

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	82,450	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	(82,450)	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	* 0	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

Is Item Included In Current Budget? Yes _____ No _____

Budget Account Exp No: Fund _____ Department _____ Unit _____ Object _____
 Rev No: Fund _____ Department _____ Unit _____ Object _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* There would be no fiscal impact on the county should this legislation be approved. The cost of the national background check would be the responsibility of each commercial vehicle for hire driver.

Departmental Fiscal Review: Stephanie Sepoha

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

\$82,450 is based on 1,649 background checks at \$50. Consumer Affairs will collect the fee from the applicant and pay the bill on the background checks.

[Signature]
 OFMB
 2/24/11
 2/21/11
 2/21/11
 AD

[Signature] 2/14/11
 Contract Administration

B. Legal Sufficiency:

[Signature] 2/7/11
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO. _____

A RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION THAT WOULD ALLOW LOCAL GOVERNMENTS TO CONDUCT A NATIONAL BACKGROUND CHECK ON COMMERCIAL VEHICLE FOR HIRE DRIVERS

WHEREAS, federal law currently does not allow local governments to access FBI databases to perform national criminal background checks for employment or licensing unless state law provides the local governments with express statutory authority to conduct such checks; and

WHEREAS, section 125.5801, Florida Statutes, Florida law currently provides counties the authority to perform national background checks on employees in positions that the county finds is critical to security or public safety; and

WHEREAS, section 125.5801 also provides counties the authority to perform such national checks on private contractors, employee of a private contractor, vendors, repair persons, or delivery persons who have access to any or publicly owned or operated facility that the governing body of the county finds is critical to security or public safety; and

WHEREAS, cities are provided similar authority in section 166.0442, Florida Statutes; and

WHEREAS, the authority to do national criminal background checks that is provided in sections 125.5801 and 166.0442 does not extend to commercial vehicle for hire drivers; and

WHEREAS, for commercial vehicle for hire drivers, it is important that a background check is performed checking records not only in the State of Florida but also nationally; and

WHEREAS, a commercial vehicle for hire driver could have an extensive criminal record in another state, but current Florida state law would not allow a local government to conduct a national background check that would capture crimes in other states; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass legislation that would allow

Attachment # _____

local governments to conduct a national background check on commercial vehicle for hire drivers.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, State President, House Speaker, and the Chair and Members of the Palm Beach County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- COMMISSIONER KAREN MARCUS, CHAIR..... _____
- COMMISSIONER SHELLEY VANA, VICE CHAIR..... _____
- COMMISSIONER PAULETTE BURDICK..... _____
- COMMISSIONER STEVEN L. ABRAMS _____
- COMMISSIONER BURT AARONSON..... _____
- COMMISSIONER JESS R. SANTAMARIA..... _____
- COMMISSIONER PRISCILLA A. TAYLOR..... _____

The Chairman thereupon declared the resolution duly passed and adopted this _____ day of _____, 2011.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon Brock, Clerk

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 17, 2009

FROM: 
R. A. Guevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(14)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

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Attachment # 2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(14)
3-17-09

RESOLUTION NO. R-304-09

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS LEGISLATION THAT WOULD ALLOW LOCAL
GOVERNMENTS TO CONDUCT A NATIONAL
BACKGROUND CHECK ON PRIVATE SCHOOL BUS
OPERATORS AND OTHER FOR-HIRE CHAUFFEUR
LICENSE HOLDERS

WHEREAS, federal law currently does not allow local governments to access FBI databases to perform national criminal background checks for employment or licensing unless state law provides the local governments with express statutory authority to conduct such checks; and

WHEREAS, in section 125.5801, Florida Statutes, Florida law currently provides counties the authority to perform national background checks on employees in positions that the county finds is critical to security or public safety; and

WHEREAS, section 125.5801 also provides counties the authority to perform such national checks on private contractors, employee of a private contractor, vendors, repair persons, or delivery persons who have access to any or publicly owned or operated facility that the governing body of the county finds is critical to security or public safety; and

WHEREAS, cities are provided similar authority in section 166.0442, Florida Statutes; and

WHEREAS, the authority to do national criminal background checks that is provided in sections 125.5801 and 166.0442 does not extend to private school bus drivers and other for-hire chauffeur license holders; and

WHEREAS, for private school bus drivers, it is important that a background check is performed checking records not only in the State of Florida but also nationally; and

WHEREAS, a private school bus driver could have an extensive criminal record in another state, but current Florida state law would not allow a local government to conduct a national background check that would capture crimes in other states; and

WHEREAS, particularly because private school bus drivers are in unsupervised daily contact with children, it is imperative that local governments have the authority to conduct a national criminal background check on private school bus drivers,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass legislation that would allow local governments to conduct a national background check on private school bus operators and other for-hire chauffeur license holders.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2009 and 2010 State Legislative Packages to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner Audrey M. Edmonson , who moved its adoption. The motion was seconded by Commissioner Barbara J. Jordan and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	aye		
	Jose "Pepe" Diaz, Vice-Chairman	absent		
Bruno A. Barreiro	aye		Audrey M. Edmonson	aye
Carlos A. Gimenez	aye		Sally A. Heyman	aye
Barbara J. Jordan	aye		Joe A. Martinez	aye
Dorin D. Rolle	aye		Natacha Seijas	aye
Katy Sorenson	aye		Rebeca Sosa	absent
Sen. Javier D. Souto	absent			

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: Kay Sullivan
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty