



AGENDA REPORT
October 23, 2018

Stipulation to Costs, Brevard County v. State

SUBJECT:

Brevard County & North Brevard Development District v. The State of Florida, et. al.,
Motion to Tax Costs

FISCAL IMPACT:

\$18,667.77 to the North Brevard Development District's budget

DEPT/OFFICE:

County Attorney Office

REQUESTED ACTION:

Request the Board of County Commissioners approve entering a joint motion and stipulated order for the Court to order payment of \$18,667.77 in costs to the Clerk of Court.

SUMMARY EXPLANATION and BACKGROUND:

On September 21, 2018, the Clerk of Court filed a motion asking the Court to approve certain costs as reasonably necessary to defend against Brevard County's request to validate approximately \$8 million in bonds. Section 57.041, Florida Statutes grants that the prevailing party may recover costs. Statewide guidelines give the Trial Court broad discretion to determine what costs were reasonably necessary to defend the case. After negotiation, the Clerk of Court has agreed to reduce its requested costs by \$3,238.52 and stipulate to \$18,667.77 in costs to be paid to the Clerk within thirty days of the order. On October 12, 2018, the North Brevard Development District approved stipulating to pay costs from their budget.

CLERK TO THE BOARD INSTRUCTIONS:

Return one certified copy to CAO.

ATTACHMENTS:

Description

- **Joint Motion and Stipulated Order**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

October 24, 2018

M E M O R A N D U M

TO: Eden Bentley, County Attorney

RE: Item F.15., Stipulation to Costs, Brevard County v. State of Florida, et. al.

The Board of County Commissioners, in regular session on October 23, 2018, approved entering joint motion and stipulated order for the Court to order payment of \$18,667.77 in costs to the Clerk of Court.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cmw

cc: Finance
Budget

Exhibit A

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY, FLORIDA

BREVARD COUNTY, FLORIDA, a political
subdivision of the State of Florida and the
NORTH BREVARD DEVELOPMENT
DISTRICT, a dependent special district,
Plaintiffs,

vs.

CASE NO.: 05-2018-CA-018298-XXXX-XX

THE STATE OF FLORIDA, and the
Taxpayers, Property Owners and Citizens of
Brevard County, Florida, including non-
residents owning property or subject to
taxation therein, and all others having or
claiming any right, title or interest in property
to be affected by the indebtedness herein
described, or to be affected thereby,
Defendants.

_____/

**STIPULATED ORDER GRANTING
JOINT MOTION TO TAX COSTS**

Pursuant to the Joint Motion for Entry of Stipulated Order On Costs to tax costs as against the Plaintiffs, Brevard County, Florida (the "County") and North Brevard Development District (the "District"), the parties have stipulated and agreed to the entry of an Order granting the Motion. And the Court being otherwise fully advised in the premises, it is hereby ordered that the Plaintiffs, the County and the District, shall pay to the Clerk costs totaling the amount of \$18,667.77, to be paid to the Clerk within thirty (30) days of the date of this Order.

DONE AND ORDERED in Chambers at the Harry T. & Harriette V. Moore Justice Center, Viera, Brevard County, Florida, on _____, 2018.

JEFFREY MAHL
Circuit Judge

Copies to:

Christine M. Schverak, Assistant County Attorney

Gregory T. Stewart, Esquire

Justin M. Keen, Assistant State Attorney

Rebecca E. Lober, Esquire

J. Carter Andersen, Esquire

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY, FLORIDA

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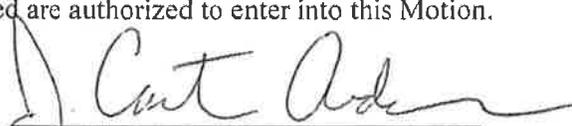
THE STATE OF FLORIDA, and the Taxpayers,
Property Owners and Citizens of Brevard
County, Florida, including non-residents owning
property or subject to taxation therein, and all
others having or claiming any right, title or
interest in property to be affected by the
indebtedness herein described, or to be affected
thereby,

Defendants.

JOINT MOTION FOR ENTRY OF STIPULATED ORDER ON COSTS

Plaintiffs, BREVARD COUNTY, FLORIDA, and NORTH BREVARD DEVELOPMENT
DISTRICT, and Intervenor, SCOTT ELLIS, in his official capacity as Brevard County Clerk of
Circuit Court and Comptroller, by and through their undersigned counsel, respectfully move for entry
of the attached Stipulated Order to Tax Costs as against the Plaintiffs, Brevard County, Florida and
North Brevard Development District. The undersigned are authorized to enter into this Motion.

Christine Schverak, Esq.
Assistant County Attorney
Brevard County
Florida Bar No. 605336
2725 Judge Fran Jamieson Way,
Viera, Florida 32940
Telephone: (321) 633-2090
Attorney for Plaintiffs



J. Carter Andersen, Esq.
Florida Bar No. 0143626
BUSH ROSS, PA
1801 N. Highland Avenue
Tampa FL 33602
Telephone: (813) 224-9255
*Attorneys for Intervenor, Scott Ellis
in his official capacity as
Brevard County Clerk of Court*

Dated: _____, 2018

Dated: _____, 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of October, 2018, I filed the foregoing with the Brevard County Clerk of the Circuit Court via the Florida Courts E-Filing Portal System. Accordingly, a true and correct copy of the foregoing is being served on this day to all attorneys/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.

Christine Schverak, Esq.
Assistant County Attorney
Brevard County