

ORDINANCE NO. 2023-039

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 5 OF THE PALM BEACH COUNTY CODE (ORDINANCE 88-16, AS AMENDED BY ORDINANCES 89-3, 90-38, 92-14, 92-25, 93-1, 93-35 95-6, 2014-003, AND 2016-017) PERTAINING TO THE PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION, AMENDING SECTION 2-216 (CREATED), AMENDING SECTION 2-217 (OBJECTIVES), AMENDING SECTION 2-218 (AUTHORITY), AMENDING SECTION 2-219 (OPERATION), AMENDING SECTION 2-220 (STAFF COOPERATION AND SUPPORT), AND AMENDING SECTION 2-221 (ADMINISTRATION); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the coordination of all aspects of the law enforcement and crime prevention

efforts in Palm Beach County, Florida is important to Palm Beach County; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida is empowered and has the duty to take such action as is necessary for the coordination of an efficient, cost effective and timely criminal justice system, and to effect the reduction of crime in Palm Beach County, Florida; and

WHEREAS, it is necessary to amend Chapter 2, Article V, Division 5 of the Palm Beach County Code of Ordinances.

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

SECTION 1. ORDINANCE AMENDMENT

Sections 2-216, 2-217, 2-218, 2-219, and 2-220 of Chapter 2, Article V, Division 5 of the Palm Beach County Code are amended to read as follows:

Sec. 2-216. - Created.

There is hereby established an advisory commission to be known as the "Palm Beach County Criminal Justice Commission," herein referred to as the "Criminal Justice Commission."

I. Membership. The Criminal Justice Commission shall be comprised of eighteen (18) public sector members and seventeen (17) private sector members for a total commission

1 of thirty-five (35) members in accordance with the policies and procedures established  
2 by the Board of County Commissioners for advisory commissions as follows:

3 A. *Public Sector Members*.

- 4  
5 1. Mayor or Commission member of the Palm Beach County Board of County  
6 Commissioners.  
7 2. Palm Beach County Sheriff.  
8 3. State Attorney, 15th Judicial Circuit.  
9 4. Public Defender, 15th Judicial Circuit.  
10 5. Clerk of the Palm Beach County Circuit Court. 6. Chief Judge, 15th Judicial Circuit.  
11 7. Administrative Judge, Juvenile Division, 15th Judicial Circuit.  
12 8. Member, Palm Beach County School Board.  
13 9. Member, Palm Beach County Legislative Delegation.  
14 10. Member, Palm Beach County League of Cities.  
15 11. District IX Juvenile Justice Manager, Florida Department of Juvenile Justice.  
16 12. Representative of Police Chiefs Association.  
17 13. Chief, West Palm Beach Police Department.  
18 14. Circuit Administrator, Florida Department of Corrections, 15th Judicial Circuit.  
19 15. Supervisory Special Agent, Florida Department of Law Enforcement.  
20 16. President, Crime Prevention Officers' Association.  
21 17. United States Attorney, Southern District of Florida or Assistant U.S. Attorney, West  
22 Palm Beach.

23 18. Member, Palm Beach Association of Criminal Defense Lawyers

24  
25 The term of membership for the Public Sector members will be for the duration of their  
26 position entitling them to sit as a member of the Criminal Justice Commission.

27 B. *Private Sector Members*

28 (1) Ten (10) persons will be nominated by the Palm Beach County Economic Council, of  
29 which consideration should be given to one (1) representative from CareerSource and one  
30 (1) representative from the Health Care District of Palm Beach County. Nominees do not  
31 have to be members of the Economic Council, and said nominations must be submitted  
32 to the Board of County Commissioners of Palm Beach County, Florida for approval. One

1 (2) One (1) person will be nominated to represent the Black Chamber of Commerce and one  
2 (1) person will be nominated to represent the Hispanic Chamber of Commerce. Each  
3 chamber will nominate its representative.

4 (3) Five (5) at-large members of the local community, including: one (1) local clergy; one  
5 (1) returning citizen; one (1) crime survivor; one (1) student between seventeen (17) and  
6 twenty-two (22) years of age; and one (1) member of the community at large shall be  
7 nominated by the Criminal Justice Commission and approved by the Board of County  
8 Commissioners.

9 (4) Member Nominations. The nomination process shall begin ninety (90) days prior to the  
10 expiration of a member's term, or immediately in the event of an unplanned vacancy. The  
11 Economic Council, Black Chamber of Commerce, and Hispanic Chamber of Commerce  
12 shall be notified and requested to provide nominations for appointment. An approved  
13 board appointment form, with attached resume, must be completed for all nominees prior  
14 to transmittal to the BCC. These members shall be representative of all segments of Palm  
15 Beach County, Florida.

16 (5) Attendance. Private Sector Members shall be automatically removed for lack of  
17 attendance. Lack of attendance is defined as failure to attend three (3) consecutive  
18 meetings or a failure to attend more than one-half of the meetings scheduled during a  
19 calendar year. Participation for less than three-fourths of a meeting shall be the same as  
20 a failure to attend a meeting. Members removed pursuant to this paragraph shall not  
21 continue to serve on the Criminal Justice Commission and such removal shall create a  
22 vacancy.

