

COURTHOUSE TASK FORCE – INTERIM REPORT

Executive Summary

On December 9th, the Board confirmed Mayor Ritter’s recommendation and established the Courthouse Task Force Advisory Committee. The Task Force was asked to make recommendations to the Board “regarding alternatives for financing, development, construction, improvement and other matters” relating to the main courthouse. The Board’s resolution (see **Resolution** at www.broward.org/courhousetaskforce) encouraged the Task Force to exercise its best judgment to evaluate traditional, creative and novel solutions. The Task Force has held three meetings to date (January 23rd, February 27th and April 3rd). In order to make the best use of time, the meetings were facilitated by staff trained to assist the group review a large amount of material and arrive at agreement on proposed recommendations. The Task Force broke up into working groups to review key issues including financing, parking, courthouse operations, proposed locations, and long range planning. On April 3rd, the Task Force voted to issue an interim report to the Board outlining its recommendations. The members of the Task Force are:

- Commissioner Ilene Lieberman, Chair
- Chief Judge Victor Tobin
- Howard Forman, Clerk of Court
- Judge Peter Weinstein
- Howard Finkelstein, Public Defender
- Chuck Morton, State Attorney’s Office
- Carol Ortman, Court Administrator
- Margaret Bates, President, Broward League of Cities
- Mayor Jack Seiler, City of Fort Lauderdale
- Scott Chitoff, Brinkley, Morgan, Solomon, Tatum, Stanley and Lunny
- Greg Durden, Greg Durden, P.A. (representing the business community)
- Jose Izquierdo, Izquierdo and Marin
- Linda O’Neill, Judicial Assistant to Judge Robert Lee (representing courthouse employees)
- Eugene Pettis, Haliczzer Pettis and Schwamm
- Scott Rothstein, Rothstein, Rosenfeldt, Alder

The Task Force concurs with the Board’s resolution that states that there is a “dire and urgent need to replace the outdated and inadequate main courthouse facility”. All building systems (electric, plumbing, mechanical etc) are long past their useful life and

bound to fail. In addition, the structure is likely to sustain significant damage in a Category 2 (or above) storm.

The Board directed the Task Force, staff and the courthouse consultants to reduce the cost of the courthouse projects. The original courthouse master plan included a number of projects totaling approximately \$510 million. The Task Force recommendations include projects totaling \$328 million which is a reduction of \$182 million or 36%.

In order to achieve a reduction of \$182 million the Task Force focused on identifying the most cost effective means to meet the critical need to replace the outdated Central & West Wings of the existing courthouse. Among the options considered by the Task Force were remodeling the existing courthouse; purchasing and remodeling an existing building; increased use of satellite courthouses; moving functions from the Main Courthouse; use of leased space; increased use of technology; implementation of new case management systems; reducing the space allocated to each agency; and parking options.

The Courthouse Task Force came to the conclusion that the most cost effective option is to replace the Central & West Wings on the site of the Judicial Garage. The Task Force recommends that the new courthouse consist of approximately 675,000 sq ft as compared to 893,000 sq ft proposed in the original master plan. The Task Force also recommends additional parking to meet existing and future courthouse needs.

The following summarizes the cost of the recommended projects:

Project	Cost (millions)
New Courthouse	\$270
Demo/Landscape/Connect to East Wing	\$8
Parking	
Phase I (1,000 spaces)	\$25
Phase II (500 spaces)	\$13
North Regional Parking	\$8
Remodel Midrise to relocate PD	\$4
TOTAL	\$328

The Task Force recommends that the new courthouse be funded utilizing the cash available for the project (\$60 million) plus the cash available from a jail project (\$60 million). To minimize the financial impact on taxpayers the Task Force recommends the Board take advantage of the reduction in lease expenses (\$1 million per year); the proposed increase in the Court Facilities Fee (\$4 million per year); and not increase the millage for this need until there is a decrease in voted debt which begins in FY 11 through FY 13. There will be an aggregate decrease of approximately \$36 million per

year in voted debt service payments over those three years. Of the \$36 million dollar decrease, the courthouse would need \$8.9 per year (\$12.9 million without the increase in the court facilities fee).

In order to take advantage of the “soft” construction market, the Task Force recommends that the Board act as soon as possible to:

- Issue an RLI for a developer to provide much needed parking
- Enter into an agreement to design the new courthouse

Summary of Task Force Recommendations to Date

1. ***A new courthouse is critically needed.*** All building systems have exceeded their useful life. Not only is the structure outdated, but in the event of a Cat 2 or above hurricane, the structure will sustain significant damage. Additionally, the current layout of court function spaces is not conducive to a modern courthouse. Court agencies do not have sufficient space to operate; and there is no room for expansion.
2. ***Renovating the old courthouse is not cost effective.*** The existing courthouse would need to be totally gutted and the structure would have to be hardened. Any remodeling would require the building be brought up to the current building code and there are likely to be additional unanticipated structure problems which may greatly increase the cost of remodeling. The County would also incur additional costs to lease space for agencies displaced by the construction project so they could continue to operate during the remodeling, thus, the cost to build out the existing courthouse would exceed the cost of new construction as employees would not need to be displaced during the construction.
3. ***Given the risk of building structure or systems failure the priority should be to concentrate on the construction of a new courthouse and projects in the 2006 Bond Issue that are not absolutely necessary should be postponed in order to save \$58 million.*** The Task Force prioritized the courthouse needs and determined that replacing the Central and West Wings and leased space was the highest priority need. The Task Force recommends delaying the remodeling of the North Wing (\$28 million) to create additional courtrooms; the renovation of the East Wing (\$19 million) to centralize all Clerk functions; and the elimination of improvements to the West and South Satellites (\$11 million) in order to free up existing budgeted capital funds to be used to construct a new

courthouse. One new courtroom for both the South and West regional courthouses will still be constructed.

