

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/HB 1411	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Local and Federal Affairs Committee, Hooper	114 Y's	0 N's
COMPANION BILLS:	None.	GOVERNOR'S ACTION:	Vetoed

SUMMARY ANALYSIS

CS/HB 1411 passed the House on April 26, 2013, and subsequently passed the Senate on April 30, 2013. The bill 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. CS/HB 1411 would allow the Council to set the amount of funding from court costs which would not exceed the amount specified in s. 318.18, F.S., i.e., \$3.

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 does not have a negative fiscal impact on state or local government. The Council's funding may see a positive fiscal impact in that certain traffic violations could be subject to additional court costs.

The effective date of this bill was upon becoming law; however, this bill was vetoed by the Governor on June 28, 2013.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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.¹ 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.²

Currently, the Council's charter provides that the Council must be funded by a court cost of \$2 on certain traffic infractions.³ The Council may raise additional funds by assessing a fee on a law enforcement agency for the cost of screening an applicant.⁴ 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.⁵ 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.⁶ The Council is to use these investigation results in its PSASS program.⁷

In addition, the Council cannot compel a law enforcement agency or city to take action.⁸ 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.⁹

¹ ch. 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.

² See s. 318.18(11)(b), F.S.

³ 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.

⁴ ch. 97-333, L.O.F.

⁵ ch. 97-333, L.O.F.

⁶ Section 4(k)(1), ch. 97-33, L.O.F.

⁷ Section 4(k)(1), ch. 97-33, L.O.F.

⁸ ch. 97-333, L.O.F.

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].”¹⁰ 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.”¹¹

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.¹²

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.¹³

Effect of Changes

Change in Funding

The bill would permit 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.”

The bill takes effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

⁹ ch. 97-333, L.O.F.

¹⁰ Section 7, ch. 87-423, L.O.F.

¹¹ Section 2, ch. 94-444, L.O.F.

¹² Section 7, ch. 89-521, L.O.F.

¹³ Section, 2, ch. 97-333, L.O.F.

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 No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No