside, circuit expansion would be much easier. Because it is not within your charge, I will only address it briefly. Essentially, in an expansion, the new circuit would have the ability to choose a new or the same case management system as the parent circuit or one of the parent circuits. That system would be stood-up and start fresh on day one. While there may be a need or desire to integrate historical data, that data would not be critical to operations, and would be easier to integrate with a bespoke system.

Conclusion

I oppose circuit consolidation. I write only to stress that ignoring the technological challenges posed by circuit consolidation will make your committee's work significantly incomplete. Given the time frame for your response to the Florida Supreme Court, you are already limited to speculating upon the time and the cost associated with the IT systems at issue. The Criminal Justice System is replete with examples of these type of projects done well and done poorly. If circuit consolidation is done precipitously, and therefore poorly, the result will unquestionably be a degradation in the public's trust and confidence.

While the experiences and opinions that I write here are my own, I send this letter to you with consent of the Florida Prosecuting Attorneys Association. Thank you for your service to the Court, the legal community, and to the Great State of Florida.

Sincerely,



Brian S. Kramer, State Attorney
Eighth Judicial Circuit

M. BLAIR PAYNE
12241 29TH ROAD
WELLBORN, FLORIDA 32094

August 17, 2023

Hon. Jonathan D. Gerber, Chair
Judicial Circuit Assessment Committee
Florida 4th District Court of Appeal
110 So. Tamarind Avenue
West Palm Beach, FL 33401

Dear Judge Gerber,

My name is Blair Payne and I reside in Suwannee County, Florida. I have resided in the area encompassed by the Third Judicial Circuit my entire life and my family has resided in that area for six generations. I have been fortunate enough have had a private law practice in the circuit for 27 years and thereafter was elected unopposed for two terms as the Third Circuit Public Defender. While the majority of my private practice was in the Third Circuit, I also frequently appeared in many other circuits around the state.

The purpose of this missive is to strongly urge you and your committee to recommend there be no disturbance to the existing circuit alignments. While there are many reasons for this, I will address the three I feel are most important.

First, any merger will mandate a merger of cultures and procedures which will prove difficult and create problems that really cannot be known until it happens. While all circuits are bound by the same rules and laws, each has its own way of implementing them and managing the day-to-day operations of their respective circuit business which has likely been refined over decades. Any realignment or merger will necessarily require change. This change will most likely result in the forced acceptance by smaller circuits of the way the larger circuits do business. The problem with this is that this business model will likely not work in the smaller counties absorbed into a large circuit. Additionally, a larger circuit forcing its procedure on smaller circuits and counties is necessarily going to cause friction. Nothing good can come from this friction. Additionally, a merger of circuits will require an evaluation of the local rules in each and a resolution of which local rules will be used. Here again this will not only consume large amounts of time but will be a ripe source for conflict.

In addition, not all circuits use the same technology. For instance, in the Public Defender system there are at least four different case management systems in use. Merger of circuits would most assuredly cause problems in getting everyone on the same system. Problems with IT systems in the state are legendary and need not be detailed. Suffice it to say there are going to be serious problems which we cannot even define until a merger is attempted.

The merging of IT systems will also be expensive. Any estimate of this cost would be highly speculative because of the unknowns but it is safe to say it would be significant. Further, in multi-county circuits, formulas are in place as to the contributions of each county to the

county-funded aspects of the Public Defender and State Attorney offices. These formulas were arrived at after sometimes unpleasant negotiations and have been refined over years of implementation. This will have to be completely reworked if circuits are merged. Here again, this will cause tension between the counties in the merged circuits.

Second, I am unaware of anyone, other than Speaker Renner, who thinks there even might be a need for this. There has been no cry from the bench, the bar, or anyone else that the circuit alignment needs to be changed. Any claims that merger of circuits may improve efficiency are nothing more than pure speculation.

Claims that consolidation would save money are also speculative and, in my opinion, just wrong. In fact, it begs the question: if reduction is thought to save money, why did the legislature just expand the number of District Courts which required not only an increase in court employees but also the funding of a new courthouse?

While merger may result in a reduction of Elected State Attorneys and Public Defenders, it will cause an increase in the numbers of supervisory attorneys needed to manage the respective offices. Consolidation will necessarily increase the geographic size of circuits. This will increase travel cost. It will also increase travel time which is generally unproductive time.

Finally, the merger of circuits would, essentially, disenfranchise voters in rural counties. Counties in smaller circuits merged into bigger circuits would likely lose any chance of electing a Prosecutor, Circuit Judge or Public Defender. For example, if the Third Circuit were merged with the adjacent Eighth Circuit, Alachua County alone has almost double the registered voters as the entire Third Circuit. The same is true if the merger was with the Second Circuit where Leon County has nearly double the registered voters as the Third Circuit.

Presently, voters here see the elected members of the judicial branch in the grocery store, at high school football games, and in local restaurants. I think it is safe to say this will no longer happen if there is a merger. I just do not see a judge or elected prosecutor from Tallahassee or Gainesville saying to their significant other that they should go to Madison or Mayo for dinner on Saturday night. Merger of circuits would result in reduced visibility of public officials and thus reduced trust in the system.

I trust that you and your committee will put politics aside and come to a decision based on what is best for the judicial system as a whole and not just what goes on in populace counties. Florida is a very diverse state economically, culturally and ethnically. We have a judicial system which, while not perfect, has functioned very well for decades. There is no need to create the problems and uncertainty that will most assuredly come from any circuit mergers and I hope that is what will be reported to the Chief Justice.

Sincerely,

M. Blair Payne, Esq.

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

AGENDA ITEM INFORMATION SHEET

DATE: October 3, 2023

AGENDA ITEM Judicial Circuit Assessment

DEPARTMENT: 8th Judicial Circuit Court

PURPOSE: Discuss the potential impact of the upcoming Judicial Circuit Assessment.



Alachua County Board of County Commissioners

Anna Prizzia, *Chair*
Mary Alford, *Vice Chair*
Charles S. Chestnut, IV
Ken Cornell
Marihelen Wheeler

Administration
Michele L. Lieberman
County Manager

September 15, 2023

Via Email: gerberj@flcourts.org

The Honorable Judge Jonathan D. Gerber, Chair
Judicial Circuit Assessment Committee
Fourth District Court of Appeal
110 South Tamarind Avenue
West Palm Beach, Florida 33401

Dear Judge Gerber,

The Alachua County Board of County Commissioners unanimously opposes judicial circuit consolidation. The Judicial Circuit Assessment Committee must consider whether consolidation of judicial circuits would help or hurt effectiveness, efficiency, access to courts, professionalism, and public trust and confidence in the courts. We assert that consolidation of circuits will hurt the courts and citizens. Bigger government is less responsive, less efficient, and less effective than government closer to the people it serves. More distant state attorneys, public defenders, and judges will do harm to all the citizens of Florida, and, most importantly to us, the citizens that we represent in Alachua County.

The focus of the evaluation you are conducting is ultimately to save money. It will not. Consolidation will be incredibly disruptive and expensive for our county and all counties effected by it. The costs and logistics involved in such an upheaval, particularly one made in haste without proper strategic planning, will be massive. Further, consolidation of judicial circuits into more populous and geographically larger districts would not increase effectiveness or efficiency. Logic and reason dictate that having fewer resources that are more broadly distributed will lead to more difficulty expediting cases, less opportunity for judges to issue written decisions, less ability to accommodate changes in the law, less time for judges to handle workload. Finally, saving money in and of itself is not a compelling reason to deconstruct judicial circuits that have been functioning well for many decades. Justice is not cheap, nor should it be. Cheapening justice will result in injustice and will decrease public trust in our court system.

Access to courts is a fundamental element of our citizens' trust and confidence in the judicial system. Access to courts includes all members of society having representation amongst the judiciary. It means that our judges, our state attorney, and our public defender are people we know—people who live, work, and participate in our community. They have a vested interest in the wellbeing of the community at large and are fully accessible to criminal justice partners and citizens we all serve. Distant public officials who

are elected only by the largest population centers will hurt the public's trust and confidence in the judicial system.

We ask that your report to the Florida Supreme Court unequivocally recommend against circuit consolidation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A Prizzia', written in a cursive style.

Anna Prizzia, Chair
Alachua County Commission
Chr23.056

xc: Board of County Commissioners
Michele L. Lieberman, County Manager
Sylvia Torres, County Attorney
Stacy Scott, Alachua County Public Defender
Maggie Lewis, Judicial Circuit Assessment Committee

September 6, 2023

The Honorable Jonathan D. Gerber, Chairman
Judicial Circuit Assessment Committee

Dear Judge Gerber,

I was pleased to attend your committee's meeting in Orlando on August 25, 2023. During the public comment period several speakers addressed a variety of topics regarding the issues that circuit consolidation presents for the information technology that drives the Court System. I would like to take a brief opportunity to provide you with a much greater amount of information regarding some of those challenges from the perspective of a State Attorney. Often, those who must consider the bigger picture can benefit from the perspective of those who will be charged with implantation of that picture. I hope that you find this information helpful in understanding how the status of information technology in the State Attorneys' Offices and Public Defenders' Offices will impact the issues that you must address in your report to the Florida Supreme Court.