4. **Agencies currently operating in the East and North Wings should remain there to avoid the cost of relocating to a new courthouse.** The original master plan called for the relocation of the Public Defender and portions of the State Attorney and Court Administrator's Office to a new courthouse. The Task Force recommends that these agencies and the Clerk of Court remain in the East Wing.
5. **The new courthouse should provide adequate space for all agencies in phases.** A phased plan is recommended and should be adopted by the Board of County Commissioners to meet the immediate and future space needs of all court agencies.
6. **Once a new courthouse is constructed, the Central and West Wings should be demolished and the phased plan should identify options to meet future space needs.** Creating a phased plan by prioritizing courthouse needs allows for minimizing the financial impact on the County budget and taxpayers. Options include the 10 Courtroom Addition; a SAO/PD office and parking garage on the New River Site; retrofit of the North Wing to add criminal courts; a new "Super Satellite" with up to 12 courtrooms; and a new building on the site of the Central and West Wings.
7. **The new courthouse should be designed to be flexible.** In order to adjust to changing space requirements in the future there are construction options which provide greater flexibility for long term needs. This includes shell space, office space that can convert to courtrooms; multipurpose rooms; shared spaces/movable wall systems; and collocation of divisions with similar needs.
8. **The new courthouse must be secure** and provide separation of the public, inmates and judicial officers. Juvenile inmates must be separate from adult inmates and the public.
9. **The new Courthouse should be constructed on the site of the Judicial Garage.** This is one of two (2) County owned sites identified by the Board for the construction of a new courthouse. The Task Force unanimously agreed that the Judicial Garage site is the most accessible site for the public, employees and emergency vehicles. The site also provides the best connection to the Main Jail and the East Wing of the existing courthouse. It also provides a site for a future

expansion project that would tie directly to the new courthouse and the East Wing.

10. ***The County should seek a developer to site, design and construct a parking garage as soon as possible.*** The garage should provide a minimum of 500 spaces – more if feasible. The garage should be as large as possible to meet future needs and proposals should identify how future parking needs can be met (400 when construction starts and approximately 380 when the courthouse opens). The process should be as flexible as possible so that the Board can consider proposals that offer different options including land; convenience to courthouse; an operator to maximize parking revenues; creative financing options; and an option to provide office space to support the court systems needs. Parking rates should be reasonable and affordable.
11. ***Maximize revenues from parking and courthouse concessions.*** In order to maximize revenues, witnesses and jurors who must come to the courthouse should park for free, but others such as State DOC employees should pay to park. In addition, the courthouse lobby should be designed to include selected vendors who would share revenues with the County.
12. ***Funding for the new courthouse should minimize tax burden avoid an increase in taxes; use existing funds; and utilize non-voted debt service.*** The Task Force recommends that the new courthouse be funded utilizing the cash available for the project (\$60 million) plus the cash available from a jail project (\$60 million). To minimize the financial impact on taxpayers the Task Force recommends the Board take advantage of the reduction in lease expenses (\$1 million per year); the proposed increase in the Court Facilities Fee (\$4 million per year); and not increase the millage for this need until there is a decrease in voted debt which begins in FY 11 through FY 13. There will be an aggregate decrease of approximately \$36 million per year in voted debt service payments over those three years. Of the \$36 million dollar decrease, the courthouse would need \$8.9 per year (\$12.9 million without the increase in the court facilities fee). Given the \$120 million in cash, the County can wait for up to two years until market conditions improve to issue permanent financing.
13. ***Provide secure parking during construction.*** During the estimated 2.5 years that it will take to construct the new courthouse, secure parking for judges and others should be provided on the surface lot located between the Main Jail and the North Wing on the New River. The lot should be staffed with a Community Service Aide (CSA) who will be stationed in an entrance booth. A secure solid

fence should be installed along with a covered walkway and the entrance booth. The solid fence should surround the entire parking lot and a covered walkway can lead directly to a secure entrance into the North Wing. The new courthouse should provide for secure parking - approximately 120 spaces under the courthouse.

14. **Maximize the use of the satellite courthouses** as the satellite courthouses are a convenience to the public and divert vehicular and public traffic from downtown. Utilizing the Court Facilities Fund one courtroom should be added to the West Satellite and one courtroom should be added to the South Satellite. Additional parking should be added to the North Satellite to support a new courtroom which was recently completed.

15. **The new courthouse should be designed to support and take advantage of the latest technology to improve court operations and conserve space.** Throughout the state and nationally, new technology has resulted in improved court operations and reduced operating costs and space requirements. The use of technology will reduce the amount of space needed in the new courthouse – especially the Clerk of Court filing areas. The use of technology will also reduce the need for attorneys and the public to visit the courthouse which reduces future space needs and parking capacity. Technology should include Wi-Fi throughout the courthouse; paperless e-filings; courtrooms that have screens at the bench, counsel tables and jury box to support visual evidence; Biometers for security (i.e. palm scanners for employees); electronic signage; closed circuit inmate visitation for PD attorneys and others; a centralized interpretation system; digitized court reporting; expanded use kiosks (i.e. file documents etc); electronic imaging/document management; electronic queuing management for public service areas such as T&M and Circuit Civil; and video conferencing capability in courtrooms for civil cases.

16. **Remodel the third floor of the Midrise for the Public Defender.** Due to the relocation of the Enterprise Technology Services Division, space will be available in the Midrise for the Public Defender. The cost to remodel is approximately \$4 million as compared to approximately \$8 million to construct space in the new courthouse. This will enable the PD to move out of leased space which frees up funds to pay debt service on the courthouse projects. Once vacated, the space in the Midrise can be built out in approximately one year – occupancy estimated to be in early 2011. In reviewing the practices of other jurisdictions, the Task Force learned that in most jurisdictions neither the State Attorney nor the Public Defender are located in the courthouse but in close proximity.