23 II. Maximum Number of Boards. The maximum number of Boards that an individual member  
24 appointed by the Board of County Commissioners may serve on at one (1) time shall be three  
25 (3), except that no individual may serve on more than one (1) board, if doing so would violate  
26 Article II, Section 5(a) of the Florida Constitution, which prohibits dual office holding.

27 III. Terms of Office. Private Sector members shall be appointed for a three-year term, with said  
28 term commencing on January 1 for the first year of appointment and expiring on December  
29 31 of the third year. Beginning on or after March 1, 2013, no private sector member shall be  
30 appointed or reappointed to the Criminal Justice Commission for more than three (3)  
31 consecutive three-year terms. Existing members' terms shall end on December 31st of the  
32 year in which their term expires.

1 IV. Vacancies occurring during a term shall be filled for the unexpired term, and shall  
2 not count toward the member's term limits.

3 V. Residency. All members of the Criminal Justice Commission must be residents of Palm  
4 Beach County at the time of appointment or nomination and while serving on the Criminal  
5 Justice Commission. Exemptions to this requirement are allowed when circumstances  
6 warrant outside technical/professional representation, or if statute or other rule specifies.

7 Appointed members of the Criminal Justice Commission shall serve at the pleasure of the  
8 appointing body.

9 VI. Qualification as a Candidate. Criminal Justice Commission members shall not be prohibited  
10 from qualifying as a candidate for elected office.

11 VII. Sunshine Law and State Code of Ethics. Criminal Justice Commission members shall comply  
12 with the Sunshine Law and State Code of Ethics. However, that portion of a meeting of a  
13 duly constituted Criminal Justice Commission at which members of the Commission discuss  
14 active criminal intelligence information or active criminal investigative information that is  
15 currently being considered by, or which may foreseeably come before, the Commission is  
16 exempt from F.S. § 286.011, as amended or replaced and § 24(b), Art. I of the Florida State  
17 Constitution, as amended or replaced, provided that at any public meeting of the Criminal  
18 Justice Commission at which such matter is being considered, the Commission members  
19 publicly disclose the fact that the matter has been discussed. Reasonable public notice of all  
20 Criminal Justice Commission meetings shall be provided. All meetings of the Criminal  
21 Justice Commission shall be open to the public at all times and minutes shall be taken at each  
22 meeting.

23 VIII. Palm Beach County Code of Ethics. Criminal Justice Commission members appointed under  
24 subsection (b)(1) and (2) of this section are to comply with the applicable provisions of the  
25 Palm Beach County Code of Ethics as codified in Sections 2-441 through 2-448 of the Palm  
26 Beach County Code.

27 IX. Annual Narrative Report. The Criminal Justice Commission shall submit an annual narrative  
28 report to the Board of County Commissioners.

29 Sec. 2-217. - Objectives.  
30  
31 The Criminal Justice Commission is established to study all aspects of the criminal justice and  
32 crime prevention systems within the federal, state, county, municipal and private agencies within  
33 the County. This purpose shall include the study of the health and human services and educational

1 systems, among others, as they pertain to criminal justice or crime prevention. The Criminal  
2 Justice Commission shall make recommendations to the Board of County Commissioners on  
3 policies and programs designed to accomplish the following objectives:

- 4 a. Ensure the coordination of law enforcement and crime prevention efforts in the County;
- 5 b. Ensure an efficient, just, and cost effective criminal justice system in the County; and
- 6 c. Effect the reduction of crime in the County on a permanent basis.

7 Sec. 2-218. - Authority.  
8  
9 The Criminal Justice Commission shall have the following authority and powers:

- 10 (a) To review, research and evaluate existing systems and programs within the scope of the  
11 Criminal Justice Commission;
- 12 (b) To establish task forces or subcommittees to study in detail key aspects of programs and  
13 systems within the scope of the Criminal Justice Commission;
- 14 (c) To adopt from time to time rules and bylaws providing for the governance of the  
15 Criminal Justice Commission, which rules and bylaws will be adopted by a majority  
16 vote of the members of the Criminal Justice Commission;
- 17 (d) To establish an executive committee by the majority vote of the members of the  
18 Criminal Justice Commission, which executive committee will have such powers and  
19 authority as delegated by the Criminal Justice Commission;
- 20 (e) To review and comment on all grant requests for programs and systems within the  
21 scope of the Criminal Justice Commission;
- 22 (f) To make recommendations on modifying, creating or abolishing public and private  
23 systems and programs within the scope of the Criminal Justice Commission;
- 24 (g) To make recommendations on modifying, creating or abolishing legislation, ordinances  
25 or regional or county-wide comprehensive plans dealing with systems and programs  
26 within the scope of the Criminal Justice Commission;
- 27 (h) To assist the consolidation of systems and programs within the scope of the Criminal  
28 Justice Commission when approved by the Board of County Commissioners;
- 29 (i) To request members of all agencies within the auspices of the Board of County  
30 Commissioners, to provide the Criminal Justice Commission in a timely manner with  
31 all data and information requested by the Criminal Justice Commission, to appear at any  
32 meeting or hearing requested by the Criminal Justice Commission, and to otherwise

1 work in cooperation and good faith with the Criminal Justice Commission in pursuing  
2 the Criminal Justice Commission's objectives; and  
3 (j) To take all acts reasonably required by the Criminal Justice Commission in the exercise  
4 of the authority set forth above and the pursuit of the Criminal Justice Commission's  
5 objectives.

