

1989

Session Law 89-373

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 89-373" (1989). *Staff Analysis*. 1166.
<https://ir.law.fsu.edu/staff-analysis/1166>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

H 1391 GENERAL BILL/1ST ENG by Stone and others (Similar CS/S 1207)

Youth Conservation Corps; provides for appointment of director of Civilian Conservation Office; provides that certain persons are not employees of state; creates trust fund; provides for rules for expenditures. Amends 369.105. Appropriation: \$200,000. Effective Date: 07/06/89.

03/24/89 HOUSE Prefiled
03/28/89 HOUSE Referred to Natural Resources; Appropriations
04/04/89 HOUSE Introduced, referred to Natural Resources; Appropriations -HJ 133
04/11/89 HOUSE On Committee agenda—Natural Resources, 04/13/89, 3:30 pm, 413-C—For ratification of referral to subcommittee
04/20/89 HOUSE On subcommittee agenda—Natural Resources, 04/24/89, 3:45 pm, 217-HOB
04/24/89 HOUSE Subcommittee Recommendation: Favorable; On Committee agenda—Natural Resources, 04/26/89, 8:30 am, 413-C
04/26/89 HOUSE Preliminary Committee Action by Natural Resources: Favorable
05/01/89 HOUSE Comm. Report: Favorable by Natural Resources -HJ 337; Now in Appropriations -HJ 337
05/24/89 HOUSE On Committee agenda—Appropriations, 05/25/89, 8:00 am, 21-HOB
05/25/89 HOUSE Preliminary Committee Action by Appropriations: Favorable with 2 amendments
05/29/89 HOUSE Comm. Report: Favorable with 2 amendment(s) by Appropriations, placed on Calendar -HJ 774
05/30/89 HOUSE Placed on Special Order Calendar
05/31/89 HOUSE Read second time; Amendments adopted; Read third time; Passed as amended; YEAS 110 NAYS 0 -HJ 922
05/31/89 SENATE In Messages
06/01/89 SENATE Received -SJ 691; Substituted for CS/SB 1207; Passed; YEAS 37 NAYS 0 -SJ 762
06/01/89 Ordered enrolled
06/20/89 Signed by Officers and presented to Governor
07/06/89 Became Law without Governor's Signature; Chapter No. 89-373

B
I
L
L

H
I
S
T
O
R
Y

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h1388-f.ca
DATE: June 2, 1989

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

BILL #: CS/CS/HB 1388 (PCB CA 89-07)
RELATING TO: Coastal Building Zone Training Program
SPONSOR(S): Committee on Community Affairs and Representative C. F. Jones
EFFECTIVE DATE: July 1, 1989
DATE BECAME LAW: Became law without the Governor's signature on July 6, 1989.
CHAPTER #: 89-373, Laws of Florida
COMPANION BILL(S): SB 527
OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. PRESENT SITUATION:

In 1985, the Legislature required each local government which is required to adopt a building code by section 553.73, Florida Statutes, and which has a coastal building zone or some portion of a coastal building zone within its boundaries, to adopt the provisions in s. 161.55 as part of the local building code. The provisions of s. 161.55 are building construction standards designed to protect buildings in areas that are likely to be affected by hurricanes and other coastal storms. These requirements must be enforced by the local agency that enforces other types of building codes.

Section 161.56 directs the Department of Community Affairs (DCA) to conduct biennial training programs, beginning in July 1, 1989, for local building inspection officials who must enforce the provisions of s. 161.55. This section also states that DCA is not allowed to charge a registration fee and must provide each participant with a \$100 grant.

Present law prohibits vehicular traffic on coastal beaches, with some exceptions, unless the local government with jurisdiction over the beach authorized such traffic by at least a three-fifths vote of its governing body prior to October 1, 1988, and determines in accordance with the rules of the Department of Natural Resources, by October 1, 1989, that less than 50 percent of the peak user demand for off-beach parking is available.

B. EFFECT OF PROPOSED CHANGES:

The bill deletes the provision of the \$100 grant for training program participants and authorizes DCA to charge a registration fee to defray the cost of the program, if general revenue funds are not provided for this purpose. The amount of the fee would be "as determined appropriate" by DCA.

The bill also provides that counties which have adopted, prior to January 1, 1988, unified countywide beach regulations pursuant to a county home rule charter are not subject to provisions of s. 161.58, F.S., pertaining to off-beach parking.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends subsection (4) of section 161.56, Florida Statutes, to delete the requirement that DCA provide training to attending local governments at no registration cost and to provide them with a \$100 for each participant in the program; allows DCA to charge an "appropriate" registration fee, if general revenue funds are not provided for this purpose.