17. ***Lease space in nearby buildings such as the 110 Tower to “fill in the gaps” between building phases.*** Remodeling an existing building such as the 110 Tower is not cost effective. The building was constructed under a less stringent building code and it is not cost effective to renovate the building for use as courtrooms. The 110 Tower is not on the market – the owners are interested in leasing space to the County. Long term it is cheaper to own rather than lease space, however the Phasing Plan should incorporate the temporary use of leased space such as the 110 Tower to “fill in the gaps” between building projects. .
18. ***Courthouse design-*** the new courthouse should include more judicial offices than courtrooms in order to accommodate senior judges and provide sufficient space for additional judges that will be funded in the future by the State. This will require judges (i.e. County Civil, senior judges etc) to share courtrooms. Consideration should also be given to the staggered scheduling of court events. Staggering court events and centralized courtroom scheduling could assist the court increase the utilization of courtrooms as the number of judges increases. While the Task Force reviewed master calendaring options, we are of the opinion that developing the system is within the jurisdiction of the Chief Judge/Judiciary. The new courthouse should include at least one floor of shell space for the future build out of litigation spaces. In order to save space, the new courthouse design should eliminate separate chambers – judges will conduct all hearings and trials in a hearing room or courtroom – therefore they do not require separate chambers. The size of litigation spaces should vary to meet the unique needs of each judicial division (i.e. family, probate, civil, criminal etc). Courtrooms should vary in size from 1,000 sq ft to 2,200 sq ft and hearing rooms should vary in size from 400 sq ft to 600 sq ft. In addition, the courthouse should include at least one courtroom large enough to accommodate civil cases with multiple parties. The design should be similar to the North Wing with judges’ offices and litigation spaces on the same floor.
19. ***Reduce the size of the new courthouse to save approximately \$87 million.*** The new courthouse should be approximately 675,000 sq ft as compared to 893,000 sq ft which was in the 2006 bond issue for a new Civil/Family Courthouse and the 10 Courtroom Addition. The 10 Courtroom Addition should be postponed and the 10 additional courtrooms included in the new courthouse, saving approximately 16,000 sq ft of auxiliary space. The 218,000 sq ft reduction saves approximately \$87 million. Space reductions can be achieved in each

area of the court system (State Attorney, Clerk of Court, Public Defender, Guardian ad Litem, Court Administration and the Judiciary).

The following sections summarize the issues and materials reviewed by the Task Force.

Current Condition of the Courthouse (Recommendation #'s 1 & 3)

The Task Force was provided an overview of the facilities that make up the Main Courthouse complex including 46,330 sq ft of leased space (Attachment 1). The Task Force focused on the old sections of the courthouse. The Central and West Wings total 400,000 sq ft and house 56 judges, 11 magistrates, 38 courtrooms, hearing rooms; most of the State Attorney's Office; Clerk operations (including Traffic and Misdemeanor, Circuit Civil and County Civil); and Court Administration functions. The Central and West Wings also house the IT operations for the State Attorney, Court Administration and the Clerk of Court. As shown in Attachment 2, the Central and West Wings were constructed in phases from 1950 through 1970.

The County's consultant prepared a report on the condition of the existing courthouse which can be found at www.broward.org/courhousetaskforce (**Facility Evaluation Study**). Each building system (i.e. electrical, A/C, elevators, plumbing etc) is beyond its useful life and does not meet existing standards or code. The exterior shell is likely to fail in a strong Cat 2 or above hurricane. The layout is not conducive to today's best judicial practices. The building does not provide for separation of the public, judges and inmates. The building was not constructed to meet today's ADA standards and is not energy efficient.

Given the current condition of the courthouse and the risk of building structure or systems failure the Task Force recommends that the County construct a new courthouse.

Courthouse Master Plan

The Task Force reviewed the history of the courthouse project and the master plan developed by Spillis Candela. Initially the County planned to construct a Family Court to relieve crowding in the courthouse complex. A space program was developed and funds were set aside for the project. The Family Court Project was not constructed and the County hired Spillis Candela to complete a master plan for the courts and the courthouse complex. In January 2006, the consultant completed a forecast and needs study which can be found at www.broward.org/courhousetaskforce (**Needs Assessment Study**).

A referendum was placed on the November 2006 ballot to approve funding for the following projects included in the Master Plan:

Project	Estimate
Civil/Family Courthouse	\$ 339,000,000
10 Courtroom Addition (North Wing)	\$ 34,000,000
Remodel North Wing	\$ 28,000,000
Renovate East Wing	\$ 19,000,000
Demolition and Landscaping	\$ 11,000,000
South Satellite Improvements	\$ 6,000,000
West Satellite Improvements	\$ 8,000,000
North Satellite Improvements	\$ 5,000,000
Totals	\$ 450,000,000

In addition to the \$450 million in bond funds, there was \$60 million set aside for land and parking for a total of \$510 million. The plan called for the Civil/Family Courthouse to be located at the corner of SE 6th St and 3rd Avenue on land to be purchased by the County.

Options to Original Master Plan Considered by Task Force

After reviewing the projects and cost of the original master plan, the Task Force considered a number of options to reduce costs including:

- Remodeling the existing courthouse (with courtrooms)
- Remodeling the existing courthouse (without courtrooms)
- Remodeling an existing office building
- Relocating court functions from the downtown campus
- Scaling back projects in the original master plan
- Reducing the size of new Civil/Family Courthouse

Remodel the Existing Courthouse (Recommendation #2)

The first option considered by the Task Force was to remodel the existing courthouse. As stated above, all building systems in the Central & West Wings have reached the end of their useful life and must be replaced. The cost per square foot to completely remodel the courthouse as opposed to constructing a new courthouse is approximately the same. Remodeling the existing courthouse would, however, require the relocation of agencies in order to harden the facility, completely gut the facility and replace all building systems. In addition, it would be very costly to lease appropriate court facilities. Approximately half the space in the West & Central Wings consists of courtrooms and chambers. The build out of leased space for courtrooms would be prohibitively expensive. The additional build out and lease costs makes remodeling more expensive than building a new courthouse. It is very difficult to accurately project the cost of a remodeling project – especially for a very old structure. In addition, the existing courthouse does not provide for separation of the public, judges, and inmates and it would be difficult to effectively achieve this separation in a remodeled facility.

The Task Force also considered remodeling the Central & West Wings of the courthouse for use as offices. The cost per square foot to remodel would be approximately the same as new construction. While it is feasible to remodel the courthouse to house the State Attorney Office (SAO), Public Defender (PD) and other office functions, these agencies need far less than the 400,000 sq ft in the Central & West Wings.

The Task Force reviewed the possibility of hardening the courthouse while the courthouse is occupied. The concept was to harden the structure; build a new courthouse to house courtrooms and chambers; and then remodel several floors of the old courthouse which would be 50% vacant. The system that was identified to harden the facility was investigated by the County's insurance carrier who identified a number of risks (fire, durability etc) associated with the proposal. As a result the only option for adequately hardening the old courthouse is a new curtain wall which is much more expensive and would require the relocation of agencies during construction.

In summary, the Task Force does not recommend remodeling the existing courthouse since the structure would need to be totally gutted and hardened. Any remodeling would require the building be brought up to the current building code and there are likely to be additional unanticipated structure problems which may increase the cost of remodeling. The County would also incur additional costs to lease space for agencies displaced by

the construction project so they could continue to operate during the remodeling. Thus, the cost to build out the existing courthouse would exceed the cost of new construction.