6 Sec. 2-219. - Operation.  
7

8 (a) Travel Expenses, Reimbursement and Approval Authority. Members of the Criminal  
9 Justice Commission shall serve without compensation, but may be eligible for travel  
10 reimbursement for only those expenses which are incurred for travel outside Palm Beach  
11 County which is necessary to fulfill Criminal Justice Commission member  
12 responsibilities provided sufficient funds have been budgeted and are available as set  
13 forth in Countywide Policy and Procedures Memoranda (PPM) CW-O-038. Any  
14 approved travel reimbursement shall be subject to those actual expenses at the rate or  
15 rates established by State law and County travel policy. Approval authority for pre-  
16 authorized Criminal Justice Commission member travel is designated to the County  
17 Administrator and Deputy County Administrator and shall be in accordance with PPM  
18 CW-F-009.

19 (b) The Criminal Justice Commission shall comply with the quorum requirements of Palm  
20 Beach County Ordinance No. 2021-009, as amended or replaced. The chairperson may  
21 call a meeting or a meeting may be called upon the written request of three members  
22 made to the executive director.

23 (c) The Criminal Justice Commission shall operate with such funding and staffing as the  
24 Board of County Commissioners shall approve from time to time.

25 Sec. 2-220. - Staff cooperation and support.  
26

27 The staff of the Board of County Commissioners, including but not limited to the County  
28 Administrator, the County Attorney, the Public Safety Department and all other departments of  
29 the County, are hereby charged with the responsibility to furnish to the Criminal Justice  
30 Commission such records, documents, reports and other data on criminal justice matters which,  
31 in the opinion of the Criminal Justice Commission, are reasonably necessary in order that the  
32 Criminal Justice Commission may fulfill the duties required of it hereunder. Support services for  
33 the Criminal Justice Commission shall be made available by the Public Safety Department, as  
34 needed.

1 Sec. 2-221. - Administration.

2  
3 The Criminal Justice Commission shall perform its duties through collaboration between the  
4 County, municipality, and state criminal justice agencies, along with other intersecting system  
5 agencies, such as education, health, behavioral health, human services agencies and related  
6 community-based and non-profit organizations. The Board of County Commissioners shall  
7 employ an executive director who shall be responsible for executing the CJC's authority and  
8 work activities to achieve the mission and objectives of the Criminal Justice Commission. The  
9 executive director shall be responsible for resource allocation, operations, budgeting, and  
10 personnel. The executive director shall hire such other administrative, professional and clerical  
11 assistance as necessary to carry out its duties authorized by this article, and as provided for in the  
12 Criminal Justice Commission's budget, reviewed and approved by the Board of County  
13 Commissioners. The County Administrator shall have oversight of the executive director who  
14 will be selected by the Criminal Justice Commission and County Administrator and approved by  
15 the Board of County Commissioners. The goals and performance evaluations of the executive  
16 director shall be accomplished jointly by the County Administrator and the Criminal Justice  
17 Commission. The Public Safety Department may provide financial oversight in managing  
18 agreements, contracts, revenues and expenditures for the Criminal Justice Commission, as  
19 needed.

20 **SECTION 2. REPEAL OF LAWS IN CONFLICT:**

21 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby  
22 repealed to the extent of such conflict.

23 **SECTION 3. SEVERABILITY:**

24 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
25 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such  
26 holding shall not affect the remainder of this Ordinance.

27 **SECTION 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

28 The provisions of this Ordinance shall become and be made a part of the Palm Beach  
29 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish  
30 such, and the word ordinance may be changed to section, article, or other appropriate word.

1 **SECTION 5. CAPTIONS:**

2 The captions, section headings, and section designations used in this Ordinance are for  
3 convenience only and shall have no effect on the interpretation of the provisions of this  
4 Ordinance.

5 **SECTION 6. EFFECTIVE DATE:**

6 The provisions of this Ordinance shall become effective upon filing with the Department  
7 of State.  
8

9 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
10 County, Florida, on this the 21 day of November, 2023.

11 JOSEPH ABRUZZO, CLERK  
12 OF THE CIRCUIT COURT &  
13 COMPTROLLER



14 By: [Signature]  
15 Deputy Clerk  
16  
17

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

20 By: [Signature]  
21 Mayor

22 APPROVED AS TO FORM AND  
23 LEGAL SUFFICIENCY

24 By: [Signature]  
25 County Attorney

26 APPROVED AS TO TERMS AND  
27 CONDITIONS

28 By: [Signature]  
29 CJC Executive Director

30 EFFECTIVE DATE: Filed with the Department of State on the 21st day of  
31 November, 2023.