My office uses STAC. As you have heard, 24 of the 40 State Attorneys and Public Defenders' offices use STAC. There are several other case management systems in use as well, just as there are several records management systems for the clerks and judge viewers for the courts. While there are others, STAC is the predominant system, and, in the event of consolidation, it would be at the forefront of all the IT infrastructure issues.

A Brief History and Description of STAC

STAC is a Microsoft SQL Server driven database overlaid by a graphical user interface. To oversimplify it, it is a series of tables and spreadsheets that are accessed by a query driven interface to return the user a set of data. That data is displayed and utilized in a manner that allows all users to perform the various functions of the office. All our staff, from the reception staff to the Assistant State Attorneys use STAC all day, every day. STAC is highly adaptable and highly adapted to allow each office to set-up workflow in the manner that best suits that office. No two offices operate the same. Different offices have different needs, different rules, and different structures. In some offices STAC may be utilized differently from county to county, division to division. STAC is designed to accommodate all these variations.

STAC addresses all the core components of our business. It electronically files documents for us. It is our document viewer. It sets our workflow. It processes our discovery responses. It calendars

our subpoenas. It authorizes our billing. It automates communication with victims, officers, and witnesses. Other than our time keeping, it is integrated into every aspect of our work. In my circuit, STAC is connected to the Public Defender and to the Clerk of the Court. STAC delivers our discovery responses directly to the Public Defender. The Clerk delivers our documents and imports our court dates directly to STAC. It provides seamless automation that eliminates uncountable hours of staff time.

STAC is the product of CIP. CIP originated as an offshoot of the Fourth Circuit State Attorney's Office. This occurred long before electronic files or filing. CIP is a small privately owned company with less than 20 employees. CIP owns STAC and BOMS (our accounting program). Originally, for my office, STAC replaced an index card system that we used to track and find paper files. Over the next 20 plus years, STAC has evolved with our office to meet our changing needs and work patterns. I suspect that the same or similar could be said for every case management system in Florida that is not STAC.

Integration Issues

The information technology integration issues posed by circuit consolidation are many, and those issues are not specific to STAC. Every clerk, court administrator, state attorney and public defender have a case management system. Integration may require that two versions of the same system be normalized; that the data in each system be mapped to another version of that system. When two circuits combine two different case management systems, a program will have to be crafted to convert and migrate the data from one system to the other. Either way research, development, and implementation of a conversion and migration will take significant time and money.

I have set out some of the most prominent issues below. I am certain that there are other issues that I lack the technical sophistication to anticipate. While some of the issues that discussed below may vary from system to system, each will have some set of these issues.

- 1) Cost: Currently, under Article V of the Florida Constitution, all information technology costs fall to the counties. In the Eighth Judicial Circuit, 5 of the 6 counties are fiscally constrained. The IT cost are shared by population. No county has a current budget that would be prepared to address the cost of consolidating with another circuit or part of another circuit. Should the legislature consolidate circuits without providing the funding for the same, this would be an unfunded mandate without a known cost. This raises the next issue.
- 2) Timing and Decision Making:
 - a) Timing: The major question here is the proverbial chicken egg conundrum. Should the consolidation of circuits or the consolidation of information technology occur first? Both raise problems. First, if IT consolidation occurs first, who makes the decision which system will be used? Who will pay for the IT consolidation? How long will the vendors have to complete the process? What would happen if the agency head changed during the process? If circuit consolidation occurs first, how does the new circuit operate with multiple case management systems? How would defendants with multiple cases simultaneously in multiple case management system be handled? How would the Public Defender identify conflicts of interest

with defendants who may have co-defendants being represented on cases that exist in one case management system but not the other?

- b) Decision Making: To consolidate circuits, the surviving circuits would have to issue a request for proposal to perform the consolidation. This RFP could not issue until the surviving circuits agency heads were in place. For example, the Twelfth Circuit State Attorney is a STAC Circuit. The Thirteenth Circuit State Attorney runs a system that is in-house and connects a variety of agencies in that circuit. Only the new agency head could choose whether to convert the new surviving circuit to STAC or integrate the STAC counties into the former Thirteenth Circuit system unless the legislature dictated the decision. If not, that process could not begin until elections had been completed. This would cause significant delay.

3) Technical Issues:

- a) Vendor availability: As mentioned above, CIP is a small company. No matter how the circuits are rearranged, CIP will be involved. CIP owns the intellectual property of STAC. In essence, even if no circuit were to continue with CIP the size of CIP would provide a significant time delay to integration of IT. Nor would it be reasonable to expect CIP to become a larger entity for this purpose. Without question, CIP would need to be smaller at the end of consolidation, not larger. Even if there was a short-term financial advantage to scaling up for integration and migration, in the end, the purpose of this exercise is to reduce cost, and much of that savings would be accomplished by reducing payment to CIP. CIP would likely see this effort as digging their own grave. Other vendors would likely be similarly situated.
- b) Duration of Execution: My circuit has the experience of executing a data migration from one vendor to another. When we migrated from a stand-alone imaging system to an imaging system integrated in STAC, development of the program to do the conversion took 3 months, and the program ran for just under 6 months to complete the conversion. This was when our system was nascent. That process only involved images. STAC, and all case management systems, have dozens of different data that must be mapped to each system. Even if the consolidation migration was from one version of STAC to another, the time process would be measured in years, not months. Even if other vendors are more robust than CIP, the issue of duration of execution is going to be similar.

Information Technology and F.R.J.A. 2.241

First and foremost, consolidation at all is inappropriate for reasons that you have repeatedly heard and not germane here. I wholeheartedly agree with every person who spoke to the issues that you must consider in this process. All being in opposition to consolidation.

I bring all of this to your attention not to assert that the technological challenges of circuit consolidation cannot be overcome. Clearly, they can. Technology allows great accomplishments. To achieve greatness, careful planning, adequate funding, and appropriate expertise must be applied. Therefore, any analysis of the factors that you must consider under F.R.J.A. 2.241 must be examined based on whether careful planning, adequate funding, and appropriate expertise will be present or

absent. The effect of consolidation on effectiveness, efficiency, and access to courts will be proportional to how well it is done.

I respectfully suggest that your report to the Supreme Court should make the following clear: Counties cannot bear the cost of consolidation without ample warning and planning. Careful study and planning must precede re-drawing of circuits. Consolidation should follow, not precede, execution and implementation of new case management systems. I would respectfully suggest that appropriate planning for circuit consolidation will take years to complete. Execution of that plan will take additional years. Given how long the circuits have existed in the current configuration, one would find it difficult to see the need to act precipitously and incur the inevitable degradation of the public's trust and confidence in the judicial system.

As an aside, circuit expansion would be much easier. Because it is not within your charge, I will only address it briefly. Essentially, in an expansion, the new circuit would have the ability to choose a new or the same case management system as the parent circuit or one of the parent circuits. That system would be stood-up and start fresh on day one. While there may be a need or desire to integrate historical data, that data would not be critical to operations, and would be easier to integrate with a bespoke system.

Conclusion

I oppose circuit consolidation. I write only to stress that ignoring the technological challenges posed by circuit consolidation will make your committee's work significantly incomplete. Given the time frame for your response to the Florida Supreme Court, you are already limited to speculating upon the time and the cost associated with the IT systems at issue. The Criminal Justice System is replete with examples of these type of projects done well and done poorly. If circuit consolidation is done precipitously, and therefore poorly, the result will unquestionably be a degradation in the public's trust and confidence.

While the experiences and opinions that I write here are my own, I send this letter to you with consent of the Florida Prosecuting Attorneys Association. Thank you for your service to the Court, the legal community, and to the Great State of Florida.

Sincerely,



Brian S. Kramer, State Attorney
Eighth Judicial Circuit

M. BLAIR PAYNE
12241 29TH ROAD
WELLBORN, FLORIDA 32094

August 17, 2023

Hon. Jonathan D. Gerber, Chair
Judicial Circuit Assessment Committee
Florida 4th District Court of Appeal
110 So. Tamarind Avenue
West Palm Beach, FL 33401

Dear Judge Gerber,

My name is Blair Payne and I reside in Suwannee County, Florida. I have resided in the area encompassed by the Third Judicial Circuit my entire life and my family has resided in that area for six generations. I have been fortunate enough have had a private law practice in the circuit for 27 years and thereafter was elected unopposed for two terms as the Third Circuit Public Defender. While the majority of my private practice was in the Third Circuit, I also frequently appeared in many other circuits around the state.

The purpose of this missive is to strongly urge you and your committee to recommend there be no disturbance to the existing circuit alignments. While there are many reasons for this, I will address the three I feel are most important.

First, any merger will mandate a merger of cultures and procedures which will prove difficult and create problems that really cannot be known until it happens. While all circuits are bound by the same rules and laws, each has its own way of implementing them and managing the day-to-day operations of their respective circuit business which has likely been refined over decades. Any realignment or merger will necessarily require change. This change will most likely result in the forced acceptance by smaller circuits of the way the larger circuits do business. The problem with this is that this business model will likely not work in the smaller counties absorbed into a large circuit. Additionally, a larger circuit forcing its procedure on smaller circuits and counties is necessarily going to cause friction. Nothing good can come from this friction. Additionally, a merger of circuits will require an evaluation of the local rules in each and a resolution of which local rules will be used. Here again this will not only consume large amounts of time but will be a ripe source for conflict.

