

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1089 Criminal History Information

SPONSOR(S): Rooney and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 628

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	8 Y, 0 N	Clark	White
2) Justice Appropriations Subcommittee	12 Y, 0 N	McAuliffe	Lloyd
3) Judiciary Committee	16 Y, 0 N	Clark	Havlicak

SUMMARY ANALYSIS

Section 943.053(3)(b), F.S., in relevant part, provides that the fee per record for criminal history information provided by the Florida Department of Law Enforcement (FDLE) is \$24.00 per name submitted, except that the fee for the guardian ad litem program and vendors of the Department of Children and Families, the Department of Juvenile Justice, and the Department of Elder Affairs is \$8.00 for each name submitted.

The bill adds the Agency for Persons with Disabilities (APD) to the list of other state agencies; thereby, authorizing APD's vendors to pay \$8.00 per background screening.

FDLE estimates a future loss of revenue of \$115,200 annually due to the bill's authorization for APD to pay \$8.00, rather than \$24.00 per record. FDLE began receiving such revenue from APD at the end of May 2015. In Fiscal Year 2014-15, FDLE's Operating Trust Fund revenues were \$98.9 million and the trust funds expenditures were \$91.7 million. Therefore, the trust fund balance is sufficient to absorb this loss of revenue.

The bill is effective July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 943.053, F.S., in relevant part, provides that the fee per record for criminal history information provided by the Florida Department of Law Enforcement (FDLE) is \$24.00 per name submitted, except that the fee for the guardian ad litem program and vendors of the Department of Children and Families (DCF), the Department of Juvenile Justice, and the Department of Elder Affairs is \$8.00 for each name submitted.¹

Until May 25, 2015, the DCF performed background screening services for the Agency for Persons with Disabilities (APD). As such, the screening fee for state criminal history records checks for APD's providers, vendors, employers, Consumer Directed Care Plus (CDC+) participants, and representatives (collectively hereinafter referred to as "vendors") was \$8.00.

On May 25, 2015, however, the APD began participating in the state Provider Background Screening Clearinghouse, which required APD's background screenings to be processed separately from the DCF's screenings. Due to this separation, APD's vendors are now required to pay \$24.00 per screening.

Effect of the Bill

The bill amends s. 943.053(3)(b), F.S., to include APD on the list of other state agencies; thereby, authorizing APD's vendors to pay \$8.00 per background screening.

B. SECTION DIRECTORY:

Section 1. Amends s. 943.053, F.S., relating to dissemination of criminal justice information; fees.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

FDLE estimates a future loss of revenue of \$115,200 annually due to the bill's authorization for APD to pay \$8.00, rather than \$24.00 per record. FDLE began receiving such revenue from APD at the end of May 2015. In Fiscal Year 2014-15, FDLE's Operating Trust Fund revenues were \$98.9 million and the trust funds expenditures were \$91.7 million. Therefore, the trust fund balance is sufficient to absorb this loss of revenue.

2. Expenditures:

The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

¹ s. 943.053(3)(b), F.S.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill reduces the amount that the APD's vendors will have to pay for background screening fees from \$24.00 to \$8.00.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.