Acquire and Remodel an Existing Building (Recommendation # 17)

Another option considered by the Task Force was to acquire and remodel an existing office building. In general, it would be difficult to achieve courtroom height requirements in a standard office building and it would also be very difficult to achieve adequate separation of the public, inmates and judges. The Task Force reviewed the pros and the cons of acquiring the 110 Tower for use as a courthouse.

The 110 Tower has 396,000 sq ft of class "A" office space with approx 1,150 parking spaces on floors 2 through 7. Each floor of office space has approximately 15,000 square feet. The County leases space in the building and has had numerous conversations with the owner's representative regarding the sale of the building. The building is not on the market. The owner's representative has indicated that they are interested in leasing additional office space to the County, but not functions that draw large numbers of people (i.e. court and clerk operations). While space is available for lease at approximately \$25/sq ft it is less expensive in the long run to construct new County owned office space.

The advantages of acquiring the 110 Tower include:

- The building is suitable for offices for the State Attorney (90,000 sq ft), Public Defender (20,000 sq ft) and Guardian Ad Litem (10,000 sq ft). A total of 120,000 sq ft could be utilized for these agencies. Since the building is designed to easily accommodate offices, the interior space could easily be remodeled to meet the needs of these agencies.
- AutoNation's master lease expires in September 2010 and the owners need to find additional tenants to occupy the building. In this market it is possible that they would be willing to sell the building for a "good price".
- The parking garage would provide an additional 1,150 parking spaces.

The potential acquisition of the 110 Tower has a number of disadvantages:

- The structure was designed and constructed in the 80's under a less stringent building code. The structure needs to be hardened to meet current wind standards. The cost to harden the building could cost from \$200 to \$250 per square foot. The County is spending \$200 per sq ft to harden the glazing at the Main Library, but it would likely cost more to meet the building standards for

Category E hardening which is recommended for a courthouse. At \$200 per sq ft it would cost \$53 million to harden all the exterior walls, windows, doors, roof and decks of the structure.

- This project could “trigger” other upgrades required by the current building code. The cost of code upgrades cannot be determined without completing a detailed assessment of the building and is one of the risks associated with remodeling an existing building.
- The building is suitable for offices, but it will not accommodate court operations. Extensive remodeling would be required to use the building for courtrooms. In addition to remodeling costs the County would be required to bring the entire structure up to current code. The additional cost to meet current building codes and ADA requirements is unknown.
- The cost to secure an additional building with metal detectors and BSO staff would be from \$1.5 to \$2 million per year. This would be an on-going annual additional operating cost.
- The City, County, School Board and other taxing districts currently receive approximately \$1.4 million/year in property taxes. This revenue would be lost if the County acquired the building.
- The building has more space than needed for offices. The building has approximately 400,000 sq ft suitable for offices. There is a need for 120,000 sq ft of offices for the Public Defender, State Attorney and Guardian Ad Litem. Most Clerk and Court Administrator operations should be located in the courthouse.

In summary, the building would meet the needs of the PD and SAO, but would require significant remodeling for use as courtrooms. In addition, the building was constructed in the 80's and needs to be hardened to meet current codes.

The Task Force does recommend the use of leased facilities such as the 110 Tower to “fill in the gaps” for space needed between future phases of the master plan.

Relocate Court Functions (Recommendation # 14)

The Task Force also looked at the feasibility of moving functions off-site and how to maximize the use of the satellite courthouses. After the 2006 bond issue was defeated the Board reviewed a number of sites as well as the pros and cons of keeping the Main Courthouse downtown. The Task Force concurs with the Board's position that the Main Courthouse should remain downtown due to the proximity to the Main Jail; the County's investment in the East and North Wings; and to continue to provide all judicial services in one location. One factor is that attorneys often practice in different judicial divisions and have hearings in different divisions on the same day. In addition, while some

jurisdictions have separated the criminal and civil courts out of necessity, separating the divisions of the court leads to inefficiency in court operations.

If adequate space was available for judges, courtrooms and support space in an existing satellite courthouse it would be cost effective to relocate judges from the main courthouse to the satellites. It is desirable to provide services at each of the three satellite courthouses as a convenience for the public and in order to relieve crowding and traffic at the Main Courthouse. The satellites, however, will soon be “maxed out”. Work was recently completed on a new courtroom and chambers at the North Satellite. In addition, there are plans to add a courtroom in the West Satellite and one courtroom and chambers at the South Satellite. This will bring the number of judges assigned to the satellites from ten to twelve. Given the limitations of land and parking there are no opportunities to expand the West and South Satellites. The North Satellite has space that could be used for additional courtrooms if records storage is relocated. A consultant reviewed several options (see **North Regional Courthouse Study** at www.broward.org/courhousetaskforce) to build out space, but due to land and parking constraints the conversion would be prohibitively expensive. The Task Force supports the construction of a new garage (approximately \$8 million) at the North Regional Courthouse to meet the need for additional parking.

The Task Force considered building a separate building on a new site, however, costs would increase if the County purchased land and constructed a separate new building. There is an “economy of scale” (i.e. cost of general conditions, site work etc) to meet all space needs in one building as opposed to two separate projects. One project also maximizes the use of the land dedicated to the project. One option that was discussed by the Task Force was to move criminal courts to the North Detention Center in order to be adjacent to the jail. This would reduce some prisoner transports; however the most serious offenders are housed in the Main Jail which has direct access to the North Wing. The County owns land adjacent to the North Detention Center and it will be needed in the future for detention expansion. It is difficult, if not impossible to site a detention facility in an urban area and the land should be reserved for future detention facilities.

The Task Force discussed the feasibility of relocating some non-essential functions to another facility. The County, Clerk of Court and Court Administration have relocated their servers to a secure facility (OneVault). The relocation of the County’s servers and build out of space at Government Center West will enable the County to relocate the County’s IT division and free up space in the Midrise for the Public Defender. In addition, Traffic Hearings are conducted at the satellites by Traffic Hearing Officers. Administrative functions and other functions could be located in other space within the

courthouse complex, but that would require a new building which would not reduce project costs.

