

Members of the Board – At this time, I am reluctantly advising that we have not achieved success in allocating space within the Courthouse to the satisfaction of the Clerk and Sheriff. While we continue to work on this issue, I thought it would be helpful to bring the principles of a Florida Supreme Court case to your attention. This is not a legal memorandum that analyzes the issues. Instead, it is “food for thought.”

There was a dispute between the Chief Judge of the Eighth Judicial Circuit based in Alachua County and the County Commission on the allocation of space within the courthouse of that jurisdiction. The facts are much different from ours and the pertinent legal holdings would likewise be different, but the conclusion is essentially the same.

The presiding judge and county commission went to court to vet their dispute. They clearly had that right, and we have the same ability to go to court with all of our stakeholders in our courthouse controversy. However, the Supreme Court said this about such future controversies:

When administrative views between two governmental branches conflict, we think the public interest will best be served by the public officials of each branch resolving differences in the spirit of cooperation, recognizing the duties, obligations, and responsibilities of the other. Only when that is not possible should a court proceeding commence which affords an opportunity for all interested parties to be heard.

This is why I have declined to answer the question of whether the County Commission has the right to dictate space use by the Clerk or by any other party. I do not want to undermine the good will of the stakeholders by stating a contentious position that forces them to respond in kind.

We do face a critically important issue that goes to the heart of our justice system. We owe that system the duty not to push issues into a crowded docket and distract from essential functions, whether the duties be those of the Clerk, the Sheriff, the Court, or ours as the legislative body of the County.

The duties of these constitutional officers and our Commission are too important to the public to mix them up into an evidentiary mixing bowl and see where it all lands. That mixing overlooks the cost of that activity, that is, that our taxpayers ultimately are paying for all sides of the argument.

As well, it appears clear from the precedents that likely a judge from outside of our circuit would have to try the case. And, what would that do for our reputation?

I am aware that everyone has pitched in to resolve this. I need not mention the extraordinary efforts of the Commission to remedy the situation as best it can under the

most difficult of circumstances. The Commission has pledged substantial funding and actions to resolve the situation.

Likewise, I believe the Sheriff has shown restraint and has attempted to do his best to protect the law enforcement function.

The Clerk has similarly granted space from his domain. We know that it has been challenging to rearrange his personnel and attempt an accommodation of his operations.

The State Attorney has provided office space for the three victim's advocates who work for the Sheriff.

Even the court system has stepped up in exemplary ways. It has provided all of the judicial chambers located on the third floor judicial chambers and the conference room when not otherwise occupied by a jury deliberating a verdict.

There is an abundance of good faith, but I think we need more. I will do all I can to promote cooperation with and among all of the stakeholders. Going to court to resolve this is a scenario that I will ask you to resist until we have exhausted all means to achieve resolution. Unfortunately, there is no time to waste.

Let me leave you all with this thought. The pendency of this controversy has and continues to affect all of our stakeholders unnecessarily and at their great inconvenience. In the final analysis, the victim for any further impasse is our public.

Thank you.



Cc: Court Administration, Clerk and Sheriff