In addition, not all circuits use the same technology. For instance, in the Public Defender system there are at least four different case management systems in use. Merger of circuits would most assuredly cause problems in getting everyone on the same system. Problems with IT systems in the state are legendary and need not be detailed. Suffice it to say there are going to be serious problems which we cannot even define until a merger is attempted.

The merging of IT systems will also be expensive. Any estimate of this cost would be highly speculative because of the unknowns but it is safe to say it would be significant. Further, in multi-county circuits, formulas are in place as to the contributions of each county to the

county-funded aspects of the Public Defender and State Attorney offices. These formulas were arrived at after sometimes unpleasant negotiations and have been refined over years of implementation. This will have to be completely reworked if circuits are merged. Here again, this will cause tension between the counties in the merged circuits.

Second, I am unaware of anyone, other than Speaker Renner, who thinks there even might be a need for this. There has been no cry from the bench, the bar, or anyone else that the circuit alignment needs to be changed. Any claims that merger of circuits may improve efficiency are nothing more than pure speculation.

Claims that consolidation would save money are also speculative and, in my opinion, just wrong. In fact, it begs the question: if reduction is thought to save money, why did the legislature just expand the number of District Courts which required not only an increase in court employees but also the funding of a new courthouse?

While merger may result in a reduction of Elected State Attorneys and Public Defenders, it will cause an increase in the numbers of supervisory attorneys needed to manage the respective offices. Consolidation will necessarily increase the geographic size of circuits. This will increase travel cost. It will also increase travel time which is generally unproductive time.

Finally, the merger of circuits would, essentially, disenfranchise voters in rural counties. Counties in smaller circuits merged into bigger circuits would likely lose any chance of electing a Prosecutor, Circuit Judge or Public Defender. For example, if the Third Circuit were merged with the adjacent Eighth Circuit, Alachua County alone has almost double the registered voters as the entire Third Circuit. The same is true if the merger was with the Second Circuit where Leon County has nearly double the registered voters as the Third Circuit.

Presently, voters here see the elected members of the judicial branch in the grocery store, at high school football games, and in local restaurants. I think it is safe to say this will no longer happen if there is a merger. I just do not see a judge or elected prosecutor from Tallahassee or Gainesville saying to their significant other that they should go to Madison or Mayo for dinner on Saturday night. Merger of circuits would result in reduced visibility of public officials and thus reduced trust in the system.

I trust that you and your committee will put politics aside and come to a decision based on what is best for the judicial system as a whole and not just what goes on in populace counties. Florida is a very diverse state economically, culturally and ethnically. We have a judicial system which, while not perfect, has functioned very well for decades. There is no need to create the problems and uncertainty that will most assuredly come from any circuit mergers and I hope that is what will be reported to the Chief Justice.

Sincerely,

M. Blair Payne, Esq.



Florida Public Defender Association, Inc.

August 11, 2023

The Honorable Jonathan D. Gerber, Chairman
Judicial Circuit Assessment Committee

Dear Judge Gerber:

103 North Gadsden Street
Tallahassee, FL 32301
(850) 488-68540
www.flpda.org

PUBLIC DEFENDERS

*Hon. Bruce Miller
First Circuit*

*Hon. Jessica Yeary
Second Circuit*

*Hon. Cliff Wilson, Jr.
Third Circuit
Treasurer*

*Hon. Charles Cofer
Fourth Circuit*

*Hon. Mike Graves
Fifth Circuit*

*Hon. Sara Beth Mollo
Sixth Circuit*

*Hon. Matt Metz
Seventh Circuit*

*Hon. Stacy A. Scott
Eighth Circuit
Vice President
President-Elect*

*Hon. Rex Dimmig
Tenth Circuit*

*Hon. Carlos J. Martinez
Eleventh Circuit
President*

*Hon. Larry L. Eger
Twelfth Circuit*

*Hon. Julianne M. Holt
Thirteenth Circuit
Secretary*

*Hon. Mark Sims
Fourteenth Circuit*

*Hon. Carey Haughwout
Fifteenth Circuit*

*Hon. Robert Lockwood
Sixteenth Circuit*

*Hon. Gordon Weekes
Seventeenth Circuit*

*Hon. Blaise Trettis
Eighteenth Circuit*

*Hon. Diamond R. Litty
Nineteenth Circuit*

*Hon. Kathleen A. Smith
Twentieth Circuit*

Public Defenders perform core functions that are mandated by the constitution. We represent indigent people in every type of criminal case—juvenile, criminal traffic, misdemeanors, and felonies, including representing individuals in death penalty proceedings. In addition to managing our caseloads, we staff first appearance hearings and juvenile detention hearings 7 days a week. We also represent individuals in civil proceedings including Baker Acts, Jimmy Ryce proceedings, and in civil commitment and medication hearings at our state hospitals. From 2016 through 2023 we have been appointed to an average of 575,950 cases per year. We are conscientious, efficient, and effective in our representation.

In the courtrooms and in our communities, we work side by side with State Attorneys on the frontlines of justice in our state. We are equal partners in the justice system with the Courts and State Attorneys. Since 1969, each Public Defender has established and maintained relationships with local elected and appointed officials, and other stakeholders in their circuit through effective collaboration and professionalism. In multi-county circuits, that partnership also extends to collaboration among counties within the circuit to ensure maximum efficiency and access to justice for all of their citizens. While single county circuits have large and densely situated populations, our multi-county circuits encompass huge, predominately rural, geographical areas. The character of each circuit is as independent and unique as the people that reside within them. The Public Defenders are gravely concerned that a rushed effort to determine if consolidation of circuits is warranted could lead to massive delays and disruption of the Criminal Justice System. We have set out some of our primary concerns below.

EXECUTIVE DIRECTOR

Ashlei Richardson
infoFPDA@flpda.org

Compliance with Rule 2.241

Rule 2.241 requires the Florida Supreme Court to establish uniform criteria for the determination of the necessity for *increasing, decreasing, or redefining* judicial circuits. The Rule requires consideration of the circuits' effectiveness, efficiency, accessibility, professionalism, and public trust and confidence. The Rule further codifies that increasing, decreasing, or redefining judicial circuits should be used in limited circumstances only after all other less disruptive adjustments have been considered. Under this Rule, the Florida Supreme Court recently recommended *increasing* the number of District Courts of Appeal in the state, and in so doing *reduced* the geographic area of some of the DCAs. Yet this Committee has been tasked with only looking at potential consolidation of circuits, on an extremely short timeline. This unnecessary limitation prevents this Committee from undertaking a complete and thorough evaluation of the needs of the Criminal Justice System.

Changes to our justice system should be based on evidence. At this time there is a total absence of evidence for what stakeholders see as a monumental change in our judicial circuits. No one knows the criminal justice system better than the people on the frontlines of justice, working in the courtrooms and in our communities on a daily basis. Both State Attorneys and Public Defenders agree that there are no compelling reasons (i.e. inefficiency, costs, or lack of public confidence) to reduce the number of judicial circuits and no justification for the massive disruptions of operations that will be caused by such reduction, including the distancing of elected officials from the communities they currently serve.

Consequences of unnecessary reduction in Circuits

Circuit consolidation will be particularly harmful to our rural communities. There has been no public outcry for further centralization of our justice system through expansion of geographic boundaries, and the inevitable diminution of local influence that will result. Victims and defendants alike need to know that their locally elected officials are responsive to their needs and concerns, and that when they speak their voices will be heard. Confidence in the justice system stems from face-to-face interactions between officials and citizens. Creating mega-circuits with distant agency heads will not inspire greater public trust in our judicial process. If our smaller multi-county circuits were consolidated into large ones, their uniqueness would be diluted, their voices drowned out by the din of the larger urban circuits. Many citizens would lose faith in their representation in our judicial process as a result.

Population trends also weigh against reduction of the number of judicial circuits. According to a 2019 OPPAGA study¹, Florida's population is expected to grow by 31% by 2045. All judicial circuits have experienced growth since 1970. All circuits are expected to have double-digit growth in the next two decades. While much of that growth has occurred in central and south Florida, new roadway projects such as the proposed new turnpike corridor from I-10 to Highway 98 in the panhandle will exponentially impact growth in North Florida. A commonsense view of Florida's projected growth does not point to reducing the number of judicial circuits but rather to the need to consider a possible *expansion* of the number of judicial circuits.

There is no data that shows the need for reduction, or that reduction would produce sufficient efficiencies and cost savings that would outweigh the massive disruption that would be caused by consolidation. Simply put, there is no evidence pointing to inefficiencies that would justify such a massive political shift away from the smaller and rural circuits to the large population centers in Florida. The current geographic and workload balance works well.

Data Reliability

Case filing and Department of Corrections (DOC) admission data that has been provided to the Committee does not tell the whole story of what work is done in each judicial circuit. The Courts are still in a multi-year process of migrating from Summary Reporting System (SRS) data² to the more accurate Uniform Case Reporting (UCR) method of case reporting³. This transition process started in 2015 and is not expected to be finalized until December 2024. Relying on the current data will provide an unclear and incomplete picture of the true state of the Criminal Justice System.

