

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 15, 2011 [] **Consent** [X] **Regular**
[] **Ordinance** [] **Public Hearing**

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Division of Consumer Affairs

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a resolution of the Board of County Commissioners encouraging the Florida State Legislature to pass legislation that would allow local governments to conduct a national background check on commercial vehicle for hire drivers.

Summary: Commissioner Shelley Vana requested staff to prepare a resolution for consideration by the Board of County Commissioners which would urge the state legislature to amend Sections 125.5801 and 166.0442, Florida Statutes, enabling local governments to perform national background checks on commercial vehicle for hire drivers. Currently only a Florida Department of Law Enforcement background check is performed on vehicle for hire drivers. A complete national background check would capture crimes committed in other states as well. The Miami-Dade Board of County Commissioners has previously approved a similar resolution encouraging the state legislature to take this action. COUNTY-WIDE (GB)

Background and Justification: Since 1999 the Consumer Affairs Division of the Public Safety Department has been authorized by local county ordinance to conduct criminal background checks for all commercial vehicle for hire drivers operating in Palm Beach County. The authorized background check is processed through the Florida Department of Law Enforcement (FDLE). The ordinance stipulates that applicants convicted of certain crimes would be ineligible to operate a commercial vehicle for hire in Palm Beach County. Unfortunately, the background check only provides information concerning criminal convictions that occurred within the state of Florida. The national background check being requested would include a thorough review of criminal convictions from all 50 states. The cost to each applicant for the background check is estimated to be \$50 (every 2 years). If approved, the national background check of commercial vehicle for hire drivers will also provide assistance and additional security at Palm Beach International Airport and the Port of Palm Beach. This issue is currently included within the County's list of legislative priorities .

Attachments

- 1) Resolution
- 2) Miami-Dade County Resolution

Recommended by: Walter J. Givens 1/13/11
Department Director Date

Approved By:  1/13/11
Assistant County Administrator Date

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 Sepucha

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] 2/2/11
OFMB
2/2/11
2/2/11
2/2/11

[Signature] 2/4/11
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