

Juvenile Justice Council, additional members

Number: INFORMAL

Date: December 14, 2007

Mr. Dave Plyer, Chair
Pinellas County Juvenile Justice Council
Post Office Box 15202
Clearwater, Florida 33766

Dear Mr. Plyer:

On behalf of the Pinellas County Juvenile Justice Council, you ask for an interpretation of section 985.664, Florida Statutes, relating to the appointment of additional members to the Juvenile Justice Board. Specifically, you ask for clarification as to the roles of the boards and the councils in making appointments. Inasmuch as a response to your question involves an interpretation of the Juvenile Justice Board's authority under state law and such board has not asked this office for comment upon its powers, the response to your question will be general in nature and directed toward the Juvenile Justice Council.

Section 985.664, Florida Statutes, authorizes the establishment of a juvenile justice circuit board in each of the twenty judicial circuits and a juvenile justice council in each of the sixty-seven counties. The purpose of the boards and the councils is "to provide advice and direction to the department in the development and implementation of juvenile justice programs and to work collaboratively with the department in seeking program improvements and policy changes to address the emerging and changing needs of Florida's youth who are at risk of delinquency."^[1]

Section 985.664(7), Florida Statutes, provides:

"Membership of the juvenile justice circuit board may not exceed 18 members, except as provided in subsections (8) and (9). Members must include the state attorney, the public defender, and the chief judge of the circuit, or their respective designees. The *remaining 15 members of the board must be appointed by the county councils within that circuit*. The board must include at least one representative from each county council within the circuit. *In appointing members to the circuit board, the county councils must reflect*.

- (a) The circuit's geography and population distribution.
- (b) Juvenile justice partners, including, but not limited to, representatives of law enforcement, the school system, and the Department of Children and Family Services.
- (c) Diversity in the judicial circuit." (e.s.)

At any time after the adoption of the initial bylaws, a juvenile justice circuit board may revise its bylaws to increase the number of its members by not more than three.^[2] It is noteworthy that should county councils not be formed within a circuit, the statute recognizes that the circuit board may establish its membership in accordance with section 985.664(10).^[3]

Where the Legislature has directed how a thing is to be done, it is implicit that it may not be accomplished in another manner.[4] Moreover, where there are enumerated exceptions, no others may be inferred.[5] Should there remain issues regarding the appointment of additional members to the juvenile justice circuit board, it may be advisable to seek legislative clarification in this matter.

I trust that these comments will be of assistance to you in resolving this matter.

Sincerely,

Lagran Saunders
Assistant Attorney General

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[1] Section 985.664(1), Fla. Stat.

[2] Section 985.664(8), Fla. Stat.

[3] Section 985.664(9), Fla. Stat. Subsection (10) sets forth the representatives that may be included on juvenile justice circuit boards established under subsection (9), including representatives from: the school district; the board of county commissioners; the governing bodies of local municipalities within the county; the Department of Children and Family Services; local law enforcement agencies; the judicial system; the business community; other interested officials affiliated with public or private providers of juvenile justice programs; the faith community; victim service programs and victims of crimes; and the Department of Corrections.

[4] See *Alsop v. Pierce*, 19 So. 2d 799, 805-806 (Fla. 1944) ("When the Legislature has prescribed the mode, that mode must be observed. When the controlling law directs how a thing shall be done that is, in effect, a prohibition against its being done in any other way."); *Thayer v. State*, 335 So. 2d 815, 817 (Fla. 1976).

[5] See *Thayer v. State*, 335 So.2d 815 (Fla. 1976) (enumeration of specific items implies the exclusion of others not mentioned); *Biddle v. State Beverage Department*, 187 So. 2d 65 (Fla. 4th DCA 1966) (rule of *expression unius est exclusio alterius* applies with special force to the enumeration of exceptions to a general category which gives rise to a strong inference that no other exceptions were intended); and *Williams v. American Surety Company of New York*, 99 So. 2d 877 (Fla. 2nd DCA 1958).