Section 2. Provides that the provisions of s. 161.58, F.S., pertaining to off-beach parking do not apply to counties which have adopted unified countywide beach regulations pursuant to a county home rule charter prior to January 1, 1988.

Section 3. Provides for an effective date of July 1, 1989, or upon becoming a law, whichever occurs later.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

Minimal (See Comments)

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

Minimal (See Comments)

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

STORAGE NAME: h1388-f.ca

DATE: June 2, 1989

PAGE: 3

2. Recurring or Annualized Continuation Effects:

Local governments would lose \$100 for each attendee of the training programs conducted pursuant to s. 161.56, F.S., and would be required to pay fees for attendance.

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

Passage of this bill will relieve DCA of its obligation to pay approximately \$30,000 annually in grants to training program attendees.

III. LONG RANGE CONSEQUENCES:

This bill is not inconsistent with the State Comprehensive Plan, although there are no policies that directly relate to it.

IV. COMMENTS:

Committee Substitute for Committee Substitute for House Bill 1388 was originally House Community Affairs Proposed Committee Bill CA 89-07 and was passed by the House Community Affairs Committee on March 7, 1989.

Committee Substitute for Committee Substitute for House Bill 1388 by the House Appropriations Committee, House Natural Resources Committee, House Community Affairs Committee and Representative C. Fred Jones was introduced and referred to the House Natural Resources Committee and the House Appropriations Committee on April 4, 1989, and was passed as a committee substitute by the House Natural Resources Committee on April 26, 1989.

The bill was passed as a committee substitute for a committee substitute by the House Appropriations Committee on May 15, 1989, and passed the House on May 24, 1989, by a vote of 116 yeas to 0 nays.

The bill was received by the Senate on May 29, 1989, and referred to

the Senate Natural Resources & Conservation Committee and the Senate Community Affairs Committee. On May 30, 1989, the bill was withdrawn from the Senate Committees on Natural Resources & Conservation and Community Affairs. It was passed by the Senate on June 2, 1989, by a vote of 35 yeas to 0 nays and became law without the Governor's signature on July 6, 1989.

According to the House Committee on Natural Resources, this bill is not inconsistent with the committee's Mission Statement, although there are no policies that directly relate to it.

V. SIGNATURES:

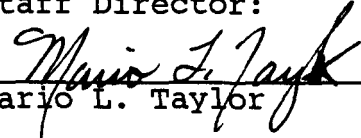
SUBSTANTIVE COMMITTEE:

Prepared by:



William B. Hightower
Legislative Analyst

Staff Director:



Mario L. Taylor

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

STORAGE NAME: h1391-f.nr
DATE: July 13, 1989

**HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1391

RELATING TO: Youth Conservation Corps

SPONSOR(S): Representative Stone and others

EFFECTIVE DATE: July 1, 1989, or upon becoming law, whichever is later

DATE BECAME LAW: July 6, 1989

CHAPTER #: Chapter 89-373, Laws of Florida

COMPANION BILL(S): SB 1207 by Senator Gardner

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. PRESENT SITUATION:

In 1987, the Legislature passed the "Florida Youth Conservation Corps Act of 1987" for the purpose of creating a "year-round educational, conservation, and work experience program which will serve to enhance the educational opportunities and employability of eligible youth while benefiting the state's economy."

The existing law provides, among other things, that the Department of Natural Resources (DNR) may contract with public or not-for-profit agencies to administer residential or nonresidential corps programs, and states that participants in the Youth Conservation Corps are exempt from the the Career Service System, and shall not receive state retirement benefits for service in the corps.

The DNR presently contracts with the Eckerd Family Youth Alternatives, a nonprofit corporation, to operate the Youth Conservation Corps, which provides both residential and nonresidential facilities. At the present time, corps members are paid the minimum wage under the contractual arrangement that the DNR has with Eckerd Family Youth Alternatives. As of the present time, all the activities that have been undertaken by the Corps have been pursuant to contracts with local governments and have been on public property.

B. EFFECT OF PROPOSED CHANGES:

This bill provides that the director of the Office of Civilian Conservation shall be appointed by the executive director of the DNR, rather than the Governor and Cabinet upon the recommendation of the executive director of the DNR.

The bill provides that the participants in the Youth Conservation Corps shall not be considered employees of the state. Also, all grants, reimbursements and other moneys collected pursuant to the Youth Conservation Corps shall be placed in the Youth Conservation Corps Trust Fund, which is created by the bill in DNR, to be used by the DNR for the purposes of operating the Youth Conservation Corps. The DNR is required to promulgate rules for its use.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides that the director of the Youth Conservation Corps will be selected by the executive director of DNR rather than the Governor and Cabinet; provides that participants in the Youth Conservation Corps shall not be employees of the state; creates the Youth Conservation Trust Fund and provides that all funds collected by DNR as the result of Youth Conservation Corps activities shall be placed in the fund; and requires DNR to promulgate rules for the expenditures of the funds deposited in the Fund.

