

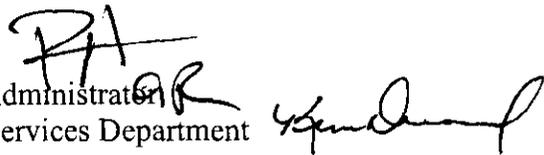
Board of County Commissioners

Budget Discussion Item

Date: June 27, 2007

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator
Alan Rosenzweig, Assistant County Administrator
Kim Dressel, Director, Management Services Department



Subject: Status Report on the Anticipated Budgetary Impact of SB 1088 which Requires the County to Provide Facilities and Communications Services to Criminal Conflict and Civil Regional Counsels

Statement of Issue: This Budget Discussion Item provides a status report to the Board regarding the anticipated budgetary impact of SB 1088, which mandates counties to provide facilities and communications services to the new Criminal Conflict and Civil Regional Counsels (Regional Counsels).

Background: Article V, Section 14(c) of the State Constitution states, "...Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions." Section 29.008(1) of Florida Statutes further defines the counties' funding requirements for these court-related functions:

1. Language in the 2003 Florida Statutes, Section 29.008(1) essentially restated Article V, Section 14(c).
2. The 2004 Florida Statutes added Guardian ad Litem programs as a county funding requirement by amending Section 29.008(1) as follows, "...For the purposes of this section, the term "circuit and county courts" shall include the offices and staffing of the guardian ad litem programs."
3. The 2005 Florida Statutes again amended Section 29.008(1), adding funding responsibilities for the Public Defender's five appellate districts to the headquarter county designated under Section 35.05 of the Florida Statutes (1st Appellate District - Leon County; 2nd Appellate District - Polk County; 3rd Appellate District - Dade County; 4th Appellate District - Palm Beach County; and 5th Appellate District - Volusia County).
4. SB 1008, recently approved by the 2007 Florida Legislature and signed by the Governor, further increases the counties' funding responsibilities for the state's courts system by amending Section 29.008(1) to include five offices of the criminal conflict and civil regional counsel. Presently, one of the costs to the state court system that is now a state responsibility under Article V Revision 7 is the payment of court appointed counsel. Such private counsel is appointed for indigent criminal defendants where the public defender has a conflict of interest in representing the defendant and for indigent parents involved in dependency proceedings. SB 1088 revises this process by:

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- a. Creating five offices of criminal conflict and civil regional counsel to provide the legal representation in certain cases that have been previously provided through private attorneys compensated by the state; and
- b. Amending Section 29.008(1) by modifying the term "public defenders' offices" to include the offices of criminal conflict and civil regional counsel.

The Regional Counsels will report to the Justice Administrative Commission (JAC) for administrative purposes. Each Regional Counsel will be appointed by the governor effective July 1, 2007 for a four-year term and will be authorized to hire staff.

Passage of SB 1088 is projected to financially benefit the state at a financial cost to the counties; however, the degree of impact remains uncertain at this time. The Senate's Professional Staff Analysis, prepared by the Criminal and Civil Justice Appropriations Committee: (a) estimated passage of the bill would reduce the state's FY 2007/08 costs by \$9.7 million and reduce its FY 2008/09 costs by \$18.8 million; and (b) summarized the impact to the counties as follows, "Counties will be required to provide facilities, communications, and security to the new regional counsels. The amount of this cost is not known. The Senate's General Appropriations Act appropriates \$1.1 million for equipment and computers for the regional counsels and \$1.1 million for rent for the 2007-08 fiscal year. The county obligation in 2007-08 fiscal year will be mitigated by these appropriations."

Analysis:

Overview and County Impact - The legislature provided some details regarding SB 1088 in working papers associated with the General Appropriations Act, however these details are not certainties:

1. They want headquarters in Tallahassee, Tampa, Miami, Fort Lauderdale, and Orlando, with an office in each of the 20 circuits.
2. 384 FTE were funded statewide for the Criminal Conflict and Dependency Regional Offices.

FTE allocations included 108 FTE for the 1st District, which includes the following six judicial circuits and 32 counties: 1st Circuit – Escambia, Santa Rosa, Okaloosa and Walton; 2nd Circuit – Gadsden, Franklin, Jefferson, Leon, Liberty and Wakulla; 3rd Circuit – Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee and Taylor; 4th Circuit – Clay, Duval and Nassau; 8th Circuit – Alachua, Baker, Bradford, Gilchrist, Levy and Union; and 14th Circuit – Bay, Calhoun, Gulf, Holmes, Jackson and Washington.

22 of the FTE were projected for 2nd judicial circuit, which includes Leon County. Three of those staff are expected by August 2007 (the Regional Counsel and two administrative staff); and offices are anticipated to be 80% operational as of October 2007 (which is estimated to equate to 18 FTE for this circuit).

