

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 10/07/2008

Consent

Regular

Ordinance

Public Hearing

Department:

Submitted By: PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

Submitted For: PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION

I. EXECUTIVE BRIEF

MOTION AND TITLE: Staff recommends motion to approve: A resolution amending Resolution No. R-92-1803 providing for an update to the membership of the Palm Beach County Public Safety Coordinating Council in accordance with Section 951.26, Florida Statutes.


SUMMARY: The Board of County Commissioners desires to revise the resolution establishing the Palm Beach County Public Safety Coordinating Council to ensure consistency with the Florida Statutes. A representative from county and state jobs programs and other community groups who work with offenders and victims, will be appointed by the chairperson of the Board of County Commissioners to a 4-year term. This resolution also adds language providing 4-year terms for the director of county probation or pretrial intervention program, the director of a local substance abuse treatment program or a member designated by the director, and the state probation circuit administrator. Countywide (DW)

BACKGROUND AND JUSTIFICATION: The Palm Beach County Board of County Commissioners enacted Resolution No. 91-1485, which originally established the Palm Beach County Correctional Planning Committee. Thereafter, in 1992, the Board approved Resolution No. 92-1803 changing the title of the "Palm Beach County Correctional Planning Committee" to the "Palm Beach County Public Safety Coordinating Council" pursuant to Chapter 92-310, Laws of Florida that renamed the Council. With Resolution No. 92-1803 the Board also authorized the Board of County Commissioners to be represented by its Chair or another County Commissioner. The amended resolution changes the previous resolution by adding language consistent with Section Florida Statute 951.26, Florida Statutes and the current Chapter 97-102, Laws of Florida. This resolution will ensure that Palm Beach County's committee is consistent with Section 951.26, Florida Statutes as amended.

Attachments:

1. Amended Resolution
2. Copy of 97-102 Section 1881, Laws of Florida, regarding §951.26, F.S.

Recommended by:  9-17-08
 Department Director (Final 1) Date

Approved by:  10/1/08
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	<i>see below</i>			_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>	<u><u>-0-</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item In Current Budget?	Yes _____	No _____			
Budget Account No:	Fund _____	Department _____	Unit _____	Object _____	
	Program _____				

B. Recommended Sources Of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: *mg 9/11/08*

III. REVIEW COMMENTS

A. OFMB Fiscal And/Or Contract Development and Control Comments:

There is no Fiscal Impact associated with this item.

atwillhite 9.19.08
OFMB *9/17/08*

pm 9/16/08 *cn 9/16/08*

Joe J. Jacob 9/22/08
Contract Development & Control *9/22/08*

B. Legal Sufficiency:

[Signature]
Assistant County Attorney *10/1/08*

RESOLUTION NO. R-08-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION R-92-1803, ADDING A REPRESENTATIVE TO THE PUBLIC SAFETY COORDINATING COUNCIL FROM COUNTY AND STATE JOBS PROGRAMS AND OTHER COMMUNITY GROUPS WHO WORK WITH OFFENDERS AND VICTIMS, TO BE APPOINTED BY THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS, TO A 4-YEAR TERM AND ADDING LANGUAGE TO THE MEMBERSHIP FOR THE STATE PROBATION CIRCUIT ADMINISTRATOR, DIRECTOR OF COUNTY PROBATION OR PRETRIAL INTERVENTION PROGRAM, AND THE DIRECTOR OF A LOCAL SUBSTANCE ABUSE TREATMENT PROGRAM OR A MEMBER DESIGNATED BY THE DIRECTOR TO PROVIDE FOR 4-YEAR TERMS IN ACCORDANCE WITH SECTION 951.26, FLORIDA STATUTE

WHEREAS, Section 951.26, Florida Statutes, provides for the membership of the Public Safety Coordinating Council; and

WHEREAS, the current Resolution No. R-92-1803 does not include membership completely consistent with Section 951.26, Florida Statute in that it does not include a representative from county and state jobs programs and other community groups who work with offenders and victims, appointed by the Chairperson of the Board of County Commissioners, to a 4-year term; and

WHEREAS, the current Resolution No. R-92-1803 does not include membership consistent with Section 951.26, Florida Statute in that it does not provide 4-year terms for the state probation circuit administrator; director of any county probation or pretrial intervention program; and director of a local substance abuse treatment program or a member designated by the director.

WHEREAS, the Board of County Commissioners desires to revise the resolution establishing the Public Safety Coordinating Council to ensure consistency with the Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Resolution No. R-92-1803 is hereby amended as follows:

1. The Palm Beach County Public Safety Coordinating Council is herein established.
2. **MEMBERSHIP.** The Council shall consist of the following members:
 - State Attorney or designated assistant state attorney;
 - Public Defender or designated assistant public defender;
 - Chief Circuit Judge or designated circuit judge;

- Chief County Judge or designated county judge;
- Chief Correctional Officer (Sheriff);
- State Probation Circuit Administrator ~~or his/her designee~~, or a member designated by the state probation circuit administrator, to be appointed to a 4-year term;
- Chairperson of the Board of County Commissioners or another County Commissioner as designee;
- Director of County Probation or pretrial intervention program, to be appointed to a 4-year term; and
- Director of a local substance abuse treatment program or his/her designee, to be appointed to a 4-year term; and
- Representatives from county and state jobs programs and other community groups who work with offenders and victims, appointed by the Chairperson of the Board of County Commissioners to 4-year terms.

