

ORDINANCE NO. 98-22

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA RELATING TO APPROPRIATION AND EXPENDITURE OF COUNTY FUNDS; MAKING LEGISLATIVE FINDINGS REGARDING A PROPOSED AMENDMENT TO THE FLORIDA CONSTITUTION THAT WOULD RELIEVE COUNTY TAXPAYERS AND RESIDENTS OF THE BURDEN OF PAYING FOR THE STATE COURT SYSTEM AND SHIFT THE BURDEN TO THE STATE; DIRECTING A TRANSFER OF FUNDS FROM THE RESERVES IN THE COUNTY GENERAL FUND TO BE PAID TO A POLITICAL COMMITTEE TO SUPPORT SECURING A PLACE ON THE NOVEMBER 1998 GENERAL ELECTION BALLOT FOR, AND PASSAGE OF, THE CONTEMPLATED CONSTITUTIONAL AMENDMENT, PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Legislative Findings. It is hereby found, determined and declared that:

- (a) In 1972, the people of this State approved an amendment to Article V of the Florida Constitution to provide for a unified State Court System to avoid a patchwork of locally financed systems of justice.
- (b) The language of Article V failed to specify the State's funding responsibility for the State Court System.
- (c) Since 1972, state funding of the State Court System has not kept pace with the tremendous demands of statewide growth and increased criminal activity.
- (d) Currently, reliable estimates show that counties contribute over a half-billion dollars to the operation of the State Court System annually. Counties expend \$32 million annually to fund public defender conflict and overload cases alone. This means that 53 percent of the total expenditures for the State Court System are borne by county taxpayers.
- (e) Counties have little control over the cost or administration of the State Court System, as this authority is spread among the Judiciary, the Legislature and the Clerks of the Court.

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(f) Under the Constitutional allocation of power to levy taxes in Article VII of the Florida Constitution, counties do not have access to as many revenue sources as the State Legislature. All county tax sources are capped as to rates or limited as to the types of programs and facilities that may be funded by each source. Except for ad valorem taxes, counties cannot levy taxes except as authorized by the Legislature by general law. In contrast, the Legislature may enact general laws levying taxes for its own expenditures and is not dependent upon asking another governmental entity to create additional revenue sources.

(g) The promise of fair and impartial justice is in danger as long as the State Court System must rely upon funding which varies from county to county.

(h) The Constitution Revision Commission (the "CRC") is currently considering proposals to revise the Florida Constitution. The CRC may put amendments to the Florida Constitution on the ballot for consideration by the voters at the November, 1998 General Election.

(i) The CRC has before it proposed amendments that will alter the funding of the State Court System which will relieve the counties of some of the burden of the State Court System and shift that burden to the State.

(j) The Florida Constitution may also be amended by the citizens petitioning for change pursuant to the citizens initiative process provided in Article XI, Section 3, Florida Constitution.

(k) A political committee known as Floridians for Fairness in Court Funding (the "Political Committee") has been established pursuant to Chapter 106, Florida Statutes, for the purpose of supporting an amendment to the Florida Constitution to revise the way the State Court System is funded. Such an amendment will require the State to fund its System and relieve local taxpayers of this burden (the "State Court System Amendment"). The State Court System Amendment may be proposed by the CRC or directly by the citizens pursuant to the citizens initiative process.

(l) The Political Committee will provide information to voters about the State Court System Amendment and assist in securing the necessary signatures for placement on the General Election ballot if it is proposed through the citizen initiative process. Further, the Political Committee will advocate the approval of the State Court System Amendment at the General Election.

(m) Counties have little control over the costs or the administration of the State Court System. County revenue sources are limited or capped; the costs for the State Court System are rising. There is a real fear of unequal justice throughout the State under the current funding mechanisms. The State has the revenue sources at its

option to fund the State Court System Amendment. Consequently, it is in the best interests of the taxpayers and residents of the County to revise the way the State Court System is funded as contemplated in the State Court System Amendment. An expenditure of St. Johns County funds to encourage the adoption of the State Court System Amendment serves a public purpose and is an appropriate expenditure of St. Johns County funds.

(n) The Board of County Commissioners desires to pay funds to the Political Committee to support the State Court System Amendment. The County's payment to the Political Committee in support of the State Court System Amendment is expected to be joined with contributions from other counties, creating a pool of funds and synergistically increasing the chances of passage of the State Court System Amendment.

Section 2. There is hereby appropriated \$27,467.00 from funds available in the Clerk of Courts budget for the Political Committee and the Clerk is hereby authorized to forward up to \$27,467.00 to the Political Committee at such time or times as he deems appropriate to accomplish the purpose of this ordinance.

Section 3. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board, and shall take effect upon such filing.

DULY ADOPTED AND ENACTED in regular Session, this 24th day of March, 1998.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Moses A. Floyd
Moses A. Floyd, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Clerk

EFFECTIVE DATE : March 30, 1998

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

Sandra D. Oliver

who on oath says that she is

Accounting Clerk

of the St. Augustine Record, a

daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a _____

Notice of Hearing

in the matter of SJC Board of County Commissioners

March 24, 1998 1:30pm

in the _____ Court, was published in said newspaper in the

issues of March 14, 1998

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 17 day of March, 1998,

by Sandra D. Oliver who is personally

known to me or who has produced Personally Known as identification.



(Type of Identification)
MY COMMISSION # CC641814 EXPIRES
August 22, 2001
BONDED THRU TROY FAIR INSURANCE, INC.

Zoe Ann Moss

(Signature of Notary Public)

(Seal)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)

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NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, March 24, 1998, at 1:30 p.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 18A) and U.S. 1 North, St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinance: ORDINANCE NO. 98-1. AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, RELATING TO APPROPRIATION AND EXPENDITURE OF COUNTY FUNDS; MAKING LEGISLATIVE FINDINGS REGARDING A PROPOSED AMENDMENT TO THE FLORIDA CONSTITUTION THAT WOULD RELIEVE COUNTY TAXPAYERS AND RESIDENTS OF THE BURDEN OF PAYING FOR THE STATE COURT SYSTEM AND SHIFT THE BURDEN TO THE STATE; DIRECTING A TRANSFER OF FUNDS FROM THE RESERVES IN THE COUNTY GENERAL FUND TO BE PAID TO A POLITICAL COMMITTEE TO SUPPORT SECURING A PLACE ON THE NOVEMBER 1998 GENERAL ELECTION BALLOT FOR AND PASSAGE OF THE CONSTITUTIONAL AMENDMENT PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE PROVIDING AN EFFECTIVE DATE. The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 18A) and U.S. #1, St. Augustine, Florida and may be examined by parties interested prior to the public hearing. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance. If a person desires to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings and for such purposes he/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. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing. BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA. CHERYL STRICKLAND, ITS CLERK. By: Patricia DeGrande, Deputy Clerk. L402A March 14, 1998.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

MEMBER OF FLORIDA CABINET
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
Ringling Museum of Art

FILED

'98 APR -1 P12:47

March 30, 1998

CHERYL STRICKLAND
CLERK OF CIRCUIT COURT
ST. JOHNS COUNTY FL

Honorable Cheryl Strickland
Clerk to Board of County Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Patricia DeGrande, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated March 25, 1998 and certified copy each of St. Johns County Ordinance Nos. 98-22 and 98-23, which were filed in this office on March 30, 1998.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

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BUREAU OF ADMINISTRATIVE CODE
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