

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1411 Pinellas County  
**SPONSOR(S):** Local & Federal Affairs Committee; Hooper  
**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	14 Y, 0 N, As CS	Baker	Rojas
2) Judiciary Committee	18 Y, 0 N	Williams	Havlicak

### SUMMARY ANALYSIS

HB 1411 amends ch. 97-333, L.O.F., regarding funding for the Pinellas Police Standards Council (Council).

Currently, ch. 97-333, L.O.F., requires that the Council be funded by a \$2 court cost for certain traffic violations in Pinellas County. Section 318.18, F.S., requires the clerk of court to impose up to a \$3 court cost per violation in order to fund police standards testing centers. HB 1411 allows the Council to set the amount of funding from court costs not to exceed the amount specified in s. 318.18, F.S., i.e., \$3.

Currently, ch. 97-333, L.O.F., requires that if a law enforcement agency conducts a screening or background investigation on an applicant, that law enforcement agency must submit the investigation results to the Council.

The bill changes the name of the police standards test from "Public Safety Applicant Screening Service" to "Police Applicant Screening Services."

The bill revises the references in the local law so as to be gender neutral.

The bill takes effects upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### The Pinellas Police Standards Council

According to the Council's charter, the Council is a voluntary nonprofit organization that continuously plans and studies for the purpose of recommending countywide police standards to the Pinellas County legislative delegation.<sup>1</sup> The Council's charter does not define it as a special district. The Council provides background screening and standardized tests for prospective law enforcement officers in Pinellas County.

##### *Funding limited to \$2 per traffic violation*

Currently, s. 318.18(11)(b), F.S., requires funding of up to \$3 per statutory infraction be distributed to the clerk in certain counties that have been authorized to create a criminal justice selection center by special act of the Florida Legislature. Pinellas County is one of four such counties.<sup>2</sup>

Currently, the Council's charter provides that the Council must be funded by a court cost of \$2 on certain traffic infractions.<sup>3</sup> The Council may raise additional funds by assessing a fee on a law enforcement agency for the cost of screening an applicant.<sup>4</sup> Another way police testing centers may increase funding is by raising fees on their own applicants.

##### *Centralized screening and information center (PSASS)*

The Council has the power to provide for a centralized screening and information center on prospective law enforcement officers (LEO) in Pinellas County.<sup>5</sup> The name of this operation is the Public Safety Applicant Screening Service (PSASS). The Council must provide standard forms, screening, testing and other needed background research on prospective applicants to law enforcement agencies in Pinellas County.

##### *Required disclosure by law enforcement agencies*

Some law enforcement agencies conduct their own background screening of applicants. Other law enforcement agencies do not, but rather rely on the background screening performed by the Council. If a law enforcement agency in Pinellas County chooses to conduct its own background investigation of an applicant, it must give the Council the results.<sup>6</sup> The Council is to use these investigation results in its PSASS program.<sup>7</sup>

In addition, the Council cannot compel a law enforcement agency or city to take action.<sup>8</sup> Instead, the Council merely promotes cooperation between itself and the various cities in Pinellas County in order to upgrade and preserve responsible local law enforcement, and to aid the Legislature to that end.<sup>9</sup>

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<sup>1</sup> Chapter 72-666, L.O.F., as amended by ch. 75-495, L.O.F., as amended by ch. 78-592, L.O.F., as amended by ch. 82-370, L.O.F., as amended by ch. 85-491, L.O.F., as amended by ch. 97-333, L.O.F.

<sup>2</sup> See s. 318.18(11)(b), F.S.

<sup>3</sup> Section 4(k)(2) specifically states "[t]he provisions of this section shall be funded by a \$2 court cost on all payable offenses, to be assessed by the circuit and county courts in Pinellas County on all contested and uncontested traffic cases, criminal and civil, excluding parking fines, bicycle violations, and pedestrian violations." ch. 97-333, L.O.F.

<sup>4</sup> Chapter 97-333, L.O.F.

<sup>5</sup> *Id.*

<sup>6</sup> Section 4(k)(1), ch. 97-33, L.O.F.

<sup>7</sup> *Id.*

<sup>8</sup> Chapter 97-333, L.O.F.

<sup>9</sup> *Id.*

## Funding mechanisms in other counties

Currently, the Legislature has required additional funding in various forms for four county police testing centers, which are Pinellas, Brevard, Alachua and Bay counties.

The Brevard Police Testing Center must receive \$3 per “violation of a state criminal statute, . . . a municipal or county ordinance, or . . . a fine or civil penalty for any violation of chapter 316, Florida Statutes [state uniform traffic control].”<sup>10</sup> According to this language, the additional funding source for Brevard County Police Testing Center is broader than Pinellas County.

The Criminal Justice Selection Center at Santa Fe College (Alachua County) must receive \$3 from every person found guilty of a “violation of a state criminal statute or a municipal or county ordinance or who pays a fine or civil penalty for any violation of chapter 316, Florida Statutes . . . less 5 percent, which is to be retained as fee income of the . . . Clerk of the Circuit Court.”<sup>11</sup>

The Gulf Coast Criminal Justice Selection Center (Bay County) must receive \$2 from every person found guilty of violating essentially the same laws enumerated in the special acts for police testing centers in Brevard and Alachua counties.<sup>12</sup>

## Membership

Council members are the following: the Pinellas County Sheriff, the State Attorney, the director of the Southeastern Public Safety Institute at St. Petersburg College, and the police chiefs in Pinellas County.<sup>13</sup>

## Effect of Proposed Changes

### Change in Funding

The bill permits the Council to be funded by a court cost in an amount to be set by resolution adopted by the Council which does not exceed the \$3 specified in s. 318.18(11)(b), F.S., on all traffic cases. The bill does not change that \$3 maximum.

### Change in name

The bill changes the police screening test’s name from Public Safety Applicant Screening Service (PSASS) to Police Applicant Screening Services (PASS).

### Gender Neutrality

The bill inserts certain references from “his” to “his and her.” The bill also changes “chairman” to “chairperson.”

## **B. SECTION DIRECTORY:**

Section 1: Amends ch. 72-666, L.O.F., as amended by ch. 97-333, L.O.F., relating to the Pinellas Police Standards Council; changing funding decisions; changing the name of the police background screening and standardized test; rendering references gender neutral.

Section 2: Provides that bill takes effect upon becoming a law.

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<sup>10</sup> Section 7, ch. 87-423, L.O.F.

<sup>11</sup> Section 2, ch. 94-444, L.O.F.

<sup>12</sup> Section 7, ch. 89-521, L.O.F.

<sup>13</sup> Section, 2, ch. 97-333, L.O.F.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 8, 2013

WHERE? *The Business Observer*, a weekly newspaper of general circulation in Pinellas County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

In 2012, the Council's total revenue was \$264,602.38, and the expenditures totaled \$312,365.80.<sup>14</sup> It is anticipated that the excess deficiency of revenues over expenditures will increase over the next five years under current funding.<sup>15</sup> By permitting the Council to increase the funding that it receives in the form of court costs, the future need for higher application fees for prospective LEOs may be mitigated.

*See Economic Impact Statement for estimated dollar funding increase for the Council.*

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 27, 2013, the Local and Federal Affairs Committee adopted one amendment. That amendment updated the name of a college mentioned in the bill and clarified a scrivener's error. This analysis has been updated to reflect that amendment.

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<sup>14</sup> Pinellas Police Standards Council, Current Budget Projections. (On file with House Judiciary Committee staff).

<sup>15</sup> *Id.*