Additionally, the case filing and DOC data submitted to the Committee relies heavily on numbers and comparisons between 2020-2022. It is important to note these years were profoundly impacted by court closures due to COVID-19. When the courts shut down, so did DOC admissions. Even after the courts began to reopen, DOC was declining to take new admissions because of the pandemic.

An accurate assessment of judicial circuit workload would require an analysis of multiple pre-and post-pandemic years of data and would include measures beyond just 'court

¹ OPPAGA Report No.19-06: Florida's Judicial Boundaries and Workload, August 2019
<https://oppaga.fl.gov/Products/ReportDetail?rn=19-06>

² The Summary Reporting System (SRS), as it is commonly known, provides the Office of the State Courts Administrator with data which assists the Supreme Court in its management and oversight role. While the SRS is used as a workload measure for judges, it is not intended to measure the efficiency of the judiciary, state attorneys or public defenders.
<https://www.flcourts.gov/Publications-Statistics/Publications/Summary-Reporting-System/SRS-Manual>

³ <https://www.flcourts.gov/Resources-Services/Court-Services/Judicial-Data-Management-Services-JDMS>

filings'. The number of court filings does not reflect the totality of work done by state attorneys and public defenders—there is a tremendous amount of work done on cases that are not filed, work done on cases prior to filing and on cases after disposition (i.e. post-conviction cases and probation violations). We also encourage the committee to examine data and reports from at least the past 5 fiscal years, including reports regularly submitted by the Florida Public Defender Association (FPDA) and the Florida Prosecuting Attorneys Association (FPAA). Impactful decisions about our judicial system should not be made without looking at appropriate, broad, and reliable data to ensure that access to courts, efficiency and effectiveness of our system of public safety and justice are not negatively affected.

There is an absence of data on the costs of consolidation of judicial circuits, the technological and operational challenges that would be involved, and the time frame that would be required to make a tectonic shift in the core of our judicial process. Extensive research and multi-year strategic planning would have to be completed to even begin to assess the costs and benefits of consolidating judicial circuits. There is no evidence or data to suggest that significant efficiencies in staffing would be achieved through consolidation. For example, for every elected official that might be eliminated, another high-paid manager position would have to be created in order to maintain the same level of performance and continuity of service.

Lessons from Similar Efforts

In 2018, the Legislature created the Criminal Justice Data Transparency (CJDT) project to facilitate the availability of comparable and uniform criminal justice data.⁴ At its conception, the project was viewed as fairly simple and inexpensive, so little time and money were allocated for its completion. Millions of additional dollars and over 5 years later, this project has only recently come online in 2022.

One lesson learned from that project is that each circuit is vastly different in a many aspects. Each of these aspects affect the ability to treat circuits as if each was homogeneous with the others. They are not. Differences in matters as simple as nomenclature have profound effects. Processes and policies are different. Administrative orders are different. Programs are different. And there are many other differences. All of these matters would have to be addressed *prior to* any consolidation of circuits. The CJDT process taught us that it takes a great deal of time and money to properly and globally address statewide criminal justice issues.

⁴ <https://www.fdle.state.fl.us/CJAB/CJDT>

Technology and Costs

We cannot overstate the technological challenges presented by hasty consolidation of circuits. Technology costs are born by the counties, many of which are fiscally constrained. State Attorneys, Public Defenders, Court Administration, and Clerks across the state do not use the same case management systems. Migration of reporting systems has proven to take years, not months, of strategic planning. As cited above, in 2015 the Judicial Data Management Services (JDMS) was commissioned in to optimize the ability of the courts to electronically process and manage cases. Part of this project's goal is to migrate from current SRS reporting to Uniform Case Reporting (UCR). This process began in 2015 and has yet to be completed—the current target date for completion is now December 2024.

Within the time frame under which this Committee is operating, we will have no idea of the capability and readiness of the specific vendors involved to develop, integrate, and migrate systems of consolidated circuits. For example, there are 24 SA/PD offices that utilize STAC as their case management systems. STAC is owned and controlled by company called CIP. There are 16 SA and PD offices that use a case management system *other than* STAC. Migration of a circuit to or from STAC would require enormous amounts of manpower and money and would create multi-year inefficiencies during transition. There is no information on how long it would take CIP and other vendors to complete such a task and how much it would cost. Even among the 24 circuits that use STAC, many have made significant modifications and adaptations of STAC in order to meet their circuit's managerial needs. These local variations that have been developed and implemented over the years would also have to be integrated and aligned if one STAC circuit merged into another STAC circuit. Furthermore, integration would necessitate cooperation between vendors which is not under the control of agencies. Lack of cooperation would increase costs to taxpayers and cause delays in processing cases. Public Defender and State Attorney IT systems are just one component of the technological challenge of consolidation. The Courts and Clerks also utilize a multitude of case management systems and software that would have to be integrated. In sum, we don't know what it would cost or how long it would take to migrate and integrate technology systems of consolidated circuits.

Ethical Concerns

Hurriedly consolidating judicial circuits without first carefully implementing a strategic plan for doing so has professional and ethical implications for both State Attorneys and Public Defenders. For example, elected Public Defenders have personal and professional responsibilities to all of their clients on 'day one' of any consolidation. We must be aware of

all policies and procedures that regulate the performance of staff, and we have an ethical duty have a system in place for detecting any conflicts of interest that may exist. Conflicts of interest are generally imputed to all lawyers in a firm, and a judicial circuit's public defender office is considered a law firm. If one circuit is merged into another without first integrating and migrating the case management systems, serious professional and ethical problems will arise.

The Rule dictates that adjusting the number of judicial circuits must be considered only in "limited circumstances" after "all other less disruptive adjustments" have been considered. The dictates of the Rule have not been met and cannot be met in the Committee's fast-tracked timeline. Careful and deliberate study must be done to examine not only whether there is need for change, but also what efficiencies could be achieved without reducing the number of judicial circuits. Alignment of IT systems is one example of an efficiency that could be achieved without the need to reduce judicial circuits. But this process is a multi-year undertaking that involves extensive strategic planning in order to control costs and ensure a smooth transition and continuity of service to citizens. Additionally, if during this Committee's process inefficiencies were to be documented, they could be promptly corrected and addressed without the need to reduce the number of judicial circuits.

Conclusion

In sum, hastily undertaking such a monumental project without knowing the real costs or the actual timeline is not reasonable and is fraught with peril. Citizens—both victims of crime and defendants—count on our system of justice working for them right now and every single day going forward. The Public Defenders and their constituencies are closely monitoring the work being done by the Committee and we stand ready to assist this Committee in its endeavors by providing further information and input as requested.ⁱ

Sincerely,

Board of Directors
Florida Public Defender Association

ⁱ To maintain impartiality and objectivity as a Committee member, 11th Circuit Public Defender Carlos J. Martinez is abstaining from taking a position as part of the FPDA

Eusebio
Talamantez, Jr.
Chief of Police



Chad Lindsey
Deputy Chief of Police



"Dedicated to Excellence"

17115 Panama City Beach Parkway, Panama City Beach, Florida

Phone: (850) 233-5000 Fax: (850) 233-5013

www.beachpolice.org

TO: Whom It May Concern

FROM: Eusebio Talamantez, Police Chief, Panama City Beach Police Department

DATE: August 17, 2023

SUBJECT: Strong Opposition to the Proposed Consolidation of Florida's Judicial Circuits

I am writing to unequivocally express my strong opposition to the proposed consolidation of Florida's judicial circuits. As the Police Chief of the Panama City Beach Police Department, operating within the 14th Judicial Circuit of Florida, I have a deep understanding of the dynamics and intricacies of our local justice system. The potential ramifications for our local legal representatives, particularly the State Attorney, are profound and warrant serious consideration.

Florida is a state characterized by its rich diversity, with distinct cultures and backgrounds represented in specific regions. The role of the State Attorney in addressing the legal concerns of these diverse communities is paramount. By expanding the jurisdiction of a single elected official, we risk losing the specialized representation that our communities have come to rely on, potentially undermining the efficacy of our justice system.


The proposed consolidation presents numerous challenges. An expanded jurisdiction would likely lead to increased caseloads, which could strain resources and introduce delays in the administration of justice. Furthermore, the current system benefits from the localized expertise of each jurisdiction's legal representatives. Consolidation threatens to dilute this expertise, potentially compromising the quality of representation and decision-making.

One of the most significant concerns I have is the potential erosion of the close working relationship our department has cultivated with our local State Attorney. This relationship is built on mutual respect, trust, and a shared commitment to serving our community. Increasing the geographical distance between our agency and the primary office of the State Attorney would weaken this bond. While sub-offices might offer a partial solution, they cannot replace the direct access and rapport we currently enjoy. This loss of personal contact could hinder effective communication and collaboration, which are essential for our joint mission to ensure justice.

Furthermore, the proposed consolidation, though intended to enhance efficiency, might inadvertently erode public trust. The perception of being overlooked or marginalized, especially in smaller communities, could lead to diminished confidence in the legal system.

In conclusion, the potential challenges and disruptions introduced by the proposed consolidation far outweigh any perceived benefits. I urge all stakeholders to consider the unique needs and challenges of each judicial circuit. It is crucial that decisions made prioritize the representation, efficacy, and well-being of all Florida residents, ensuring the foundational pillars of our justice system remain intact.

