

STORAGE NAME: h1551a.ca

DATE: April 5, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1551

RELATING TO: Pinellas County/Juvenile Welfare Board

SPONSOR(S): Representative Morroni

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) JUDICIARY (CJC) YEAS 5 NAYS 0
- (2) COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
- (3)
- (4)
- (5)

I. SUMMARY:

HB 1551 amends section 1 of chapter 23483, L.O.F. (1945), as amended, to change the composition of the Pinellas County Juvenile Welfare Board ("Board").

The bill requires that the Board consist of nine members as follows:

- ▶ One member shall be the county superintendent of schools
- ▶ The second member shall be a judge of the juvenile division of the circuit court
- ▶ The third member shall be the state attorney
- ▶ The fourth member shall be the public defender; and
- ▶ The fifth member shall be an appointed member of the Board of County Commissioners.

These members serve for the duration of the terms of office of their official offices.

The remaining four members, Governor appointees, are subject to Senate confirmation, and serve four year terms.

The bill also provides that, notwithstanding the reduction of the number of gubernatorial appointees on the Board from five to four, the Governor's current appointments are not affected, and the Board will temporarily consist of ten members until such time as the term of one member terminates or expires, at which time that position shall terminate and the Board will be left with nine members.

No fiscal impacts are anticipated either for fiscal year 2000-2001 or 2001-2002 according to the Economic Impact Statement.

The Committee on Community Affairs adopted three amendments that are traveling with the bill. As indicated in the "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES" section, Amendment one is a clarifying amendment. Amendment two was offered and withdrawn. Amendment three increases the total membership from nine to eleven board members. Amendment four increases the number of gubernatorial appointees from four to six.

Amendments three and four go beyond the scope of the published notice.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Section 1 of chapter 23483, L.O.F. (1945), as amended, creates the Pinellas County Juvenile Welfare Board, which has responsibility for providing a wide range of juvenile services to the children of Pinellas County. In the original chapter law, the Board was tasked with providing detention homes for juveniles charged with or convicted of crimes, providing psychological services to all juveniles, services for mentally ill juveniles and runaways, and allocating and providing funds for other agencies that provide services to juveniles. s. 1, ch. 23483, L.O.F (1945). The Board's activities are funded by local property taxes. s. 3, ch. 23483, L.O.F (1945).

To date, the Pinellas County Juvenile Welfare Board Act has been amended 12 times, through the following chapters: 24826 (1947), 25500 (1949), 26356 (1949), 31171 (1955), 61-2675, 65-2101, 70-459, 70-894, 79-555, 92-228, 93-311, and 95-473, Laws of Florida. Chapter 95-473, L.O.F., amended the Board's composition to include the following nine members:

The county superintendent of schools, two judges of the juvenile court, and an appointed member of the Pinellas County Board of County Commissioners, each of whom shall serve on the Board during the terms of their official offices; and five members appointed by the Governor and confirmed by the Senate, who shall serve terms of four years each.

C. EFFECT OF PROPOSED CHANGES:

This bill is intended to place the state attorney and the public defender for the Sixth Judicial Circuit (located in Clearwater, in Pinellas County) on the Board. To do so, the bill eliminates offices for one judge and one of the Governor's appointments.

The bill will require that the Board consist of nine members as follows:

- ▶ The county superintendent of schools;
- ▶ A circuit court juvenile division judge;
- ▶ The state attorney;
- ▶ The public defender; and ;
- ▶ An appointed member of the Board of County Commissioners.

These members serve for the duration of the terms of office of their official offices.

STORAGE NAME: h1551a.ca

DATE: April 5, 2000

PAGE 3

The remaining four members are Governor appointed and confirmed by the Senate, and serve for four years.

The bill also provides that, notwithstanding the reduction of the number of gubernatorial appointees on the Board from five to four, the Governor's current appointments are not affected, and the Board will temporarily consist of ten members until such time as the term of one member terminates or expires, at which time that position shall terminate and the Board will be left with nine members.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 28, 2000.

WHERE? Tampa Bay Review in Clearwater, Pinellas County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

This bill takes effect upon becoming a law.

The bill eliminates one of the Governor's appointments but allows for all of the current gubernatorial appointees to serve out their current terms. The language on page two of the bill seems to require the termination of one of the Governor's appointments by attrition, i.e., whenever the next gubernatorial appointee leaves office, that office will be terminated, leaving the Governor with 4 appointees as the bill provides. However, the use of the phrase "one of those current members" is ambiguous. A better phrase would be "until such time as the term of one of the gubernatorial appointees terminates or expires..." This would make it clear that none of the other members or appointees to the Board are affected by the attrition provision.

STORAGE NAME: h1551a.ca

DATE: April 5, 2000

PAGE 4

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Community Affairs met on April 5, 2000 and adopted three amendments that are traveling with the bill:

Amendment one is a clarifying amendment, regarding the gubernatorial appointees to the board.

Amendment two was offered and withdrawn.

Amendment three increases the total membership from nine to eleven board members.

Amendment four increases the number of gubernatorial appointees from four to six.

The Sponsor was advised that Amendments three and four likely corrupt the published notice.

VI. SIGNATURES:

COMMITTEE ON JUDICIARY:

Prepared by:

Michael W. Carlson, J.D.

Staff Director:

P.K. Jameson, J.D.

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Cindy M. Brown, J.D.

Staff Director:

Joan Highsmith-Smith