

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

=====
Meeting Date: February 5, 2019 [] 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 of Palm Beach County, Florida repealing and replacing Resolution R2016-098, and establishing fees and fines for the Home Caregiver Ordinance.

Summary: The Home Caregiver Ordinance provides that the Board of County Commissioners shall establish by resolution certain licensing, renewal, and replacement fees. This proposed amendment to the resolution increases licensing fees of the 5-year license from \$70 to \$100 for applicants requiring fingerprint checks and from \$20 to \$30 for applicants submitting an agency affidavit. When the initial fee structure was established, the fiscal and operational impact was indeterminable, as the volume was unknown. The current fees set forth in 2015 have not generated sufficient revenue to offset the cost to administer the program. The operating and personnel cost is approximately \$216,000. FDLE fees for submitting and monitoring fingerprints is \$66 (94% of the current fee). In addition, the resolution updates the fine schedule by specifying violations by type instead of applying a fixed fine amount for all violations types. Currently, fines for violations to section 17-464 are set at \$500. The new fine schedule ranges from \$150 to \$500 depending on the violation type. Since licensing began in April of 2016, nearly 11,000 applications have been processed. Countywide (LDC)

Background and Justification: In cooperation with the Palm Beach County Sheriff's Office, the Board of County Commissioners enacted the Home Caregiver Ordinance on October 20, 2015, as a way to curtail abuse, neglect, and exploitation of the elderly and disabled persons by home caregivers. The ordinance requires individuals who receive compensation from a vulnerable adult in exchange for assisting with covered activities and/or instrumental activities of daily living to undergo a level 2 criminal background screening. The Ordinance exempts most relatives of the vulnerable adult, volunteers of charitable organizations, and specific licensed professionals. Once processed and no disqualifying offenses are identified, applicants are licensed, issued a photo ID, and are available on the Division of Consumer Affairs website for the public to search.

Attachments:

- 1) Resolution including Schedule of Fines / Fees
- 2) Summary of Recommended Changes to the Fee Schedule

=====

Recommended by: *Sejmore* 1/22/19
 Department Director Date

Approved by: *Maureen Johnson* 1/23/19
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

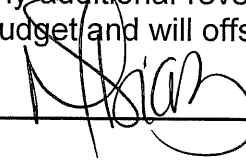
Fiscal Years	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Personal Services	\$123,013				
Operating Costs	\$43,490				
Capital Expenditures					
External Revenues	(\$97,300)				
Program Income (County)					
In-Kind Match (County)					
Net Fiscal Impact	\$69,203*				

ADDITIONAL FTE POSITIONS (Cumulative) 0 0 0 0 0

Is Item Included In Current Budget? Yes _____ No _____
 Does this item include the use of federal funds? Yes _____ No X
 Budget Account Exp No: Fund 0001 Dept. 660 Unit 6100 Obj. various
 Rev No: Fund 0001 Dept. 660 Unit 6110 RevSrc. 2900

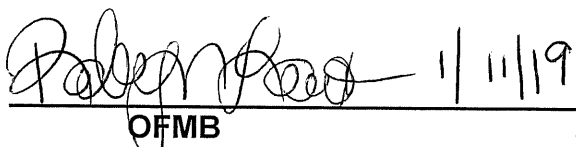
B. Recommended Sources of Funds/Summary of Fiscal Impact:

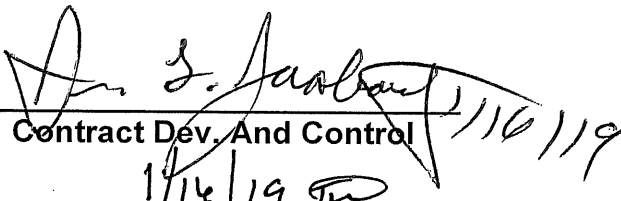
*The fiscal impact reflects the FY19 adopted budget. Based on final FY18 expenses and revenues, it is projected that expenses will increase to \$216,000 (salaries and benefits of \$151,000 and operating expenses of \$65,000) and revenues to \$119,000 for a net ad valorem impact of \$97,000. Fiscal impact associated with the increase in fees is undetermined at this time, however, any additional revenue collected will be accounted for in the Public Safety Department's budget and will offset ad valorem.