3. The legislature did not fund information services staff as the state wants the counties to provide those services.

While the state allocated FY 2007/08 funds to help support this additional mandate, staff has been advised that future year state funding is not anticipated. Current year allocations include \$5,765 per FTE (\$3,655 for rent, \$1,300 for computer equipment and \$810 for furniture, etc.). These funds will be allocated to the Regional Councils with the expectation that they will coordinate with the counties relative to the pass through of funds for the delivery of county-mandated services, however, there is no requirement that this occurs. All staffing and budget decisions will be made by the appointed Regional Counsel, once they are on-board July 1. State funding for county responsibilities (facilities and communication services) totals \$4,955/FTE or \$109,010 for 22 FTE.

The Regional Counsel will decide where its office(s) will be located within the 2nd Circuit (its staff would serve Leon, Gadsden, Jefferson, Franklin, Liberty and Wakulla counties). What share of the cost will be born by Leon County is speculative (Section 29.008(1) stipulates only that the "counties" are required to fund the cost of communications services and facilities, but how the costs are distributed among the counties is not detailed). A similar situation occurs with Guardian Ad Litem (GAL), which also serves the entire 2nd Circuit. Leon County houses more than its share of GAL's staff, based on caseload distribution. Those counties that do not provide their share of facilities and communications services proportionately reimburse Leon County for those costs. GAL and the counties have been extremely cooperative in this effort.

How Much Space - Staff anticipates 4,000 to 4,700 square feet (SF) of office space would be needed to house 22 FTE (based on the state's workspace standard that space should not, to the extent possible, exceed 180 SF per FTE (including internal circulation), with additional space for a reception area, photo copier, computer and telephone equipment, etc. if not shared with another entity). If 70% of the staff (15 FTE) were housed in Leon County, that would be approximately 2,800 to 3,300 SF. The total SF required will vary with the existing building layout once a location is determined (some architectural designs lend to extremely efficient layouts with limited hallways and others are inefficient). Further, there will need to be an analysis of the cost of accepting the current space configurations with limited renovations (which may require more total area) versus the cost of renovating to decrease the total area by reducing office sizes, etc.

Space Options - At this time, the County has: a 1,445 SF office area in the small building of the annex, recently vacated by Teen Court, which could accommodate eight or more employees with minor renovations; and a 2,100 SF suite opening in the

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Courthouse Annex tower in October, which could accommodate 12 or more staff with minor renovations. Additional offices may become available based on Board actions taken in response to anticipated property tax reductions.

As the County network is available in the small building of the annex and within the tower, the cost of bringing network connectivity to these spaces would be minimal. Further, as both of these areas are already built out for offices, there should be limited costs of readying the space (assuming the current space configurations are retained, with some large offices being subdivided into more work spaces). While use of these offices comes at a loss of potential rental income (the vacating tenant paid approximately \$55,000/year for the suite), the annex location has many advantages over renting elsewhere: use of the annex enables the County to control costs; there will be limited tenant improvements needed; there will be negligible network connectivity costs; it is less expensive to the County than renting comparable space elsewhere (this analysis is summarized following Table 1); it provides flexibility; and it centralizes County IT support, making such services more efficient.

Anticipated FY07/08 Costs and Proposed Budget - The proposed FY 07/08 budget includes \$300,000 to provide state-mandated services for the Regional Councils. Cost projections for these services, for up to 22 FTE, are summarized in Table 1. These are high-level estimates, as the Regional Councils are not on-board to provide more certainty regarding the numbers of staff that would be located in Leon County, the specific software solutions, etc. Staff's expectations are: (a) the County should only be responsible for its proportionate share of the costs; and (b) the state's allocation for the facilities and computer support should be passed through to the counties who will be expected to fund such costs not only in FY 07/08, but on a go forward basis.

Facilities (tenant improvements)	\$65,000
Phone System (Avaya 24-port) and Phone Instruments	13,700
Desktop Computer, Printers, Desktop Software (Microsoft Office) and Data Wiring (up to 22 computers with networked printers; assumes on state's e-mail system)	61,980
Case Management and Office Management Systems, including: \$50,000 for a computer server, SQL 2005 database software and one time set up and training costs; and \$46,750 for Annual Software Licenses	96,750
Operating Costs (phone access, utilities, custodial, parking, long distance)	35,297
Contingency (10%)	27,273
Total Expenses (funded in the proposed FY 07/08 budget)	\$300,000

Staff assessed the cost of renting space from the state or from the private market, and determined both options would be more expensive than providing the Regional Councils with space in the annex. Over a five year period, rental and tenant improvement costs for

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3,000 SF are estimated to total \$370,000 and for 4,700 SF are estimated to total \$580,000. There was only one state office available for immediate rent and the five-year cost of renting that 4,425 SF space, including estimated tenant improvements, exceeded \$500,000. These cost estimates did not include network and phone systems connectivity, operating expenses and computer hardware and software. At a time of anticipated revenue cut-backs, the County is not in the position to absorb additional ongoing costs of such magnitude.

It is imperative that the County control costs by urging the Regional Counsel's use of County-owned office areas and to limit tenant improvements, which could grossly inflate costs. Staff will begin communicating with the Regional Counsel, upon their appointment, to coordinate these services.

Options:

1. Accept the status report
2. Do not accept the status report.
3. Board direction.

Recommendation:

Option #1

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