In summary, the Task Force recommends maximizing the use of satellite courthouses which are a convenience to the public and divert vehicular and public traffic from downtown. Utilizing the Court Facilities Fund one courtroom should be added to the West Satellite and one courtroom should be added to the South Satellite. Additional parking should be added to the North Satellite to support a new courtroom which was recently completed.

Scale Back Master Plan Projects (Recommendation #3 & 4)

As noted above, the Task Force focused on the immediate and critical need to replace the existing courthouse. Several projects in the original master plan should be postponed and considered in future phases. These projects include the remodeling of the North Wing (\$28 million) to create additional courtrooms; the renovation of the East Wing (\$19 million) to centralize all Clerk functions; and the elimination of improvements to the West and South Satellites (\$11 million). In summary, the Task Force recommends postponing a number of projects to save \$58 million.

In addition, the 10 courtrooms that would have been constructed as part of an addition to the North Wing (10 Courtroom Addition Project) should be included in the new courthouse. Consolidating the two projects will save approximately 16,000 sq ft. Also, the cost estimate to demolish the old courthouse, landscape the plaza and connect the new courthouse to the East Wing was reduced from \$11 million to \$7.7 million.

Reduce the size of the new courthouse (Recommendation #'s 16 & 19)

The Task Force reviewed the space needs of each agency slated to be included in the new courthouse. The master plan projected a need for 76 litigation spaces (courtrooms and hearing rooms) and a total of 893,000 sq ft as summarized below:

Court Agency	Original Space Program (sq. ft.)
Courtrooms & Judicial Offices	372,500
State Attorney	164,300
Clerk of Court	127,000
Public Defender	81,400
Guardian Ad Litem	18,400
Court Administration	55,000
Lobby, Mechanical & Other	74,400
TOTAL	893,000

The Task Force was able to reduce the total space requirements in the new courthouse to approximately 675,000 sq ft which is a reduction of 218,000 sq ft. This was accomplished by reducing the projected increase in staff; space savings associated with electronic filing; reducing the size of litigation and support spaces; leaving the Public Defender, State Attorney and Court Administrator in the areas they currently occupy in the North and East Wings; relocating Public Defender staff currently in leased space to the Midrise; reducing the number and size of inmate holding areas; adding the 10 courtrooms planned in the 10 Courtroom Addition to the new courthouse project; reducing the size of magistrate offices; and refining the final design and layout of the space. As a result the space allocations can be reduced as follows:

Court Agency	Original Space Program (sq. ft)	Recommended (sq. ft.)	Reduction (sq. ft.)
Courtrooms & Judicial Offices	372,500	338,500	34,000
State Attorney	164,300	108,900	55,400
Clerk of Court	127,000	127,000	0 ⁽¹⁾
Public Defender	81,400	0	81,400
Guardian Ad Litem	18,400	12,000	6,400
Court Administration	55,000	21,900	33,100
Lobby, Mechanical & Other	74,400	66,700	7,700
Total	893,000	675,000⁽²⁾	218,000

(1) Clerk of Court will have 33,000 sq ft less than in the Master Plan since the Clerk will not occupy the entire East Wing

(2) The consultant is still refining the space plan and design to achieve the objective of 675,000 sq ft

In summary, the Task Force recommends that the new courthouse be reduced in size to save approximately \$87 million. The new courthouse should be approximately 675,000 sq ft as compared to the 893,000 sq ft which was in the 2006 bond issue for a new Civil/Family Courthouse and the 10 Courtroom Addition. The 10 Courtroom Addition should be postponed and the 10 additional courtrooms included in the new courthouse saving approximately 16,000 sq ft of auxiliary space. In addition the Task Force recommends remodeling the third floor of the Midrise for the Public Defender at a cost of approximately \$4 million. This will enable the PD to move out of leased space which frees up funds to pay debt service on the courthouse projects. Once vacated, the space in the Midrise can be built out in approximately one year – occupancy estimated to be in early 2011.

The total estimated cost of the new courthouse and the PD remodeling is \$274 million which is \$99 million less than the estimated cost of the new courthouse and 10 courtroom addition in the original master plan. The \$99 million reduction is due to the reduction of 218,000 sq. ft. and a reduction in estimated project square foot costs.

Enhanced use of Technology (Recommendation # 15)

The Task Force reviewed the impact of technology on space needs, including potential applications and the impact of imaging, remote access to the courts, electronic filing and video conferencing. There are a number of areas where judicial agencies can make increased use of technology including:

- Increase in electronic Kiosk applications - Computerized kiosks with audio/video and touch screen capabilities should replace the traditional court staffed information desk. Electronic kiosks take up a smaller amount of space than the traditional information desk and several can be strategically placed throughout the courthouse as needed. The kiosks can be used to provide the daily calendar per judge and locations of courtrooms which will make the courthouse more “user-friendly”. However, an even more efficient use of kiosk technology is for court filings. Jurisdictions such as Palm Beach County have placed various types of forms (non-contested divorce, small claims, fines payment) on their kiosks that reduce queues at Clerk of Court counters. In Palm Beach County these kiosks are located in the courthouse so that staff can provide assistance to pro se clients. The kiosks could also be located in the Law Library.
- Electronic Wayfinding – The new courthouse should have flatscreen TV monitors and/or digital teletrons in lobbies, corridors, and outside courtrooms that assist the litigants and visitors with information regarding the location of judges, the calendar in various courtrooms, and other pertinent information. This application of electronic wayfinding is cost effective by reducing the amount of time that courthouse staff is used in simply providing directions.
- Biometric security for staff/frequent user screening - Most court facilities currently require a screening of staff and visitors for entry. The use of biometric methods, especially for staff, can expedite the screening process and potentially reduce space requirements. Biometric security can be as simple as “handprint” readers for staff to sophisticated retina scans. Handprint technology validates that the staff member is permitted access to the secure portion of the courthouse, and activates the “gate” that allows staff to bypass the public screening configuration.
- Electronically diverse courtroom wells - The use of video testimony is altering the need for defendants and litigants to be present in the courtroom requiring that the courtroom design be able to accommodate various pieces of equipment. Some devices will be desk top while others wall and ceiling mounted. The requirements for electronically diverse litigation spaces have space, light levels, power, and

cooling implications. The technology has advanced to a point that all new courtrooms are equipped to incorporate a full range of devices that improve the efficiency of the proceedings. From the dais, the presiding officer can control access and egress to the courtroom (as required), light levels, “white” noise, as well as access court documents through desktop computers that are linked to the criminal justice information system. Flat screen TV monitors should be used to present evidence and for remote testimony. Jury boxes should be equipped with flat screen TV’s for better viewing of evidence. Counsel tables should be designed to provide direct internet access so that off-site information can be easily accessed during proceedings. By including conduit for constantly evolving technology in the initial construction the cost for equipment upgrades will be relatively low.

