

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1225 Hillsborough County

**SPONSOR(S):** Glorioso and others

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban &amp; Local Affairs</u>	<u>8 Y, 0 N</u>	<u>Fudge</u>	<u>Kruse</u>
2) <u>Government Efficiency &amp; Accountability Council</u>	<u></u>	<u></u>	<u></u>
3) <u></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 Hillsborough County Public Transportation Commission (PTC) is an independent special district in Hillsborough County that regulates vehicles for hire. As part of the licensing of drivers the PTC conducts criminal history record checks for certain offenses. In addition, the PTC may issue for good cause, and without the necessity of notice or public hearing, temporary permits.

HB 1225 authorizes criminal history record checks to include national criminal history records with the Federal Bureau of Investigation, including the terrorist watch list. The national record check will reflect federal arrests as well as those in other states.

In anticipation of upcoming major special events, such as the Super Bowl in 2009, the PTC expects an influx of visitors that will exceed current licensees ability to provide transportation. Consequently, the bill authorizes PTC or its director to issue and reissue temporary public vehicle driver's licenses.

The Economic Impact Statement indicates that the cost to all applicants for permits and licenses will increase substantially with the cost of the FBI database, from \$35 to \$80.

Also, the Florida Department of Law Enforcement states that "while the impact of this bill does not necessitate additional FTE, this bill in combination with additional background screening bills could rise to the level requiring additional staffing."

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

The Hillsborough County Public Transportation Commission (PTC) is an independent special district in Hillsborough County that regulates vehicles for hire. As part of the licensing of drivers the PTC conducts criminal history record checks for certain offenses.<sup>1</sup> In addition, the PTC may issue for good cause, and without the necessity of notice or public hearing, temporary permits.

##### **Effect of Proposed Changes**

HB 1225 authorizes criminal history record checks to include national criminal history records with the Federal Bureau of Investigation, including the terrorist watch list. The national record check will reflect federal arrests as well as those in other states.

In anticipation of upcoming major special events, such as the Super Bowl in 2009, the PTC expects an influx of visitors that will exceed current licensees ability to provide transportation. Consequently, the bill authorizes PTC or its director to issue and reissue temporary public vehicle driver's licenses. The temporary permits and licenses would not be reissued for more than four successive seven day periods without commission approval. The decision on temporary permits and licenses would not prevent a subsequent denial of a permanent permit or annual public vehicle driver's license.

#### C. SECTION DIRECTORY:

Section 1: Amends ch. 2001-299, L.O.F., adding national criminal history records check, including terrorist database, to background screening; authorizing issuance and reissuance of temporary licenses; states that granting of temporary permit or license does not prevent subsequent denial of permanent permit or annual license.

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 9, 2008.

WHERE? In the *Tampa Tribune*, a daily newspaper published in Hillsborough County, Florida.

#### B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

#### C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

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<sup>1</sup> The Commission may deny a license to a person who has pled guilty, nolo contendere or been convicted of a felony, a sex offense including conviction as a sexual offender or has been found to be a sexual predator as provided in Florida Statutes, soliciting for or engaging in prostitution, an alcohol or narcotics offense, drunkenness, violation of the gambling laws, a crime involving moral turpitude, or repeated violations of the motor vehicle laws.

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

The Economic Impact Statement indicates that the cost to all applicants for permits and licenses will increase substantially with the cost of the FBI database, from \$35 to \$80.

1. Staff Fiscal Analysis

a. Estimated Impact on Private Sector:

\$57,475 each year (estimated 1,900 checks per year X \$30.25 increase over current fee). Each request is \$53.25 with \$23 going into the FDLE Operating Trust Fund and \$30.25 from each request is forwarded to the FBI which is not considered revenue for Florida but expense to private sector.

b. Comments

FDLE indicates the impact of this bill does not necessitate additional FTE, the fee is passed through to the FBI which can be handled with current authority.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

**Other Comments**

The Florida Department of Law Enforcement provided an analysis of the bill and stated:

While the impact of this bill does not necessitate additional FTE, this bill in combination with additional background screening bills could rise to the level requiring additional staffing.

Lines 27 - 28 re: "...fingerprint searches against the terrorist database must be specified as such."

Based on Federal case law and subsequent laws enacted by Congress, in particular Public Law 92-544, the Federal Bureau of Investigation (FBI) determined that state statutes requiring national criminal history background checks for purposes of employment and licensing must meet certain criteria. According to the Federal Bureau of Investigation, Public Law 92-544 authorizes fingerprint-based background checks of the Fingerprint Identification Records System only. Not only are there no terrorist databases maintained by the FBI that are available for non-criminal justice purposes, there is no authority in Public Law 92-544 for such searches.

D. STATEMENT OF THE SPONSOR

No sponsor statement submitted.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 19, 2008, the Committee on Urban & Local Affairs adopted an amendment, addressing a concern raised by FDLE, which removed reference to a search of a terrorist database.