

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 535 CS Private School Bus Drivers
SPONSOR(S): Arza and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 2478

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u>12 Y, 1 N, w/CS</u>	<u>Thompson</u>	<u>Miller</u>
2) <u>Education Appropriations Committee</u>	<u>14 Y, 0 N</u>	<u>Hammock</u>	<u>Hamon</u>
3) <u>State Infrastructure Council</u>	<u>8 Y, 0 N, w/CS</u>	<u>Thompson</u>	<u>Havlicak</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 535 CS requires counties to adopt ordinances relating to registration of for-hire bus drivers who transport school pupils by January 1, 2006. The bill provides qualification requirements related to background screening and commercial driver licensure that such drivers must meet.

HB 535 CS does not apply to bus drivers employed by public or private schools that meet the requirements of ss. 1012.45 or 1002.42, F.S.

The bill has no fiscal impact on state or local governments, but will likely have an impact on for-hire bus drivers. See ECONOMIC IMPACT ON PRIVATE SECTOR for details.

The bill is effective on July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty; Provide Limited Government—The bill adds requirements and qualifications that for-hire bus drivers must meet if they are engaged in the business of transporting school pupils. The requirements include background screening and commercial driver license (CDL) with a passenger endorsement.

B. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION:

Under current Florida law (s. 1012.45, F.S.), public school bus drivers must meet the following requirements:

- Be of good moral character;
- Be of good vision and hearing;
- Be able-bodied and free from communicable disease;
- Be mentally alert;
- Be sufficiently strong physically to handle the bus with ease;
- Possess other qualifications prescribed by the Commissioner of Education, including those qualifications described in 49 C.F.R. s. 391, relating to physical qualifications and examinations, and 49 C.F.R. part 40 and part 382, relating to controlled substance and alcohol use and testing;and
- Hold a valid commercial driver's license (CDL) with a passenger endorsement.

Private school bus drivers are required to hold a CDL with a passenger endorsement and can be required by their employer to meet some of the same qualifications as public school bus drivers. Currently s. 1002.42, F.S., allows for private school bus drivers to contractually participate in a district school board's bus driver training program.

Under s. 1012.465, F.S., non-instructional public school district employees or contractual personnel who have direct contact with students or have access to or control of school funds must meet level 2 screening requirements (background screenings). Section 1002.42 (2)(c)3., F.S., allows an owner of a private school to require school employees to file fingerprints with the Department of Law Enforcement for processing and criminal records checking. This background check is optional and the findings are reported to the owner for use in employment decisions.

EFFECT OF PROPOSED CHANGES:

HB 535 CS creates s. 125.5805, F.S., to require all counties to adopt an ordinance which requires that every driver of a motor vehicle which is regularly used for the transportation of pupils to or from school, or to or from school activities, and receives compensation for such services to register with the county. The ordinance must require that by January 1, 2006, each driver must meet level 2 background screening standards as set forth in chapter 435. The county is to submit the fingerprints of each driver to the Department of Law Enforcement (FDLE) and Federal Bureau of Investigation (FBI) for national processing. Also, under the bill, FDLE is to invoice the county for the fingerprints that are submitted each month.

The driver must reimburse the county for any costs of background screening or for any other administrative expenses. The bill does not apply to drivers employed by a public or private school that meet the requirements of ss. 1012.45 or 1002.42, F.S.

C. SECTION DIRECTORY:

Section 1. creates s. 125.5805, F.S.; requiring counties to adopt ordinances relating to registration of drivers who transport school pupils for hire, provides specified qualifications including background screening and commercial driver licensure, providing for applicability.

Section 2. Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

For-hire bus drivers would have to meet additional requirements under the bill. The cost of complying with these provisions would have to be paid by the owner of the for-hire bus service or the driver. Criminal background checks (fingerprinting) cost \$61 per applicant which will be paid by the applicant. The bill also requires the driver to reimburse the county for its administrative costs related to the registration program.

D. FISCAL COMMENTS:

Counties will be required to adopt and implement ordinances related to registering drivers as provided in the bill. The bill requires the drivers being registered to pay the county for administrative costs of the registration program.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to: require cities to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

The bill does require counties to adopt ordinances requiring the registration of certain for-hire bus drivers. However, the bill requires that the drivers being registered pay the administrative costs of the

program. Any unreimbursed costs would have an insignificant fiscal impact on counties; therefore, the bill is exempt from the constitutional mandates provision.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rule-making authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **April 19, 2005**, the State Infrastructure Council considered HB 535 and adopted 1 amendment which requires that by January 1, 2006, for-hire bus drivers must meet level 2 background screening requirements. Fingerprints are to be submitted by the county, to the Department of Law Enforcement (FDLE) and Federal Bureau of Investigation (FBI) for national processing. Also, the amendment requires FDLE to invoice the county for the fingerprints that are submitted each month.

The council then voted 8-0 to report the bill favorably with council substitute.

On **March 22, 2005**, the Committee on Transportation considered HB 535 and adopted 1 strike all amendment which made the following changes to the proposed bill.

HB 535 originally added requirements and qualifications for private school bus drivers to meet. The requirements included physical and mental standards, federal drug, alcohol and background screening as well as a chauffer registration and commercial driver license (CDL) with a passenger endorsement. The bill originally caused private school bus drivers to have similar requirements as public school bus drivers, but the amendment had the effect of deleting these requirements.

HB 535 CS instead requires counties to adopt ordinances relating to registration of for-hire bus drivers who transport school pupils by January 1, 2006. The bill provides qualification requirements related to background screening and commercial driver licensure that such drivers must meet. HB 535 CS does not apply to bus drivers employed by public or private schools that meet the requirements of ss. 1012.45 or 1002.42, F.S.

The committee then voted 12-1 to report the bill favorably with committee substitute.