- Paperless courts – The Clerk of Court is in the process of converting from paper court documents to electronic means. This will result in space savings as the traditional large file rooms with rows of shelving are become obsolete. For example, the Johnson County, Kansas court began to convert all court documents to an electronic format and reduced the Clerk of Court space for active and inactive files by more than 30%. Paperless courts are the emerging trend, with many states (California) mandating dates by which the transfer has to be completed. With the use of E-filing, clerk offices are experiencing less public traffic at the front counters. This can result in the need for less counter and public queuing spaces. Most jurisdictions are now permitting civil cases to be filed remotely from private attorney offices for a filing fee. Attorneys can easily file a document from their office. They log into their account; create the document; and send it electronically to the Clerk online. The Clerk receives the e-document and it is electronically filed in the Document Management System and immediately becomes part of the court file. The Document Management System interfaces with the Case Management System so that the judge and others have access to the document. The design of the DMS electronically barcodes and files the file, eliminating the time-consuming process of manually stamping, scanning, and filing paper copies. The DMS also can collect a filing fee through the use of a credit card. The elimination of paper storage of files translates into a tremendous space saving in a courthouse especially when old files are stored electronically.
- Video conferencing and depositions – Audio/Video conferencing is widely used in court jurisdictions for many purposes, including interpretation capability in the courtrooms for the deaf and for foreign language needs; children’s interviews; depositions; remote expert witness testimony and scientific evidence

presentation in civil cases; and for general conferencing and training needs. Establishing video conferencing centers in designated hearing rooms or even providing a media center, provides an opportunity to conduct a variety of remote hearings without the litigant or attorney having to be present in the courthouse. Not only does the use of video conferencing reduce the number of persons in the courthouse (thus parking demand), but ultimately the hearing rooms become useful for more than one function.

In summary, the Task Force recommends that the new courthouse be designed to support and take advantage of the latest technology to improve court operations and conserve space. The use of technology will reduce the amount of space needed in the new courthouse – especially the Clerk of Court filing areas. The use of technology will also reduce the need for attorneys and the public to visit the courthouse which reduces future space needs and parking capacity. Technology should include Wi-Fi throughout the courthouse; paperless e-filings; courtrooms that have screens at the bench, counsel tables and jury box to support visual evidence; Biometers for security (i.e. palm scanners for employees); electronic signage; closed circuit inmate visitation for PD attorneys and others; a centralized interpretation system; digitized court reporting; expanded use kiosks (i.e. file documents etc); electronic imaging/document management; electronic queuing management for public service areas such as T&M and Circuit Civil; and video conferencing capability in civil courtrooms.

Location of Courthouse (Recommendation #9)

Last year, the courthouse consultant reviewed a number of sites for a new courthouse and the Board narrowed the potential sites for a new courthouse to two (2) County owned sites: a site on the New River and the site of the Judicial Garage just west of the existing courthouse (Attachment 3).

The advantages of the New River Site include that the site is County owned; a new courthouse would enhance the riverfront and buffer the Main Jail; the site is adequate to accommodate a new courthouse (1.47 acres); and once the Central & West Wings are demolished there is ample space to construct court facilities to meet future needs. The site's drawbacks include that the "front door" to the new courthouse would not be on a major street. Access would be difficult for the public, deliveries and emergency vehicles. Construction costs may increase since the site is on the water and there may be a need to mitigate soil conditions. In addition, there would be a loss of 194 surface parking spaces which would have to be replaced as part of the new courthouse project (approximate cost \$4.9 million).

The advantages of the Judicial Garage site include that the site is County owned; the site is adequate to accommodate a new courthouse (1.4 acres); the site provides excellent connectivity to the existing courthouse and the jail; and once the Central & West Wings are demolished there is ample space to construct court facilities that connect directly to the new courthouse and the East Wing. The site's drawbacks include the loss of 400 parking spaces which would have to be replaced as part of the new courthouse project (approximate cost \$10 million) and the loss of secure parking during construction.

The Task Force recommends the site of the Judicial Garage based on its accessibility and connectivity to the Main Jail and the East Wing. During construction secure parking can be provided on the surface lot on the New River by constructing a solid fence; installing an entrance gate staffed with a BSO Community Service Aide; and constructing a covered walkway to an existing secure entrance in the North Wing.

Courthouse Parking (Recommendation #'s 10 & 11)

The County owns and operates approximately 2,700 parking spaces that service the main courthouse complex. Currently employees utilize 1,864 parking spaces:

Location	Spaces
East Garage	1,270 (North Section)
West Judicial Garage	400
Surface Lot on New River	194
TOTAL	1,864

In addition, the East Garage has 828 spaces for Jurors, Paid Parking, Witnesses (including police officers), DOC employees, State Children & Family employees, Guardian Ad Litem Volunteers, NPO employees (i.e. Henderson), contract employees (i.e. court reporters) and other visitors.

Walker Parking Consultants completed a study of courthouse parking issues including projected needs and the operation of the existing garage. The study is available on www.broward.org/courhousetaskforce (**Parking Study**). The courthouse area has a total of 6,145 parking spaces. After applying a turnover factor the effective supply of parking spaces is 5,672 which is a shortfall of 473 parking spaces. Peak parking demand occurs in the morning – especially early in the week.

The County will soon lose the use of 243 spaces which are leased to the developer of New River Village. The loss of 243 spaces will be offset by 165 spaces which will be gained due to the relocation of ETS from the Midrise to Gov Center West and DOR taking over Support Enforcement. The current net parking shortfall is approximately 551 spaces.

In addition, there is a need to replace the 400 spaces that will be lost if the new courthouse is constructed on the site of the Judicial Garage plus approximately 500 additional spaces to meet future parking needs. The new courthouse will have 120 secure spaces under the structure.

