

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: December 2, 2008

Consent [] Regular
 Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Payment in the amount of \$688.96 to the Leon County Board of County Commissioners for Palm Beach County's pro-rata share of the Nabors Giblin & Nickerson invoice for professional services rendered through September 30, 2008, in the Criminal Conflict and Civil Regional Counsel litigation styled *Leon County, et al. v. Jeffrey Lewis, et al.*, Second Judicial Circuit Civil Case No. 2008-CA-2475.

Summary: Leon County retained Nabors Giblin & Nickerson to challenge the state law that requires the counties to fund the Office of Criminal Conflict and Civil Regional Counsel. In response to the request for other counties to participate in the litigation, the County Attorney recommended that Palm Beach County join and expend up to \$6,000. Receiving no objection, Palm Beach County was named along with 25 other counties as a plaintiff in the subject action. This item requests approval of the Nabors Giblin & Nickerson invoice attached, which is the first invoice for professional services rendered. Subsequent invoices will be submitted for approval as they are received. Countywide (DMN)

Background and Justification: During the 2007 legislative session, the State Legislature created the Office of Criminal Conflict and Civil Regional Counsel. This office was created to provide "adequate representation to persons entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law" according to Florida State Statute 27.511; i.e., to provide legal services to criminal defendants whom the Public Defender's Office could not represent due to conflicts of interest, and to supervise private court-appointed attorneys in child dependency cases and other civil actions. The result of this legislation is that counties are burdened with the funding of the Office of Criminal Conflict and Civil Regional Counsel.

(continued on page 3)

Attachments:

1. Leon County Invoice dated 10/9/2008
2. Nabors Giblin & Nickerson Invoice dated 10/6/2008

Recommended by: _____

County Attorney

Date

11/5/08

Approved by: _____

N/A

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures					
Operating Costs	\$688.96	_____	_____	_____	_____
External Revenues					
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	\$688.96	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund 0001 Department 760 Unit 7601 Object 3125

Reporting Category _____

**B. Recommended Sources of Funds/Summary of Fiscal Impact:
PBC General Fund**

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

Atwillhite 11.12.08 11/13/08
 OFMB SW 11/2/08 CW 11/5/08 Contract Development and Control

B. Legal Sufficiency:

N/A
Assistant County Attorney

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

(continued from page 1)

Two complaints in Leon County Circuit Court were filed in July 2008 challenging the constitutionality of the new state statute. The first complaint was filed by 25 counties, including Palm Beach County, and the Florida Association of Counties (FAC) against the four Regional Conflict Counsels, as well as the Speaker of the House and the President of the Senate. The second suit was filed by Volusia County alone against the State of Florida and other entities. Both cases have similar issues and were consolidated before the same judge. The Defendants filed a Motion to Dismiss on numerous grounds, which was denied with regard to Palm Beach County, et.al. on October 13, 2008. Any additional dispositive motions must be filed and responded to by December 3, 2008, with a hearing on those motions set for December 12, 2008. No trial date has been set.



Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

County Attorney's Office
Suite 202, 301 S. Monroe Street
Tallahassee, FL 32301
(850) 606-2500 (Telephone)
(850) 606-2501 (Telefax)

RECEIVED

OCT 10 2008

DENISE M. NIEMAN
P.B. COUNTY ATTORNEY

Commissioners

BILL PROCTOR
District 1

October 8, 2008

JANE G. SAULS
District 2

Denise M. Neiman, Esq.
Palm Beach County Attorney

JOHN DAILEY
District 3

301 N. Olive Avenue
Suite 601

BRYAN DESLOGE
District 4

West Palm Beach, FL 33401

BOB RACKLEFF
District 5

Re: *Leon County, et al v. Jeffrey Lewis, et al*
Second Judicial Circuit Civil Case No. 2008-CA-2475
Criminal Conflict and Civil Regional Counsel Litigation
Invoice No. 1

CLIFF THAELL
At-Large

ED DePUY
At-Large

PARWEZ ALAM
County Administrator

Equal 2/3 Share of Total Amount Net Over Capped Counties Due for 10/06/08 Invoice	\$688.96
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HERBERT W.A. THIELE
County Attorney

TOTAL AMOUNT DUE:	<u>\$688.96</u>
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Please make checks payable to Leon County. Tax ID# 59-6000708.

TALLAHASSEE
Suite 200
1500 Mahan Drive
Tallahassee, Florida 32308
(850) 224-4070 Tel
(850) 224-4073 Fax

Nabors Giblin & Nickerson P.A.

ATTORNEYS AT LAW

FORT LAUDERDALE
208 S.E. Sixth Street
Fort Lauderdale, Florida 33301
(954) 525-8000 Tel
(954) 525-8331 Fax

TAMPA
Suite 1060
2502 Rocky Point Drive
Tampa, Florida 33607
(813) 281-2222 Tel
(813) 281-0129 Fax

October 6, 2008

Herbert W. A. Thiele, County Attorney
Leon County Courthouse
301 South Monroe Street
Tallahassee, FL 32301

RE: Funding of Offices of Criminal Conflict & Civil Regional Counsel
Our File Number 024-08041
Invoice No. 024 07062 21179 Y

Professional Services Rendered through 9/30/08
Disbursements/Expenses

\$28,237.50
1,201.27

TOTAL DUE

\$29,438.77

RECEIVED
08 OCT -6 PM 3:25
LEON COUNTY
ATTORNEY'S OFFICE
RECEIVED
08 OCT -6 PM 4:09
FINANCE DIVISION
BOB INZER
CLERK CIRCUIT COURT

fy 2007-2008

PAYMENT APPROVAL

Invoice Date (9/30/08) P.O.# (____) (____) Vendor# (021942)

Account Number	Invoice #	Description	Amount
(<u>00112053100514</u>)	(<u>024 07062</u> <u>211794</u>)	(____)	(<u>\$29,438.77</u>)
(____)	(____)	(____)	(____)

Approved by: *Alienay* Date: 10/6/08 Audit App: _____