

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1435

Lee County Sheriff's Office

SPONSOR(S): Williams

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	<u>Military & Local Affairs Policy Committee</u>	<u>13 Y, 0 N</u>	<u>Fudge</u>	<u>Hoagland</u>
2)	<u>Public Safety & Domestic Security Policy Committee</u>	<u></u>	<u></u>	<u></u>
3)	<u>Economic Development & Community Affairs Policy Council</u>	<u></u>	<u></u>	<u></u>
4)	<u></u>	<u></u>	<u></u>	<u></u>
5)	<u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The civil service system for the Lee County Sheriff's Office was established by the Florida Legislature in 1974 pursuant to ch. 74-522, L.O.F. This special act was subsequently amended in 1987, 1995, 2007, and 2008. Section 9 of the act governs the qualifications for employment. It prohibits employment of applicants convicted of a misdemeanor for which the penalty is greater than \$300. It also requires applicants with military service to have no less than an honorable discharge.

The bill increases the misdemeanor threshold to \$5000 and authorizes applicants who have been discharged for medical or other reasons by excluding applicants who have been discharged under dishonorable conditions or reasons.

This bill is effective upon becoming law.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The civil service system for the Lee County Sheriff's Office was established by the Florida Legislature in 1974 pursuant to ch. 74-522, L.O.F. This special act was subsequently amended in 1987¹, 1995², 2007³, and 2008⁴. Section 9 of the act governs the qualifications for employment. It prohibits employment of applicants convicted of a misdemeanor for which the penalty is greater than \$300.⁵ This low threshold disqualifies an otherwise qualified applicant.

This section also requires applicants with military service to have no less than an honorable discharge. The Sheriff's Office has encountered some difficulty in applying this language to individuals who have received discharges for medical or for reasons other than dishonorable.

Effect of Proposed Changes

The bill increases the monetary threshold for disqualifying misdemeanors from \$300 to \$5000. This amount is consistent with the current amount for a third degree felony.⁶ The bill also clarifies the military discharge language to only prohibit those applicants discharged under dishonorable conditions or reasons.

B. SECTION DIRECTORY:

Section 1: Amends provision of the Lee County Sheriff's Office civil service act.

¹ Ch. 87-547, L.O.F.

² Ch. 95-514, L.O.F.

³ Ch. 2007-320, L.O.F.

⁴ Ch. 2008-276, L.O.F.

⁵ This amount has not changed since 1974, when a penalty for a second degree misdemeanor was \$500 and for a first degree misdemeanor \$1000. § 775.083, F.S. (1973).

⁶ § 775.083,(1)(c), F.S.

Section 2: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 22, 2009.

WHERE? In the *News-Press* a daily and Sunday newspaper published in Lee County, Florida.

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:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES