

ADMINISTRATION COMMISSION AGENDA

April 3, 2007

1. **Approval of the minutes for the meeting held December 19, 2006.**
2. **Thirty-Third Annual Report and Annual Performance Contract submitted by the Division of Administrative Hearings.**

Thirty-Third Annual Report

Pursuant to section 120.65(10), Florida Statutes, the Division of Administrative Hearings is required to issue a written report to the Administration Commission providing, at a minimum, the following information:

- A summary of the extent and effect of agencies' utilization of administrative law judges, court reporters, and other personnel in proceedings under Chapter 120, Florida Statutes.
- Recommendations for change or improvement in the Administrative Procedure Act or any agency's practice or policy with respect thereto.

Highlights of the Report will be presented by the Director/Chief Administrative Law Judge.

Annual Performance Contract

The Director/Chief Administrative Law Judge will report on the performance standards applicable to the Division of Administrative Hearings.

Recommendation:

Recommend acceptance of the Thirty-Third Annual Report and the Annual Performance Report.

Back-Up:

DOAH's Thirty-Third Annual Report.

DOAH's Annual Performance Contract.

3. **Consideration of Petition for Appeal of the Gilchrist County Board of County Commissioners Approval of the Gilchrist County Sheriff's Budget for Fiscal Year 2006-2007. (AC Case No. SBA-06-023).**

Pursuant to section 129.03, Florida Statutes, on or before June 1 of each year, sheriffs are required to submit a tentative budget to the board of county commissioners for the operation of the sheriff's office for the ensuing fiscal year. Along with the tentative budget, section 30.49, Florida Statutes, requires the sheriff to submit a sworn certificate that the proposed expenditures are "reasonable and necessary for the proper and efficient operation of the office for the ensuing year." The board of commissioners is to review the budget request and may require changes made as it deems necessary. Upon receipt of the tentative budget and completion of any revisions, the board of commissioners is required to prepare a statement summarizing all county offices adopted tentative budgets. This summary statement is to be advertised in the local newspaper or posted on the local courthouse door if there is no local newspaper. The board of commissioners is required to hold public hearings prior to finalizing the budgets to hear requests or complaints from the public. The final budget is filed in the office of the county auditor as a public record. Section 30.49, Florida Statutes, allows the sheriff, within 30 days, to file an appeal to the Administration Commission regarding the approved budget. The Executive Office of the Governor is required to provide a budget hearing to allow both parties to present their case. Upon the findings and recommendations of the Executive Office of the Governor, the Administration Commission may amend the budget if it finds that any aspect of the budget is unreasonable. The budget as approved, amended or changed by the Administration Commission is final.

On October 16, 2006, the Gilchrist County Sheriff's Office (Sheriff), pursuant to s. 30.49, Florida Statutes, filed an appeal of their 2006-2007 budget approved by the Gilchrist County Board of County Commissioners (Board). On October 19, 2006, the Board filed its response to the appeal.

The Sheriff originally requested a total budget for 2006-2007 of \$3,402,658. The Board approved a 2006-2007 Sheriff's budget of \$3,055,139 which represents a 16.2% increase from the 2005-2006 approved budget. Five issues are raised in this appeal. Three issues are due to a reduced amount funded from the requested amount in the Personal Services budget; and two issues are due to a reduced amount from the requested amount in the Capital Outlay budget.

As required by statute, the Executive Office of the Governor (EOG) held a public meeting on March 5, 2007, to hear both parties present their case. A four-member panel consisting of Mr. Robert Tornillo of the Department of Financial Services, Mr. Kent Perez of the Attorney General's Office, Mr. Jim Boxold of the Department of Agriculture and Consumer Services, and Mr. Randy Ball of the Governor's Office of Policy and Budget, received comments from both the Board and the Sheriff. Based on those presentations and data provided, the panel unanimously agreed on the following recommendations to provide to the Administration Commission.

Recommendation:

The hearing panel found that based on the caseload data provided for support of a new investigator position, the Sheriff is in need of this additional position. The panel recommends funding one new investigator at a cost of \$26,530 for six months with an annualization of \$26,530 needed for the following fiscal year.

The hearing panel also recommends the purchase of two new patrol cars totaling \$52,500 (\$27,500 for a patrol car and \$25,000 for an unmarked car). One vehicle is in support of the judicial deputy the County Commission has already approved and one vehicle is for the recommended investigator position.

Back-Up:

Draft Final Order and Recommendations of the Budget Hearing Panel based on the March 5, 2007 hearing.

Gilchrist County Sheriff's Office appeal of the Gilchrist County Board of County Commissioners' approval of the Gilchrist County Sheriff's budget for FY 2006-2007 filed October 16, 2006.

Gilchrist County Sheriff's Office 2006 Annual Report.

Gilchrist County Board of County Commissioners' response to the Sheriff's appeal filed October 19, 2006.

March 7, 2007, E-mail requesting follow-up information from the Budget Panel Hearing on March 5, 2007.

Follow-up information requested from the Gilchrist County Board of County Commissioners on March 7, 2007.

Follow-up information requested from the Gilchrist County Sheriff on March 7, 2007.

Staff analysis of the Gilchrist County Sheriff's 2006-2007 Budget Appeal.

Letter from Gilchrist County Board of County Commissioners regarding settlement discussion with the Gilchrist County Sheriff dated March 16, 2007.

Letter from Gilchrist County Sheriff to the Gilchrist County Attorney dated March 12, 2007, pertaining to the appeal.

Additional information requested of the County regarding court case information for Holmes and Union County.

Additional information requested from the Gilchrist County Board of County Commissioners on October, 27, 2006.

Additional information requested from the Gilchrist County Sheriff on October, 27, 2006.

Master Calendar for all divisions of Gilchrist County Court for 2007.