The Task Force recommends that the County seek a developer to site, design and construct a parking garage as soon as possible. The garage should provide a minimum of 500 spaces – more if feasible. The garage should be as large as possible to meet future needs and proposals should identify how future parking needs can be met (400 when construction starts and approximately 380 when the courthouse opens). The process should be as flexible as possible so that the Board can consider proposals that offer different options including land; convenience to courthouse; an operator to maximize parking revenues; creative financing options; and an option to provide office space to support the court systems needs.

Compared to other counties, the County's current free parking practices are "generous". State Statutes do not require the County to provide free parking for courthouse users and most other counties do not provide free parking. Of the 6 largest counties in Florida (other than Broward):

- None of the 6 counties provide free parking for State Agencies (i.e. DOC, Children and Families, etc)
- None of the 6 counties provide free parking for witnesses
- 3 of the 6 counties provide free parking for judicial employees
- 4 of the 6 counties provide free parking for jurors

The Task Force recommends that Courthouse employees, witnesses and jurors continue to receive free parking, but that all others pay. The Task Force also recommends that parking rates be reasonable and affordable.

Courthouse Operations and Design (Recommendation #'s 7, 8, 13, & 18)

The Task Force discussed a number of court operation issues that affect the design and space needs in a new courthouse. The existing Central & West Wings do not provide for the separation of the public, judicial officers and inmates. The Task Force recommends that the new courthouse be secure and provide separation of the public, inmates and judicial officers. Juvenile inmates must be separated from adult inmates and the public. In addition, during construction of the new courthouse secure parking for judges and others should be provided and the new courthouse should provide secure parking - approximately 120 spaces under the courthouse.

The Task Force recommends that the new courthouse be designed to be flexible in order to adjust to changing space requirements in the future. The County should employ construction options which provide greater flexibility for long term needs. This includes the inclusion of shell space, office space that can convert to courtrooms; multipurpose rooms; shared spaces/movable wall systems; and co-location of divisions with similar needs. The Task Force recommends at least one floor (approximately 40,000 sq ft) of shell space.

The Task Force recommends that the new courthouse include space for more judicial offices than courtrooms in order to accommodate senior judges and provide sufficient space for additional judges that will be funded in the future by the State. This will require judges (i.e. County Civil, senior judges etc) to share courtrooms. Consideration should also be given to the staggered scheduling of court events. Staggering court events and centralized courtroom scheduling could assist the court increase the utilization of courtrooms as the number of judges increase. In order to save space, the new courthouse design should eliminate separate chambers – judges should conduct all hearings and trials in a hearing room or courtroom – therefore they do not require separate chambers. The Task Force considered the possible benefits of a new case management system such as a Master Calendar and concluded that this is a decision to be made by the Chief Judge. The consultant surveyed several circuits to determine if a different case management system would result in the increased utilization of courtrooms and concluded that most circuits (including Broward) utilize an individual case management system.

The size of litigation spaces should vary to meet the unique needs of each judicial division (i.e. family, probate, civil, criminal etc). Courtrooms should vary in size from 1,000 sq ft to 2,200 sq ft and hearing rooms should vary in size from 400 sq ft to 600 sq ft. The design should be similar to the North Wing with judges' offices and litigation spaces on the same floor.

The following chart summarizes the number of judges and magistrates and the estimated size of litigation space:

SUMMARY OF EXISTING and PROPOSED COURTROOMS			
Summary of Courtrooms	Current Judicial Officers	Proposed Judicial Officers	
New West Tower Courthouse			
Chief Judge	1	1	No assigned courtroom
Circuit Civil	17	17	Courtroom with Jury (1,600 sq. ft.)
Probate	3	3	Hearing Rooms (~ 600 sq. ft.)
County Civil	9	7	Hearing Rooms/Shared Courtroom (~ 400 sq. ft.)
Magistrates	11	12	Hearing Rooms (~ 500 sq. ft.)
Family	8	12	Hearing Rooms (~ 600 sq. ft.)
Juvenile Dependency	5	6	Courtroom (~ 1,200 sq. ft.)
Juvenile Delinquency	-	4	Courtroom without jury (1,600 sq. ft.)
County Criminal	13	13	Courtroom with Jury (1,600 sq. ft.)
	67	75	
North Tower			
Circuit Criminal	19	23	Courtroom with Jury
County Criminal	1	1	Courtroom with Jury
Magistrates	1	1	Hearing Rooms
Juvenile Delinquency	4	-	Moves to new West Tower
	25	25	
Satellites			
North	3	4	Courtroom without jury
West	4	4	Courtroom without jury
South	3	4	Courtroom without jury
	10	12	
	102	112	

Source: Carter Goble Lee; February 18, 2009

The consultant developed a conceptual site plan (Attachment 4) based upon the design considerations discussed above; the recommended site for a new courthouse; and the projected space requirement of 675,000 sq ft. The proposed courthouse footprint is in the shape of an “L” which results in as many as 8 full size courtrooms per floor (Attachment 5) which is an efficient use of space; provides ample outside lighting; and brings the height of the building down to 17 stories.

Project Schedule and Phasing Plan (Recommendation #'s 5 & 6)

Given the critical need for a courthouse and the soft construction market, the Task Force recommends that the new courthouse be built as soon as possible. The recommended project schedule (Attachment 6) accelerates the DRI and design stages of the project and is dependent upon expedited development review and permit processing. The Task Force requested that the consultant send a letter to Mayor Seiler outlining how the City of Ft Lauderdale could help expedite the project (Attachment 7).

The accelerated courthouse project schedule is based on one year to complete the DRI and design process. The schedule assumes 2.5 years to construct the new courthouse. The design firm for the project (Spillis Candela) has been selected, but the scope and terms need to be negotiated and approved by the Board. In addition, the County needs to select a CM @ Risk contractor for the project. Once the new courthouse is constructed and occupied the next step is to demolish the Central & West Wings; connect the courthouse to the East Wing; and landscape the plaza. The project schedule estimates that this will take approximately one year.

The additional 1,000 parking spaces cover the existing shortfall (550) and the loss of the Judicial Garage (400). The spaces are expected to be provided by a developer who will provide the land, design and construct the facility. The project schedule estimates that it will take approximately two years to complete, but this is dependent upon the responses to the RLI. One of the selection criteria should be the time the proposers need to deliver parking spaces to the County.

The remodeling project at the Midrise is scheduled to begin after ETS moves to Government Center West which frees up the third floor for the Public Defender. This project is estimated to take approximately one year to complete. The North Parking Garage project schedule is dependent upon the best solution to provide the needed parking.