~~The Council may include representatives from county and state jobs programs and other community groups who work with offenders and victims, as appointed by the Chair of the Board of County Commissioners.~~

The Chairperson of the Board of County Commissioners or another County Commissioner as designee shall serve as the Chair of the Council until the Council elects a chairperson from the membership of the Council.

3. PURPOSE.

The Council shall meet for the purpose of:

- Assessing population status of all detention or correctional facilities owned or contracted by the County; and
- Formulating recommendations to ensure that the authorized capacities of such facilities, as established by the Department of Corrections, are not exceeded. Recommendations shall include an assessment of the availability of pretrial intervention or probation programs, work-release programs, substance abuse programs, gain-time schedules, applicable bail bond schedules, and the confinement status of the inmates housed within each facility.

The Council may also develop a five (5) year public safety plan for future construction needs.

In the event Palm Beach County contracts to receive community corrections programs pursuant to Section 948.51, Florida Statutes, the Council shall develop a comprehensive county public safety plan pursuant to said statute.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Commissioner Addie L. Greene, Chairperson -
- Commissioner John F. Koons, Vice Chair -
- Commissioner Karen T. Marcus -
- Commissioner Robert J. Kanjian -
- Commissioner Mary McCarty -
- Commissioner Burt Aaronson -
- Commissioner Jess R. Santamaria -

The Chairperson thereupon declared the amended Resolution duly passed and adopted this _____ day of _____, 2008.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

county in which the chief corrections officer is not a constitutional officer, the Department of Corrections may provide technical assistance to local governments in the design and implementation of offender classification systems, evaluation of construction and financing alternatives, the development of community service programs, and the use of mutual aid programs in jail-sharing efforts.

Section 1881. Paragraph (a) of subsection (1) of section 951.26, Florida Statutes (1996 Supplement), is amended to read:

951.26 Public safety coordinating councils.—

(1) Each board of county commissioners shall establish a county public safety coordinating council for the county or shall join with a consortium of one or more other counties to establish a public safety coordinating council for the geographic area represented by the member counties.

(a)1. The public safety coordinating council for a county shall consist of:

- a. The state attorney, or an assistant state attorney designated by the state attorney.
 - b. The public defender, or an assistant public defender designated by the public defender.
 - c. The chief circuit judge, or another circuit judge designated by the chief circuit judge.
 - d. The chief county judge, or another county judge designated by the chief county judge.
 - e. The chief correctional officer.
 - f. The sheriff, or a member designated by the sheriff, if the sheriff is not the chief correctional officer.
 - g. The state probation circuit administrator, or a member designated by the state probation circuit administrator, to be appointed to a 4-year term.
 - h. The chairperson ~~chairman~~ of the board of county commissioners, or another county commissioner as designee.
 - i. If the county has such program available, the director of any county probation or pretrial intervention program, to be appointed to a 4-year term.
 - j. The director of a local substance abuse treatment program, or a member designated by the director, to be appointed to a 4-year term.
 - k. Representatives from county and state jobs programs and other community groups who work with offenders and victims, appointed by the chairperson ~~chairman~~ of the board of county commissioners to 4-year terms.
2. The chairperson of the board of county commissioners, or another county commissioner as designee, shall serve as the chairperson of the

council until the council elects a chairperson from the membership of the council.

Section 1882. Paragraph (b) of subsection (3) and subsection (6) of section 958.11, Florida Statutes (1996 Supplement), are amended to read:

958.11 Designation of institutions and programs for youthful offenders; assignment from youthful offender institutions and programs.—

(3) The department may assign a youthful offender to a facility in the state correctional system which is not designated for the care, custody, control, and supervision of youthful offenders or an age group only in the following circumstances:

(b) If the youthful offender becomes such a serious management or disciplinary problem resulting from serious violations of the rules of the department that his or her original assignment would be detrimental to the interests of the program and to other inmates committed thereto.

(6) The department may assign to a youthful offender facility any inmate, except a capital or life felon, whose age does not exceed 19 years but who does not otherwise meet the criteria of this section, if the Assistant Secretary for Youthful Offenders determines that such inmate's mental or physical vulnerability would substantially or materially jeopardize his or her safety in a nonyouthful offender facility. Assignments made under this subsection shall be included in the department's annual report.

Section 1883. Paragraphs (d), (e), and (i) of subsection (1) of section 960.001, Florida Statutes (1996 Supplement), are amended to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Parole Commission, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement the provisions of s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(d) Notification of scheduling changes.—Each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency scheduling his or her appearance of any change in scheduling which will affect his or her appearance.

(e) Advance notification to victim or relative of victim concerning judicial proceedings; right to be present.—Any victim, relative of a minor who is a victim, or relative of a homicide victim shall receive from the appropriate agency, at the address found in the police report or the victim notification