Sincerely,


Eusebio Talamantez
Police Chief
Panama City Beach Police Department






CHAMBERS OF
CHIEF JUDGE
FOURTEENTH JUDICIAL CIRCUIT OF FLORIDA
Serving Bay, Calhoun, Gulf, Holmes, Jackson, and Washington counties

Christopher N. Patterson
Circuit Judge, B.C.S.

P.O. BOX 2237
PANAMA CITY, FL 32402
(850) 914-6485

MEMORANDUM

To: Judicial Circuit Assessment Committee

From: Christopher Patterson, Chair, Justice Administrative Committee, Conference of Circuit Judges, on Behalf of the Chief Judges 

Date: August 21, 2023

Subject: Florida Supreme Court Administrative Order AOSC23-35

This memorandum addresses the Florida Supreme Court's Administrative Order AOSC 23-35 and pending assessment by rule 2.241, Rules of General Practice and Judicial Administration.

I have been authorized by the chief judges of the judicial circuits to represent that these comments express the consensus of the chief judges. Consensus does not mean unanimity and, of course, each judge and chief judge is entitled to make their own views known to the Judicial Circuit Assessment Committee. It is noted that three members of the assessment committee are chief judges (Chief Judge Crane, Chief Judge Kelley, and Chief Judge Moreland). As such their opinions have not been sought to preserve their objectivity.

The following comments are offered as contemplated by rule 2.241.

1. Effectiveness

Circuits continue to expedite appropriate cases by addressing courtroom space, available technology, need for court reporters, and other due process positions to promote prompt adjudication of cases.

Likewise, communication remains an essential component to efficient and effective management. Clear lines of communication exist from the Chief Justice to chief judges and throughout each circuit. Redefining circuits will not significantly improve this process.

Workloads are managed to ensure judges may hear cases in a timely manner, prepare written decisions as well as to attend judicial education programs and review regular updates to statutes and case law as provided by the Judiciary, The Florida Bar, and other entities.

Judges are encouraged to participate in Circuit/County Conference standing committees, Florida Bar committees, and committees/workgroups by designation of the Chief Justice. Consolidation efforts would not create any additional fiscal or managerial advantages.

By its very nature consolidation is a disruption. Court administration and staff may face the unintended consequences of any such action. Court employees of circuits subsumed into larger circuits may face significant personnel actions such as re-classification which may adversely change career paths and retention issues. A loss of critical employees to the private sector will create additional fiscal, training, and institutional knowledge impacts.

2. Efficiency

Each Circuit has unique population and geographical challenges to Court leadership. Chief Judges (as well as Trial Court Administrators) possess managerial, administrative, and leadership

skills. Redefining a circuit by adding additional judges and staff, and/or additional geographical distances, will strain the abilities of the most seasoned Chief Judge/Trial Court Administrator. Not the least of those matters is regular dealings with county commissions as to technology, court space, and staffing. Consolidation will create exponential challenges to trial court leadership with added counties, emergency operations, and health departments. Additional staffing and training may also be required creating fiscal impacts. Likewise, it can be anticipated that increased judge/staff travel for in-person events and support functions will create added fiscal impacts.

With redefining Circuits comes additional liaison responsibilities of chief judges. There will be a need for additional mandatory periodic reviews of county jails and inmate status. To ensure efficient and proper administration, additional coordination will be necessary between clerks of courts, sheriffs of each county, and other agencies to establish effective relationships.

Court technology is another significant concern. Existing circuits may have different technology in place. For example, various circuits have implemented Court Application Processing Systems (CAPS) to assist with case management. Some Circuits may be at different implementation levels. To consolidate Circuits with different technology stages will impact Court efficiency as well as create unfunded mandates to counties who may not be able to afford such upgrades. Likewise, differing electronic case management tools within a larger circuit may create inconsistency if combined with a smaller circuit, thus adversely impacting the efficient adjudication of cases.

3. Access to Courts

With the advent of electronic filing and communication technology rules of court, all litigants and attorneys now have far greater access to courts than ever before. Through Branch investment, further impediments to participation by litigants have been significantly reduced. Circuits continue to promote both in person and remote access. Many circuits utilize livestreaming for

appropriate cases to permit victims, as well as the public, to view court events. This use of technology also provides the public with a greater awareness of court operations and further fosters the public trust and confidence in the judiciary. Circuits continue to abide by rule 2.215(f), Rules of General Practice and Judicial Administration, by emphasizing to all judges their continuing duty to rule within a reasonable time and expedite priority cases. When so ordered, chief judges employ additional staff and other resources to remedy any deficiencies. Proposed consolidation would have no impact on these duties.

Likewise, redefining circuits would not impact existing county courthouses where actions may be filed. The public's physical access would be unchanged from its present level. However, what may change is additional travel for circuit litigants and counsel within a larger geographical area, depending upon what division may be assigned a particular case.

4. Professionalism

Judges are afforded the opportunity and resources to stay informed and participate in continuing education programs to ensure awareness of new laws and legal trends. A variety of state and national programs are available to judges to accommodate learning requirements. Florida Bar and local Bar association presentations are also available to afford additional educational opportunities. Circuits work to provide ample time for judges to participate in these opportunities by assisting with docket coverages using Senior Judges or other judges.

Internally, many circuits call upon Administrative Judges to inform judges as to unique issues and new law developments as they may occur. Regular judges' meetings also serve to meet judges' needs. Any redefinition of circuits would not enhance professional development of judges given present opportunities through the Branch and elsewhere.

Circuits continue to employ persons from diverse backgrounds pursuant to state and federal law. In this current economic

environment, each circuit continues to struggle with recruiting qualified personnel. Additionally, Circuits make significant efforts to retain qualified staff through training, mentoring, and continuing education to enhance professional development. The Florida Supreme Court continues to promote efforts that assist circuits with retaining qualified and valued staff.

Circuits continue to engage with The Florida Bar to provide additional liaison and guidance. Judges are regularly assigned to various local bar-related committees such as pro bono opportunities and Local Professionalism Panels (LPP). The emphasis on each of those committees is local application and control. There is a concern that should circuits be redefined local pro bono strategies and plans may be altered to the detriment of the public. Likewise, LPP representation and peer-to-peer mentoring may be altered to disturb local advantages and confidentiality issues.

5. Public Trust and Confidence

Judges participate in local Bar events, local public committees, and other service organizations to promote service and improvement to local committees. Judges across the state regularly attend professionalism events, speak, write, and lecture at various functions to promote the administration of justice and the role of the judiciary. These local efforts enhance the judiciary's positive role in communities notwithstanding external influences. Consolidation proposals will not change the ethical principles all judges follow. Of further concern are potential future impacts to smaller circuits/counties added to larger population areas which may yield underrepresentation issues impacting public confidence and trust.

6. Less Disruptive Adjustments

The Committee may also consider less disruptive adjustments to ensure efficient and effective court operations to promote the Court's mission and values.

- Increased staff rates per judge (i.e., staff attorneys and/or case managers).
- Provide judges enhanced access to uniform case management tools designed to improve adjudication of cases.
- Review Local Rules and individual judge written preferences to create greater uniformity.
- Promote greater use of livestream Court events to promote greater public awareness and victim access.
- Promote greater financial assistance to more rural/remote counties to offset court technology requirements.

Consolidation of circuits will not create appreciable enhancements to efficiency or effectiveness. To the contrary redefinition may adversely impact sound management principles and critical relationships with other justice partners. Additional fiscal burdens are likely both at state and local levels. Technology differences will be magnified and directly impact the courts mission. Furthermore, consolidating existing court administration leadership may create unintended employee retention issues. Likewise, changes to circuit composition will not impact the Branch's professionalism efforts. Finally, the Judicial Code of Conduct remains the benchmark by which public confidence may be secured and enhanced. For these reasons there is not a present need to reduce the number of Florida's judicial circuits.

Thank you for considering these comments.



Bay County Sheriff's Office

TOMMY FORD, Sheriff
3421 N. Highway 77 | Panama City, Florida 32405
(850) 747-4700



August 21, 2023

The Honorable Jonathan D. Gerber, Chair
Judicial Circuit Assessment Committee
(via email to JCACInfo@flcourts.org)

Dear Chairman Gerber:

I am writing with concern and in opposition to judicial circuit consolidation as it relates to the Fourteenth Judicial Circuit. The Fourteenth Circuit is comprised of six counties in Northwest Florida, and we have developed positive and effective working relationships with our State Attorney, Public Defender, and Circuit Court Judges. These important judicial offices are elected by the people of our circuit and reflect our law and order values. We understand that as an area that is not as populous as those to our east and west that consolidation would likely result in losing our local representation to higher population centers.

We have developed deep relationships with our judicial partners and personally communicate with them on a regular basis on issues that directly affect public safety in our community. Dilution of the representation in the Fourteenth Judicial Circuit would negatively impact our ability to communicate with these elected officials on important matters. Our cooperative relationship with the judiciary has resulted in a decrease in the crime rate of over 40% in the last six years.

As Sheriff of Bay County, I would sincerely ask for your consideration in not altering the current composition of the Fourteenth Judicial Circuit. I do not believe that consolidation would result in safer communities and would certainly affect the ability of voters in our area to choose their elected representatives of the judiciary. Thank you for your consideration. Please feel free to contact me at (850) 258-7999 if you have any questions or concerns.