The Task Force developed a tentative recommendation to meet future space needs. Given the Board’s fiscal constraints the Task Force identified a number of ways to cut costs and reduce the size of the courthouse, but is concerned that there will be adequate space to meet the future needs of all court agencies. A number of projects were identified to meet future space needs including the build out of shell space; the 10 Courtroom Addition; a SAO/PD office and parking garage on the New River site; retrofit of the North Wing to add criminal courts; a new “Super Satellite” with up to 12 courtrooms; and a new building on the site of the Central and West Wings. These future projects will ensure the County can meet all future space needs incrementally as needs arise. A tentative future phasing plan was developed:

Planning Future Phases			
2015-2020	2020-2025	2025-2030	2030-2035
Remodel East Wing	10 Courtroom Addition	Super Satellite	Future County Courthouse/ Office
Build out Courthouse Shell Space	SAO/PD with Parking on New River North Wing Criminal Courtrooms		

The attached site plan (Attachment 8) shows how the 10 Courtroom Addition and the Future Courthouse will fit on the site. In conclusion, the Task Force recommends that the new courthouse provide adequate space for all agencies in phases to meet future space needs. Creating a phased plan by prioritizing courthouse needs allows for minimizing the financial impact on the County budget and taxpayers.

Financing Options (Recommendation #12)

The total cost of the projects discussed above and recommended by the Task Force is \$328 million compared to \$510 million in the original master plan:

Project	Cost (millions)
New Courthouse	\$270 million
Demolition/Landscape/Connect to East Wing	\$8
Remodel Midrise for PD	\$4
Downtown Parking	
<ul style="list-style-type: none"> • Phase I (1,000 spaces) 	\$25
<ul style="list-style-type: none"> • Phase II (tentative - 500 spaces) 	\$13
North Regional Courthouse	\$8
TOTAL	\$328 million

As discussed above, the Task Force recommends an aggressive project schedule in order to take advantage of the soft construction market. Based on the project schedule the following is a preliminary cash flow for the courthouse projects:

Estimated Cash Flow (in millions)							
Project	Fiscal Year						Total
	2009	2010	2011	2012	2013	2014	
Downtown Parking		11	14				\$25
North Regional Parking			8				8
New Courthouse	1	14	70	130	55		270
Remodel Public Defender		2	2				4
Demo/Landscape/Connect					4	4	8
Future Parking (~ 500 spaces)					13		13
Total	1	27	94	130	72	4	\$328

The Task Force reviewed potential funding sources to support the proposed courthouse projects. The County has \$60 million in the budget for courthouse capital projects. In addition, there is \$60 million in the capital program for a new jail. These funds (\$120 million) should be used to support the courthouse projects.

In addition, the Court Facilities Fund is used to pay rent for the State Attorney, Public Defender and Guardian Ad Litem. Rent payments total approximately \$1 million per year (Attachment 1) and should be used to support debt service payments on approximately \$15 million in bonds.

The Task Force also supports the Board's efforts to pass legislation increasing the Courthouse Facilities Fee from \$15 to \$30 and using the \$4 million per year that would be generated to support debt service for the courthouse projects. The \$4 million per year would support \$60 million in non-voted debt.

Assuming the cash, lease savings and increased courthouse facilities fees are applied to the \$328 million in project costs there is a balance of \$133 million. The Task Force reviewed materials prepared by the County's Financial Advisor summarizing several borrowing options (Attachment 9). Several financing scenarios were presented with interest rates based on today's market and a ten year average (see **Financing Scenarios** at www.broward.org/courhousetaskforce). The Task Force discussed the pros and cons of a GO bond issue compared to non-voted debt. GO bonds must be approved by the voters and the debt service is paid with property taxes that are excluded from the State's millage cap. Non-voted debt such as COPs does not need voter approval and the debt service is paid with general revenues. As shown in

Attachment 10, the County's annual debt service payments for GO debt will decrease beginning in FY 11 through FY 13 by \$36.4 million:

- FY 11 \$18.3 million
- FY 12 \$10.0 million
- FY 13 \$8.1 million

If voters approved a referendum to issue GO bonds the debt service payments could be paid without increasing the current debt service tax levy. If the County issued non-voted debt the net effect would be the same, however, it would likely require the County Commission to approve a tax rate over the State imposed cap which would require a super majority vote.

The Financial Advisor also provided information (Attachment 11) demonstrating the volatility in today's market. Based on the recommended project schedule and projected cash flow, the County has sufficient cash through FY 11 and does not need to secure permanent financing for approximately two years.

The Task Force also discussed the possibility of Federal Stimulus funds and parking revenues that could offset project costs. The County's parking consultant completed an analysis of estimated parking revenues based upon the construction of a 1,090 space garage with an average of 382 spaces available to the public. The study can be found at www.broward.org/courhousetaskforce (**Parking Revenue Study**). Most of the parking is for jurors and employees and the projections were based upon fair market rates (\$3/hour with built-in annual increases) Based upon these assumptions, the study projects an increase of approximately \$150,000/year in parking revenues when the garage opens and \$950,000/year four years later when the rate would be \$4/hour. The increased revenue will be offset by increased operating and maintenance costs, but there will be some revenue available to offset debt service costs. As mentioned above, the Task Force supports maximizing parking revenues which will be a factor in the proposed Parking RLI which includes (as an optional service) hiring a firm to operate courthouse parking assets.

In summary, the Task Force recommends that funding for the new courthouse should minimize the tax burden; avoid an increase in taxes; use existing funds; and utilize non-voted debt service. The new courthouse should be funded utilizing the cash available for the project (\$60 million) plus the cash available from the jail project (\$60 million). The financing plan should minimize tax burden and not result in an increase in taxes by taking advantage of the reduction in lease expenses (\$1 million per year); the proposed

increase in the Court Facilities Fee (\$4 million per year); and the \$36.4 million decrease in voted debt beginning in FY 11 through FY 13.

Conclusion

The Courthouse Task Force is pleased to issue this interim report and looks forward to the workshop scheduled for April 21st. The Task Force plans to meet again in June to discuss several open issues related to future phases. These include the long term phasing plan; and an updated estimate of shell space; potential for Stimulus funds; use of a County owned building on Federal Highway; and the potential sale of the land on the New River.