C. Departmental Fiscal Review:  1/18/19

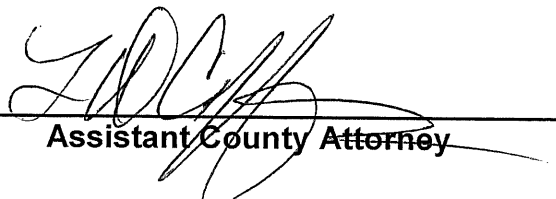
III. REVIEW COMMENTS

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

 1/11/19
 OFMB
 9/1/10
 Jan 1/10

 1/16/19
 Contract Dev. And Control
 1/16/19

B. Legal Sufficiency:


 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. R-2019-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING RESOLUTION R-2016-0298, AND ESTABLISHING FEES AND FINES FOR THE HOME CAREGIVER ORDINANCE.

WHEREAS, the Palm Beach County Home Caregiver Ordinance codified at Chapter 17, Article XV of the Palm Beach County Code Ordinance was enacted on October 20, 2015; and

WHEREAS, Sections 17-464 and 17-466 of the Home Caregiver Ordinance provide that the ID badge fees, civil fines, administrative appeal filing fees, and fines for violations shall be established by resolution of the Board of County Commissioners; and

WHEREAS, R-2016-0298 establishes the current fee schedule of the Board of County Commissioners; and

WHEREAS, the fee schedule established in 2016 does not generate sufficient revenues to recoup the costs of administering the program; and

WHEREAS, this resolution shall repeal and replace R-2016-0298 with an updated schedule of fines and fees.

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

- 1) The foregoing recitals are true and correct and incorporated herein by reference.
- 2) Resolution R-2016-0298 establishing fees for the Home Caregiver Ordinance is hereby repealed and replaced with this resolution.
- 3) The schedule of fees and fines set forth in Exhibit "A" attached hereto, the Home Caregiver Schedule of Fees and Fines, is hereby approved and adopted and made a part of hereof.

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:

Mack Bernard, Mayor	_____
Dave Kerner, Vice Mayor	_____
Hal R. Valeche	_____
Gregg K. Weiss	_____
Robert S. Weinroth	_____
Mary Lou Berger	_____
Melissa McKinlay	_____

The Mayor thereupon declared the resolution duly passed and adopted this ____ day
of _____, 2019.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD
OF COUNTY COMMISSIONERS
Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

Exhibit “A”
Home Caregiver Ordinance
Schedule of Fees and Fines

ID Badge Fees for Home Caregivers by Division of Consumer Affairs (DCA)	Section Reference	Amount
Home Caregiver ID Badge Fee/Renewal (every 5 yrs.) <i>includes FDLE Fingerprint Based Criminal History Record Check</i>	17-464	\$100.00
Home Caregiver ID Badge Fee with notarized agency affidavit or AHCA verification (every 5 yrs.)	17-464	\$30.00
Home Caregiver ID Badge Replacement Fee	17-464	\$15.00
Administrative Appeal Filing Fee	17-466	\$100.00

Civil Fines for Home Caregivers by Division of Consumer Affairs	Section Reference	Amount
Working without a valid caregiver ID Badge	17-464	\$250
Home Care Business using or providing Home Caregivers without a valid ID Badge to provide Covered Activities	17-464	\$500
Failure of Home Care Business to notify DCA that a caregiver is no longer employed or affiliated with the agency	17-464	\$300
Failure of the Home Caregiver to make the caregiver ID badge available for inspection	17-464	\$150
Advertising Covered Activities as a Home Caregiver without a valid caregiver ID Badge	17-464	\$150
Violations for all other sections of the ordinance	\$250 - first offense; \$500 - second offense; \$500 – third offense (with possible mandatory court appearance on first, second, and third offense)	

**Home Caregiver
Summary of Recommended Changes to the Fee Schedule**

Description	Current Amount	Proposed Amount
Home Caregiver ID Badge Fee/Renewal (<i>every 5 yrs.</i>) <i>includes FDLE Fingerprint Based Criminal History Record Check</i>	\$70.00	\$100.00
Home Caregiver ID Badge Fee with notarized agency affidavit or AHCA verification (<i>every 5 yrs.</i>)	\$20.00	\$30.00
Home Caregiver ID Badge replacement fee	\$15.00	No Change
Administrative Appeal filing fee	\$100.00	No Change