Sincerely,

Sheriff Tommy Ford

Professionalism — Service — Integrity



Florida Public Defender Association, Inc.

August 11, 2023

The Honorable Jonathan D. Gerber, Chairman
Judicial Circuit Assessment Committee

Dear Judge Gerber:

103 North Gadsden Street
Tallahassee, FL 32301
(850) 488-68540
www.flpda.org

PUBLIC DEFENDERS

*Hon. Bruce Miller
First Circuit*

*Hon. Jessica Yeary
Second Circuit*

*Hon. Cliff Wilson, Jr.
Third Circuit
Treasurer*

*Hon. Charles Cofer
Fourth Circuit*

*Hon. Mike Graves
Fifth Circuit*

*Hon. Sara Beth Mollo
Sixth Circuit*

*Hon. Matt Metz
Seventh Circuit*

*Hon. Stacy A. Scott
Eighth Circuit
Vice President
President-Elect*

*Hon. Rex Dimmig
Tenth Circuit*

*Hon. Carlos J. Martinez
Eleventh Circuit
President*

*Hon. Larry L. Eger
Twelfth Circuit*

*Hon. Julianne M. Holt
Thirteenth Circuit
Secretary*

*Hon. Mark Sims
Fourteenth Circuit*

*Hon. Carey Haughwout
Fifteenth Circuit*

*Hon. Robert Lockwood
Sixteenth Circuit*

*Hon. Gordon Weekes
Seventeenth Circuit*

*Hon. Blaise Trettis
Eighteenth Circuit*

*Hon. Diamond R. Litty
Nineteenth Circuit*

*Hon. Kathleen A. Smith
Twentieth Circuit*

Public Defenders perform core functions that are mandated by the constitution. We represent indigent people in every type of criminal case—juvenile, criminal traffic, misdemeanors, and felonies, including representing individuals in death penalty proceedings. In addition to managing our caseloads, we staff first appearance hearings and juvenile detention hearings 7 days a week. We also represent individuals in civil proceedings including Baker Acts, Jimmy Ryce proceedings, and in civil commitment and medication hearings at our state hospitals. From 2016 through 2023 we have been appointed to an average of 575,950 cases per year. We are conscientious, efficient, and effective in our representation.

In the courtrooms and in our communities, we work side by side with State Attorneys on the frontlines of justice in our state. We are equal partners in the justice system with the Courts and State Attorneys. Since 1969, each Public Defender has established and maintained relationships with local elected and appointed officials, and other stakeholders in their circuit through effective collaboration and professionalism. In multi-county circuits, that partnership also extends to collaboration among counties within the circuit to ensure maximum efficiency and access to justice for all of their citizens. While single county circuits have large and densely situated populations, our multi-county circuits encompass huge, predominately rural, geographical areas. The character of each circuit is as independent and unique as the people that reside within them. The Public Defenders are gravely concerned that a rushed effort to determine if consolidation of circuits is warranted could lead to massive delays and disruption of the Criminal Justice System. We have set out some of our primary concerns below.

EXECUTIVE DIRECTOR

Ashlei Richardson
infoFPDA@flpda.org

Compliance with Rule 2.241

Rule 2.241 requires the Florida Supreme Court to establish uniform criteria for the determination of the necessity for *increasing, decreasing, or redefining* judicial circuits. The Rule requires consideration of the circuits' effectiveness, efficiency, accessibility, professionalism, and public trust and confidence. The Rule further codifies that increasing, decreasing, or redefining judicial circuits should be used in limited circumstances only after all other less disruptive adjustments have been considered. Under this Rule, the Florida Supreme Court recently recommended *increasing* the number of District Courts of Appeal in the state, and in so doing *reduced* the geographic area of some of the DCAs. Yet this Committee has been tasked with only looking at potential consolidation of circuits, on an extremely short timeline. This unnecessary limitation prevents this Committee from undertaking a complete and thorough evaluation of the needs of the Criminal Justice System.

Changes to our justice system should be based on evidence. At this time there is a total absence of evidence for what stakeholders see as a monumental change in our judicial circuits. No one knows the criminal justice system better than the people on the frontlines of justice, working in the courtrooms and in our communities on a daily basis. Both State Attorneys and Public Defenders agree that there are no compelling reasons (i.e. inefficiency, costs, or lack of public confidence) to reduce the number of judicial circuits and no justification for the massive disruptions of operations that will be caused by such reduction, including the distancing of elected officials from the communities they currently serve.

Consequences of unnecessary reduction in Circuits

Circuit consolidation will be particularly harmful to our rural communities. There has been no public outcry for further centralization of our justice system through expansion of geographic boundaries, and the inevitable diminution of local influence that will result. Victims and defendants alike need to know that their locally elected officials are responsive to their needs and concerns, and that when they speak their voices will be heard. Confidence in the justice system stems from face-to-face interactions between officials and citizens. Creating mega-circuits with distant agency heads will not inspire greater public trust in our judicial process. If our smaller multi-county circuits were consolidated into large ones, their uniqueness would be diluted, their voices drowned out by the din of the larger urban circuits. Many citizens would lose faith in their representation in our judicial process as a result.

Population trends also weigh against reduction of the number of judicial circuits. According to a 2019 OPPAGA study¹, Florida's population is expected to grow by 31% by 2045. All judicial circuits have experienced growth since 1970. All circuits are expected to have double-digit growth in the next two decades. While much of that growth has occurred in central and south Florida, new roadway projects such as the proposed new turnpike corridor from I-10 to Highway 98 in the panhandle will exponentially impact growth in North Florida. A commonsense view of Florida's projected growth does not point to reducing the number of judicial circuits but rather to the need to consider a possible *expansion* of the number of judicial circuits.

There is no data that shows the need for reduction, or that reduction would produce sufficient efficiencies and cost savings that would outweigh the massive disruption that would be caused by consolidation. Simply put, there is no evidence pointing to inefficiencies that would justify such a massive political shift away from the smaller and rural circuits to the large population centers in Florida. The current geographic and workload balance works well.

Data Reliability

Case filing and Department of Corrections (DOC) admission data that has been provided to the Committee does not tell the whole story of what work is done in each judicial circuit. The Courts are still in a multi-year process of migrating from Summary Reporting System (SRS) data² to the more accurate Uniform Case Reporting (UCR) method of case reporting³. This transition process started in 2015 and is not expected to be finalized until December 2024. Relying on the current data will provide an unclear and incomplete picture of the true state of the Criminal Justice System.

Additionally, the case filing and DOC data submitted to the Committee relies heavily on numbers and comparisons between 2020-2022. It is important to note these years were profoundly impacted by court closures due to COVID-19. When the courts shut down, so did DOC admissions. Even after the courts began to reopen, DOC was declining to take new admissions because of the pandemic.

An accurate assessment of judicial circuit workload would require an analysis of multiple pre-and post-pandemic years of data and would include measures beyond just 'court

¹ OPPAGA Report No.19-06: Florida's Judicial Boundaries and Workload, August 2019
<https://oppaga.fl.gov/Products/ReportDetail?rn=19-06>

² The Summary Reporting System (SRS), as it is commonly known, provides the Office of the State Courts Administrator with data which assists the Supreme Court in its management and oversight role. While the SRS is used as a workload measure for judges, it is not intended to measure the efficiency of the judiciary, state attorneys or public defenders.
<https://www.flcourts.gov/Publications-Statistics/Publications/Summary-Reporting-System/SRS-Manual>

³ <https://www.flcourts.gov/Resources-Services/Court-Services/Judicial-Data-Management-Services-JDMS>

filings'. The number of court filings does not reflect the totality of work done by state attorneys and public defenders—there is a tremendous amount of work done on cases that are not filed, work done on cases prior to filing and on cases after disposition (i.e. post-conviction cases and probation violations). We also encourage the committee to examine data and reports from at least the past 5 fiscal years, including reports regularly submitted by the Florida Public Defender Association (FPDA) and the Florida Prosecuting Attorneys Association (FPAA). Impactful decisions about our judicial system should not be made without looking at appropriate, broad, and reliable data to ensure that access to courts, efficiency and effectiveness of our system of public safety and justice are not negatively affected.

There is an absence of data on the costs of consolidation of judicial circuits, the technological and operational challenges that would be involved, and the time frame that would be required to make a tectonic shift in the core of our judicial process. Extensive research and multi-year strategic planning would have to be completed to even begin to assess the costs and benefits of consolidating judicial circuits. There is no evidence or data to suggest that significant efficiencies in staffing would be achieved through consolidation. For example, for every elected official that might be eliminated, another high-paid manager position would have to be created in order to maintain the same level of performance and continuity of service.

Lessons from Similar Efforts

In 2018, the Legislature created the Criminal Justice Data Transparency (CJDT) project to facilitate the availability of comparable and uniform criminal justice data.⁴ At its conception, the project was viewed as fairly simple and inexpensive, so little time and money were allocated for its completion. Millions of additional dollars and over 5 years later, this project has only recently come online in 2022.

One lesson learned from that project is that each circuit is vastly different in a many aspects. Each of these aspects affect the ability to treat circuits as if each was homogeneous with the others. They are not. Differences in matters as simple as nomenclature have profound effects. Processes and policies are different. Administrative orders are different. Programs are different. And there are many other differences. All of these matters would have to be addressed *prior to* any consolidation of circuits. The CJDT process taught us that it takes a great deal of time and money to properly and globally address statewide criminal justice issues.

