

# MEMORANDUM

Agenda Item No. 11(A)(18)

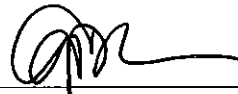
**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** November 7, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Florida Legislature and Governor to provide statewide funding for the offices of the clerks of the circuit and county courts at a level sufficient to fully fund their court-related functions in accordance with their budget submissions to the Clerks of Court Operations Corporation; waiving requirements of Resolution No. R-764-13 limiting number of state legislative priorities; amending Resolution No. R-947-17 to include this item as an additional state legislative priority for the 2018 session

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams  
County Attorney



APW/smm



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(18)

Veto \_\_\_\_\_

11-7-17

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE AND GOVERNOR TO PROVIDE STATEWIDE FUNDING FOR THE OFFICES OF THE CLERKS OF THE CIRCUIT AND COUNTY COURTS AT A LEVEL SUFFICIENT TO FULLY FUND THEIR COURT-RELATED FUNCTIONS IN ACCORDANCE WITH THEIR BUDGET SUBMISSIONS TO THE CLERKS OF COURT OPERATIONS CORPORATION; WAIVING REQUIREMENTS OF RESOLUTION NO. R-764-13 LIMITING NUMBER OF STATE LEGISLATIVE PRIORITIES; AMENDING RESOLUTION NO. R-947-17 TO INCLUDE THIS ITEM AS AN ADDITIONAL STATE LEGISLATIVE PRIORITY FOR THE 2018 SESSION

**WHEREAS**, Florida’s clerks of court are often considered the foundation of the state’s judicial system; and

**WHEREAS**, clerks of court work under the radar, but are integral to everyday life in our communities, as they provide critical support and services to the court system, the judiciary, the legal community, local governments, and the public; and

**WHEREAS**, adequate funding of our state clerks’ offices is required by the Florida Constitution and necessary to ensure meaningful access to justice for all Floridians, as overburdened and underfunded clerks’ offices can result in the severe curtailment of access to important public services such as paying for a traffic ticket, applying for a marriage license, and filing and/or copying court documents, and can also cause serious delays in court proceedings; and

**WHEREAS**, the state’s clerks of court are funded by filing fees, service charges, fines and court costs, and any additional general funds appropriated by the Florida Legislature; and

**WHEREAS**, Article V, section 14 of the Florida Constitution specifies the state and county responsibilities for funding the state courts system by providing that the Supreme Court and the District Courts of Appeal must be fully funded by the state, and the operations of the trial courts (the circuit and county courts) funded by the state while capital costs of the trial courts are borne by the counties; and

**WHEREAS**, Article V, section 14(b) of the Florida Constitution provides that “[a]ll funding for the offices of the clerks of the circuit and county courts performing court related functions, except as otherwise provided . . . shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law”; and

**WHEREAS**, collectively, Florida’s 67 county clerks annually take in more than \$1 billion in yearly revenue for the state, yet they get back less than half of that from the state for operations, even as the state has continued to rebound from the Great Recession; and

**WHEREAS**, indeed, state funding for local clerks’ offices has been sharply cut, or held flat, for the last nine years, while the need for staff and access to court services has increased as the state’s population continues to grow; and

**WHEREAS**, as such, county clerks across the state have felt the harsh effects of the state’s underfunding, and like the Miami-Dade Clerk of Courts, have been forced to respond by cutting employees and reducing office hours or satellite counters; and

**WHEREAS**, in Fiscal Year 2016-17, the Florida Legislature cut \$40 million statewide from clerks’ offices, equating to a \$6 million loss to Miami-Dade’s Clerk of Courts; and

**WHEREAS**, many courts systems throughout the state, including Miami-Dade’s, cannot sustain the continued loss of funds and provide reasonable levels of service to residents; and

**WHEREAS**, the Florida Constitution requires that where filing fees, service charges, fines and court costs are insufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law; and

**WHEREAS**, this Board would like to urge the Florida Legislature and the Governor to provide statewide funding for the offices of the clerks of the circuit and county courts at a level sufficient to fully fund their court-related functions in accordance with their budget submissions to the Clerks of Court Operations Corporation,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature and the Governor to provide statewide funding for the offices of the clerks of the circuit and county courts at a level sufficient to fully fund their court-related functions in accordance with their budget submissions to the Clerks of Court Operations Corporation.

**Section 2.** Waives requirements of Resolution No. R-764-13 and amends Resolution No. R-947-17 to include this item as an additional state legislative priority for the 2018 session.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Executive Council and Executive Director of the Clerks of Court Operations Corporation.

**Section 4.** Directs the County's state lobbyists to advocate for the action set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2018 State Legislative Package to include this item as a priority.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                                     |                      |
|-------------------------------------|----------------------|
| Esteban L. Bovo, Jr., Chairman      |                      |
| Audrey M. Edmonson, Vice Chairwoman |                      |
| Bruno A. Barreiro                   | Daniella Levine Cava |
| Jose "Pepe" Diaz                    | Sally A. Heyman      |
| Barbara J. Jordan                   | Joe A. Martinez      |
| Jean Monestime                      | Dennis C. Moss       |
| Rebeca Sosa                         | Sen. Javier D. Souto |
| Xavier L. Suarez                    |                      |

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of November, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

MSM

Michael J. Mastrucci