

84-245

SECTION III

SUMMARY OF GENERAL BILLS ADDRESSED BY THE COMMITTEE ON
COMMUNITY AFFAIRS AND HOUSE BILLS ADOPTED BY THE 1984 LEGISLATURE

(Underscored bills passed the House and Senate)

HB 30 by Representatives Crotty and Drage (Similar to SB 200 by Sen. Vogt) -- This bill allows the governing body of a municipality to suspend or remove from office any municipal board member. It provides grounds for suspension or removal of said board members and conditions for reinstatement of board members. It limits the function of suspended officers and provides for withholding of pay and other emoluments during the period of suspension. The bill also expands the Governor's statutory authority to remove and suspend municipal officers.

CS/HB 39 by Representative Hanson (HB 1266 by the Committee on Judiciary and Representatives Lehtinen, Crotty, Hanson, Peeples, R. M. Johnson, and Murphy) -- This bill provides counties and municipalities with a limited exemption from public records requirements for appraisals, offers or counteroffers relating to the purchase of real property. The exemption would extend until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing body. If an agreement is not reached, the exemption would end 30 days after the termination of negotiations.

CS/HB 146 by the Committee on Appropriations and Representative Hodges (CS/SB 501 by Economic, Community & Consumer Affairs, and Senator Kirkpatrick) -- The bill extends the expiration date of the Farmworker Housing Assistance Act, Part IV of Ch. 420, F.S., to June 30, 1989. The bill transfers the program from the Office of the Governor to the Department of Community Affairs. In addition, the bill authorizes financial and technical assistance to public bodies and nonprofit groups which sponsor farmworker housing financed by federal, state, local, or private resources. Finally, the bill modifies the current grant and loan eligibility requirements.

Date: 1-20-84
Revised: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON COMMUNITY AFFAIRS
STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

BILL# HB 30 OTHER COMMITTEES OF REFERENCE
SPONSOR Reps. Drage & Crotty Ethics & Elections
RELATING TO Suspension, Removal SIMILAR/COMPANION BILLS
or Retirement of Public Officers

I. SUMMARY

A. Present Situation:

Article IV, Section 7(c) of the Florida Constitution grants the Governor the power to suspend elected officers who are indicted.

Chapter 112, Florida Statutes, provides the Governor the power of suspension of an elected or appointed municipal officer if a grand jury returns a true bill against such an official as a result of action of the official arising directly or indirectly out of or pertaining to his official conduct or duties. Under this chapter, the Governor is provided the power of suspension of any elected or appointed official who is indicted or informed against for commission of any felony, or for any misdemeanor arising directly out of his official conduct or duties. If convicted, the Governor may remove the public official from office.

There is currently no statutory authority for municipalities to remove or suspend public officials. Municipalities may, however, through the powers granted in their charters remove or suspend officials.

B. Effect of Proposed Changes:

The bill will allow the governing body of a municipality to suspend or remove from office any municipal board member. In addition, the governing body could suspend or remove from office a municipal board member who is arrested, indicted, informed against or convicted of a federal or state felony or misdemeanor. It further provides that any person who pleads guilty or nolo contendere or who is found guilty shall be deemed to have been convicted, notwithstanding the suspension of sentence or the withholding or adjudication. The proposed change

would create Section 112.501, Florida Statutes, providing for a definition of "municipal board member" to be any person who is appointed, elected or confirmed by the governing body of a municipality to be a member of a board, commission, authority or council which is created or authorized by general law, special act or municipal charter.

The bill also provides for reinstatement of municipal board members if acquitted or found not guilty or charges dismissed. It further provides similar language for the filing of a vacancy and performing official duties on the withholding or pay. Provides that the new section shall apply in the absence of a charter provision.

With regards to the power of the Governor to remove or suspend any official under Chapter 112, Florida Statutes, this bill will expand the Governor's authority to suspend to include any elected or appointed municipal officer who is "arrested, indicated or informed against for commission of a federal or state felony or misdemeanor." The Governor may also suspend said officials for "malfeasance, misfeasance, neglect of duty, drunkenness, incompetence or permanent inability to perform his official duties." It further allows the Governor to remove said officials who plead guilty, nolo contendere or who is found guilty.