⁴ <https://www.fdle.state.fl.us/CJAB/CJDT>

Technology and Costs

We cannot overstate the technological challenges presented by hasty consolidation of circuits. Technology costs are born by the counties, many of which are fiscally constrained. State Attorneys, Public Defenders, Court Administration, and Clerks across the state do not use the same case management systems. Migration of reporting systems has proven to take years, not months, of strategic planning. As cited above, in 2015 the Judicial Data Management Services (JDMS) was commissioned in to optimize the ability of the courts to electronically process and manage cases. Part of this project's goal is to migrate from current SRS reporting to Uniform Case Reporting (UCR). This process began in 2015 and has yet to be completed—the current target date for completion is now December 2024.

Within the time frame under which this Committee is operating, we will have no idea of the capability and readiness of the specific vendors involved to develop, integrate, and migrate systems of consolidated circuits. For example, there are 24 SA/PD offices that utilize STAC as their case management systems. STAC is owned and controlled by company called CIP. There are 16 SA and PD offices that use a case management system *other than* STAC. Migration of a circuit to or from STAC would require enormous amounts of manpower and money and would create multi-year inefficiencies during transition. There is no information on how long it would take CIP and other vendors to complete such a task and how much it would cost. Even among the 24 circuits that use STAC, many have made significant modifications and adaptations of STAC in order to meet their circuit's managerial needs. These local variations that have been developed and implemented over the years would also have to be integrated and aligned if one STAC circuit merged into another STAC circuit. Furthermore, integration would necessitate cooperation between vendors which is not under the control of agencies. Lack of cooperation would increase costs to taxpayers and cause delays in processing cases. Public Defender and State Attorney IT systems are just one component of the technological challenge of consolidation. The Courts and Clerks also utilize a multitude of case management systems and software that would have to be integrated. In sum, we don't know what it would cost or how long it would take to migrate and integrate technology systems of consolidated circuits.

Ethical Concerns

Hurriedly consolidating judicial circuits without first carefully implementing a strategic plan for doing so has professional and ethical implications for both State Attorneys and Public Defenders. For example, elected Public Defenders have personal and professional responsibilities to all of their clients on 'day one' of any consolidation. We must be aware of

all policies and procedures that regulate the performance of staff, and we have an ethical duty have a system in place for detecting any conflicts of interest that may exist. Conflicts of interest are generally imputed to all lawyers in a firm, and a judicial circuit's public defender office is considered a law firm. If one circuit is merged into another without first integrating and migrating the case management systems, serious professional and ethical problems will arise.

The Rule dictates that adjusting the number of judicial circuits must be considered only in "limited circumstances" after "all other less disruptive adjustments" have been considered. The dictates of the Rule have not been met and cannot be met in the Committee's fast-tracked timeline. Careful and deliberate study must be done to examine not only whether there is need for change, but also what efficiencies could be achieved without reducing the number of judicial circuits. Alignment of IT systems is one example of an efficiency that could be achieved without the need to reduce judicial circuits. But this process is a multi-year undertaking that involves extensive strategic planning in order to control costs and ensure a smooth transition and continuity of service to citizens. Additionally, if during this Committee's process inefficiencies were to be documented, they could be promptly corrected and addressed without the need to reduce the number of judicial circuits.

Conclusion

In sum, hastily undertaking such a monumental project without knowing the real costs or the actual timeline is not reasonable and is fraught with peril. Citizens—both victims of crime and defendants—count on our system of justice working for them right now and every single day going forward. The Public Defenders and their constituencies are closely monitoring the work being done by the Committee and we stand ready to assist this Committee in its endeavors by providing further information and input as requested.ⁱ

Sincerely,

Board of Directors
Florida Public Defender Association

ⁱ To maintain impartiality and objectivity as a Committee member, 11th Circuit Public Defender Carlos J. Martinez is abstaining from taking a position as part of the FPDA

Eusebio
Talamantez, Jr.
Chief of Police



Chad Lindsey
Deputy Chief of Police



"Dedicated to Excellence"

17115 Panama City Beach Parkway, Panama City Beach, Florida

Phone: (850) 233-5000 Fax: (850) 233-5013

www.beachpolice.org

TO: Whom It May Concern

FROM: Eusebio Talamantez, Police Chief, Panama City Beach Police Department

DATE: August 17, 2023

SUBJECT: Strong Opposition to the Proposed Consolidation of Florida's Judicial Circuits

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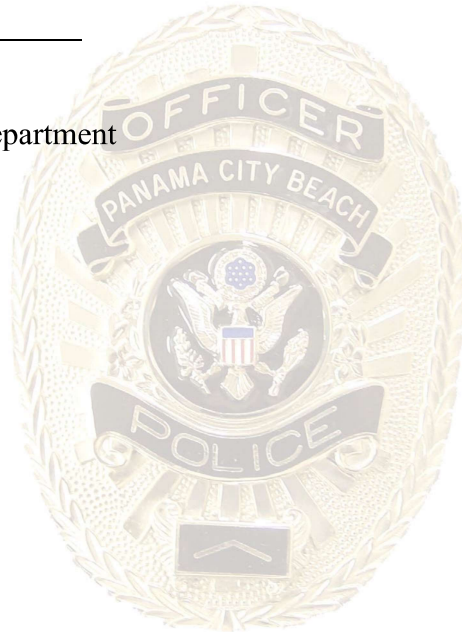
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Panama City Beach Police Department






CHAMBERS OF
CHIEF JUDGE
FOURTEENTH JUDICIAL CIRCUIT OF FLORIDA
Serving Bay, Calhoun, Gulf, Holmes, Jackson, and Washington counties

Christopher N. Patterson
Circuit Judge, B.C.S.

P.O. BOX 2237
PANAMA CITY, FL 32402
(850) 914-6485

MEMORANDUM

To: Judicial Circuit Assessment Committee

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Likewise, redefining circuits would not impact existing county courthouses where actions may be filed. The public's physical access would be unchanged from its present level. However, what may change is additional travel for circuit litigants and counsel within a larger geographical area, depending upon what division may be assigned a particular case.

4. Professionalism

Judges are afforded the opportunity and resources to stay informed and participate in continuing education programs to ensure awareness of new laws and legal trends. A variety of state and national programs are available to judges to accommodate learning requirements. Florida Bar and local Bar association presentations are also available to afford additional educational opportunities. Circuits work to provide ample time for judges to participate in these opportunities by assisting with docket coverages using Senior Judges or other judges.

Internally, many circuits call upon Administrative Judges to inform judges as to unique issues and new law developments as they may occur. Regular judges' meetings also serve to meet judges' needs. Any redefinition of circuits would not enhance professional development of judges given present opportunities through the Branch and elsewhere.

Circuits continue to employ persons from diverse backgrounds pursuant to state and federal law. In this current economic

environment, each circuit continues to struggle with recruiting qualified personnel. Additionally, Circuits make significant efforts to retain qualified staff through training, mentoring, and continuing education to enhance professional development. The Florida Supreme Court continues to promote efforts that assist circuits with retaining qualified and valued staff.

Circuits continue to engage with The Florida Bar to provide additional liaison and guidance. Judges are regularly assigned to various local bar-related committees such as pro bono opportunities and Local Professionalism Panels (LPP). The emphasis on each of those committees is local application and control. There is a concern that should circuits be redefined local pro bono strategies and plans may be altered to the detriment of the public. Likewise, LPP representation and peer-to-peer mentoring may be altered to disturb local advantages and confidentiality issues.

5. Public Trust and Confidence

Judges participate in local Bar events, local public committees, and other service organizations to promote service and improvement to local committees. Judges across the state regularly attend professionalism events, speak, write, and lecture at various functions to promote the administration of justice and the role of the judiciary. These local efforts enhance the judiciary's positive role in communities notwithstanding external influences. Consolidation proposals will not change the ethical principles all judges follow. Of further concern are potential future impacts to smaller circuits/counties added to larger population areas which may yield underrepresentation issues impacting public confidence and trust.

6. Less Disruptive Adjustments

The Committee may also consider less disruptive adjustments to ensure efficient and effective court operations to promote the Court's mission and values.

- Increased staff rates per judge (i.e., staff attorneys and/or case managers).
- Provide judges enhanced access to uniform case management tools designed to improve adjudication of cases.
- Review Local Rules and individual judge written preferences to create greater uniformity.
- Promote greater use of livestream Court events to promote greater public awareness and victim access.
- Promote greater financial assistance to more rural/remote counties to offset court technology requirements.

Consolidation of circuits will not create appreciable enhancements to efficiency or effectiveness. To the contrary redefinition may adversely impact sound management principles and critical relationships with other justice partners. Additional fiscal burdens are likely both at state and local levels. Technology differences will be magnified and directly impact the courts mission. Furthermore, consolidating existing court administration leadership may create unintended employee retention issues. Likewise, changes to circuit composition will not impact the Branch's professionalism efforts. Finally, the Judicial Code of Conduct remains the benchmark by which public confidence may be secured and enhanced. For these reasons there is not a present need to reduce the number of Florida's judicial circuits.