Section 2. Provides an appropriation of \$200,000 from the Youth Conservation Corps Trust Fund for the Fiscal Year 1989-90.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

This bill provides an appropriation of \$200,000 from the Youth Conservation Corps Trust Fund for Fiscal Year 1989-90.

2. Recurring or Annualized Continuation Effects:

This bill provides that all funds collected by the DNR as the result of Youth Conservation Corps activities shall be placed in a Youth Conservation Corps Trust Fund, created by this act, and expended by the DNR for the Youth Conservation Corps.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

None.

IV. COMMENTS:

None.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:


Mike Brothers

Staff Director:


Dana D. Minerva

STORAGE NAME: h1391-f.nr
DATE: July 13, 1989
PAGE: 4

SECOND COMMITTEE OF REFERENCE:
Prepared by:

Staff Director:

APPROPRIATIONS:
Prepared by:

Staff Director:

REVISED: _____

BILL NO. CS/SB 1207DATE: May 22, 1989Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Branning</u>	<u>Voigt</u>	1. <u>NRC</u>	<u>Fav/CS</u>
2. _____	<u>Stengle</u>	2. <u>GO</u>	<u>Withdrawn</u>
3. <u>Revell</u>	<u>Smith</u>	3. <u>AP</u>	<u>Favorable</u>
4. _____	_____	4. _____	_____

SUBJECT: Florida Youth Conservation Corps

BILL NO. AND SPONSOR: CS/SB 1207 by Natural Resources and Senator Gardner

I. SUMMARY:

A. Present Situation:

In 1987, the Legislature enacted the Florida Youth Conservation Corps Act of 1987 to give young men and women of the state an opportunity to develop meaningful public service work and educational experiences through a program that protects and conserves the valuable resources of the state. The Youth Conservation Corps is administered by the Office of Civilian Conservation within the Department of Natural Resources. The director of the Office of Civilian Conservation is appointed by the Governor and Cabinet upon the recommendation of the executive director of the Department of Natural Resources.

Section 369.105(5), F.S., provides the department with certain duties and responsibilities. For example, the department shall:

- (1) Adopt certain rules regarding the selection of applicants, a corpsmember code of conduct, corpsmember grievance procedures, and search and seizure guidelines;
- (2) Recruit and employ staff, corpsmembers, crew leaders, and corpsmember specialists;
- (3) Execute contracts for employment of corpsmembers;
- (4) Establish certain residential and nonresidential centers;
- (5) Establish work programs;
- (6) Provide an educational program;
- (7) Provide basic medical care to certain corpsmembers; and
- (8) Annually report to the Governor and Legislature on the corps activities.

In addition, the department may contract with public or private not-for-profit agencies to administer residential or nonresidential programs.

There are three classes of membership in the corps-- corpsmember, crew leader, and corpsmember specialist. Corpsmembers members may serve from 3 months to 1 year. Crew leaders and corpsmember specialists may serve up to 2 years. Corpsmembers, crew leaders, and corpsmember specialists are exempt from the Career Service System and do not receive state retirement benefits for corps service.

Currently, the department contracts with Eckerd Family Youth Alternative, a not-for-profit corporation, to provide both residential and nonresidential facilities. Pursuant to the

contractual agreement, corpsmembers are paid minimum wage. Projects performed by the corps have been undertaken pursuant to contracts with local governments.

B. Effect of Proposed Changes:

This bill provides that the director of the Office of Civilian Conservation would be appointed by the executive director of the Department of Natural Resources.

Under this bill, corpsmembers, crew leaders, and corpsmember specialists would not be considered state employees.

The bill also creates the Youth Conservation Corps Trust Fund in the Department of Natural Resources. All grants, contributions, reimbursements, and any other authorized monetary collections that would otherwise be deposited into the General Revenue Fund would now be deposited in the Youth Conservation Corps Trust Fund. The Department of Natural Resources must adopt rules regarding the expenditure of funds in this trust fund.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

No significant impact.

B. Government:

This bill creates the Youth Conservation Trust Fund in the Department of Natural Resources. Certain moneys which are now being deposited in the General Revenue Fund would, under this bill, be deposited in this trust fund. It is estimated that the department will receive approximately \$200,000 a year in donations.

III. COMMENTS:

None

IV. AMENDMENTS:

None.