C. Section by Section Analysis:

Section 1 -- Provides procedures for suspension or removal by the governing body of a municipality of municipal board members which the governing body has appointed or confirmed, which procedures may be utilized in the absence of a charter provision. Provides grounds for suspension or removal and provides for reinstatement under certain conditions. Provides for filling of vacancies. Limits function of suspended officers and provides for withholding of pay and other emoluments during the period of suspension. Provides for reimbursement for pay and other emoluments withheld under certain conditions.

Section 2 -- Expands the Governor's statutory authority with regards to his power to remove and suspend municipal officers.

Section 3 -- Provides that this act shall take effect upon becoming a law.

II. ECONOMIC IMPACT

A. Public:

None

B. Government:

None

III. COMMENTS

A similar bill (HB 1162) died in the 1983 Session in committee.

IV. AMENDMENTS

V. PREPARED BY William B. Hightower *WH*

VI. STAFF DIRECTOR Mike Cusick *(MC)*

VII. COPY TO SPONSOR _____

Date: 1-20-84
Revised: 2-17-84

HOUSE OF REPRESENTATIVES
COMMITTEE ON COMMUNITY AFFAIRS
STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

BILL# HB 30

OTHER COMMITTEES OF REFERENCE

SPONSOR Reps. Drage & Crotty

Ethics & Elections

RELATING TO Suspension, Removal
or Retirement of Public Officers

SIMILAR/COMPANION BILLS

I. SUMMARY

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II. ECONOMIC IMPACT

A. Public:

None

B. Government:

None

III. COMMENTS

A similar bill (HB 1162) died in the 1983 Session in committee.

IV. AMENDMENTS

Three amendments were offered and adopted in Subcommittee. Amendments one and three remove the word "drunkenness" as one of the reasons for which a municipal board member may be suspended or removed by the governing board of a municipality or by the Governor. Amendment two adds "for a felony or for a misdemeanor related to the duties of office" to the reasons for which a municipal board member may be suspended or removed by the governing body of a municipality or the Governor.

V. PREPARED BY William B. Hightower *WBH*

VI. STAFF DIRECTOR Mike Cusick *(C)*

VII. COPY TO SPONSOR _____

Date: 1-20-84
Revised: 7-9-84

HOUSE OF REPRESENTATIVES
COMMITTEE ON COMMUNITY AFFAIRS
STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

BILL# HB 30

OTHER COMMITTEES OF REFERENCE

SPONSOR Reps. Drage & Crotty

Ethics & Elections

RELATING TO Suspension, Removal

SIMILAR/COMPANION BILLS

or Retirement of Public Officers

S 200

I. SUMMARY

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A. Public:

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B. Government:

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III. COMMENTS

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V. END OF SESSION UPDATE

Became law as Chapter 84-245, Laws of Florida.

VI. PREPARED BY William B. Hightower *WBH*

VII. STAFF DIRECTOR Mike Cusick *(MC)*

VIII. COPY TO SPONSOR _____/nm

HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS & ELECTIONS
STAFF ANALYSIS

House Bill 30

Other committees of reference: 1st reference-Community Affairs

Sponsor: Reps. Drage & Crotty

Relating to: Suspension, Removal or Retirement of Public
Officers

Similar/Companion Bills: SB 200

I. SUMMARY

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Section 3 -- Provides that this act shall take effect upon becoming a law.

II. ECONOMIC IMPACT

A. Public:

None

B. Government:

None

III. COMMENTS

A similar bill (HB 1162) died in the 1983 Session in Ethics & Elections.

IV. AMENDMENTS

This bill was reported favorably with three amendments by the Committee on Community Affairs. Amendments one and three remove the word "drunkenness" as one of the reasons for which a municipal board member may be suspended or removed by the governing board of a municipality or by the Governor. Amendment two adds "for a felony or for a misdemeanor related to the duties of office" to the reasons for which a municipal board member may be suspended or removed by the governing body of a municipality or the Governor.

V. PREPARED BY: Jim Cordero

April 10, 1984