Thank you for considering these comments.



Bay County Sheriff's Office

TOMMY FORD, Sheriff

3421 N. Highway 77 | Panama City, Florida 32405
(850) 747-4700



August 21, 2023

The Honorable Jonathan D. Gerber, Chair
Judicial Circuit Assessment Committee
(via email to JCACInfo@flcourts.org)

Dear Chairman Gerber:

I am writing with concern and in opposition to judicial circuit consolidation as it relates to the Fourteenth Judicial Circuit. The Fourteenth Circuit is comprised of six counties in Northwest Florida, and we have developed positive and effective working relationships with our State Attorney, Public Defender, and Circuit Court Judges. These important judicial offices are elected by the people of our circuit and reflect our law and order values. We understand that as an area that is not as populous as those to our east and west that consolidation would likely result in losing our local representation to higher population centers.

We have developed deep relationships with our judicial partners and personally communicate with them on a regular basis on issues that directly affect public safety in our community. Dilution of the representation in the Fourteenth Judicial Circuit would negatively impact our ability to communicate with these elected officials on important matters. Our cooperative relationship with the judiciary has resulted in a decrease in the crime rate of over 40% in the last six years.

As Sheriff of Bay County, I would sincerely ask for your consideration in not altering the current composition of the Fourteenth Judicial Circuit. I do not believe that consolidation would result in safer communities and would certainly affect the ability of voters in our area to choose their elected representatives of the judiciary. Thank you for your consideration. Please feel free to contact me at (850) 258-7999 if you have any questions or concerns.

Sincerely,

Sheriff Tommy Ford

Professionalism — Service — Integrity



Alachua County Board of County Commissioners

Anna Prizzia, *Chair*
Mary Alford, *Vice Chair*
Charles S. Chestnut, IV
Ken Cornell
Marihelen Wheeler

Administration
Michele L. Lieberman
County Manager

September 15, 2023

Via Email: gerberj@flcourts.org

The Honorable Judge Jonathan D. Gerber, Chair
Judicial Circuit Assessment Committee
Fourth District Court of Appeal
110 South Tamarind Avenue
West Palm Beach, Florida 33401

Dear Judge Gerber,

The Alachua County Board of County Commissioners unanimously opposes judicial circuit consolidation. The Judicial Circuit Assessment Committee must consider whether consolidation of judicial circuits would help or hurt effectiveness, efficiency, access to courts, professionalism, and public trust and confidence in the courts. We assert that consolidation of circuits will hurt the courts and citizens. Bigger government is less responsive, less efficient, and less effective than government closer to the people it serves. More distant state attorneys, public defenders, and judges will do harm to all the citizens of Florida, and, most importantly to us, the citizens that we represent in Alachua County.

The focus of the evaluation you are conducting is ultimately to save money. It will not. Consolidation will be incredibly disruptive and expensive for our county and all counties effected by it. The costs and logistics involved in such an upheaval, particularly one made in haste without proper strategic planning, will be massive. Further, consolidation of judicial circuits into more populous and geographically larger districts would not increase effectiveness or efficiency. Logic and reason dictate that having fewer resources that are more broadly distributed will lead to more difficulty expediting cases, less opportunity for judges to issue written decisions, less ability to accommodate changes in the law, less time for judges to handle workload. Finally, saving money in and of itself is not a compelling reason to deconstruct judicial circuits that have been functioning well for many decades. Justice is not cheap, nor should it be. Cheapening justice will result in injustice and will decrease public trust in our court system.

Access to courts is a fundamental element of our citizens' trust and confidence in the judicial system. Access to courts includes all members of society having representation amongst the judiciary. It means that our judges, our state attorney, and our public defender are people we know—people who live, work, and participate in our community. They have a vested interest in the wellbeing of the community at large and are fully accessible to criminal justice partners and citizens we all serve. Distant public officials who

are elected only by the largest population centers will hurt the public's trust and confidence in the judicial system.

We ask that your report to the Florida Supreme Court unequivocally recommend against circuit consolidation.

Sincerely,

A handwritten signature in blue ink, appearing to read "A Prizzia".

Anna Prizzia, Chair
Alachua County Commission
Chr23.056

xc: Board of County Commissioners
Michele L. Lieberman, County Manager
Sylvia Torres, County Attorney
Stacy Scott, Alachua County Public Defender
Maggie Lewis, Judicial Circuit Assessment Committee

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

AGENDA ITEM INFORMATION SHEET

DATE: October 3, 2023

AGENDA ITEM: National 4-H Week Proclamation

DEPARTMENT: Agriculture Extension

PURPOSE: To recognize and celebrate the Bradford County 4-H Program and its youth and volunteers

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

PROCLAMATION DECLARING NATIONAL 4-H WEEK

A PROCLAMATION BY THE BRADFORD COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA, DECLARING OCTOBER 1ST THROUGH OCTOBER 7TH, 2023, AS “NATIONAL 4-H WEEK” IN BRADFORD COUNTY, FLORIDA

WHEREAS, the Florida 4-H Program has been positively impacting children’s lives since 1909 and has celebrated over 100 years of service. Its mission is to create a supportive environment where diverse youth and adults may reach their fullest potential; and

WHEREAS, 4-H is an organization open to all children 5-18 years of age. 4-H reaches over 6 million youth nationwide, with Florida having 200,000+ youth members and adult volunteers, and with the Bradford County 4-H program boasting 200+ community club members and volunteers; and

WHEREAS, the Bradford County 4-H Program is part of the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida and is a program where young people learn by doing through programs such as 4-H Community Clubs, School Enrichment, and Special Interest Clubs. 4-H members participate in projects such as science and technology, photography and creative arts, horticulture, entomology, public speaking, and animal sciences to develop leadership, citizenship, and other life skills; and

WHEREAS, Bradford County Youth have excelled on a club, county, district, state, and national level, with members participating in State 4-H Legislature, 4-H University, Southern Region Teen Leadership Forum, as well as completed in the state contests of Livestock Judging, Horse and more; and

WHEREAS, Bradford County encourages the people of this community to take the opportunity to become more aware of this special program and to join us in recognizing the unique partnership between our city, our county, and our University System.

NOW THEREFORE, through the authority vested in me by the Board of County Commissioners of Bradford County, Florida, I hereby proclaim **October 1st** through **October 7th, 2023**, as “**National 4-H Week**” in Bradford County, Florida.

PROCLAIMED this 3rd Day of October 2023

Diane Andrews
Chairman, Bradford County Board of County Commissioners

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

AGENDA ITEM INFORMATION SHEET

DATE: October 3, 2023

AGENDA ITEM: Presentation of 4-H Community Supporter Awards to Each Commissioner

DEPARTMENT: Agriculture

PURPOSE: Recognition and appreciation of the BCBOCC for their support of UF/IFAS
Extension Bradford County 4-H during the past year.

ASSOCIATED COST(S): None

BUDGET LINE (G/L #): N/A

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

AGENDA ITEM INFORMATION SHEET

DATE: October 3, 2023

AGENDA ITEM Legislative Appropriations Request

DEPARTMENT: County Manager

PURPOSE: Discuss Bradford County Requests for the Legislative Appropriations hearing on November 1, 2023

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

AGENDA ITEM INFORMATION SHEET

DATE: October 3, 2023

AGENDA ITEM FDEP Division of Recreation and Parks Public Meeting
Announcement

DEPARTMENT: County Manager

PURPOSE: FDEP, Division of Recreation and Parks, will hold an open
house public meeting on October 17, 2023, from 2-6 PM in
the County Commission Room to discuss the Palatka to Lake
Butler State Trail.

BRADFORD COUNTY FLORIDA STATE PARKS

OPEN HOUSE PUBLIC MEETING

GET INVOLVED!

Palatka-to-Lake Butler State Trail

Tuesday, October 17, 2023

2:00 p.m. – 6:00 p.m. (ET)

Bradford County Courthouse
County Commission Room
945 North Temple Avenue
Starke, Florida 32091

Meeting information available here:
<https://floridadep.gov/parks/public-participation>



Florida Department of Environmental Protection

Division of Recreation and Parks

BRADFORD COUNTY FLORIDA STATE PARKS

Open-House Public Meeting

This Meeting Is Open to the Public

DATE AND TIME: Tuesday, October 17, 2023, from 2:00 p.m. – 6:00 p.m. (ET)

MEETING LOCATION: Bradford County Courthouse
County Commission Room
945 North Temple Avenue
Starke, Florida 32091

AGENDA

- Open-House (ongoing), 2:00 p.m. – 6:00 p.m.
- Interested Persons Encouraged to Visit at their Convenience between 2:00 p.m. and 6:00 p.m.
- Palatka-to-Lake Butler State Trail Draft Plans Available for Viewing
- Staff Available for Discussions, Questions and Comments

Comments will be taken at the public meeting. Participants and other interested parties will also be able to submit additional written comments to the Division of Recreation and Parks, Office of Park Planning at FLStateParkPlanning@floridadep.gov until **November 1, 2023**.

You may review the meeting documents at <https://floridadep.gov/parks/public-participation>.

If you are interested in learning more about public meetings, please sign up to receive emails from the Department of Environmental Protection at <https://floridadep.gov/> (click on "Sign Up" at the bottom of the web page).