

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 1089

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Rooney and others

116 Y's

0 N's

**COMPANION
BILLS:** SB 628

GOVERNOR'S ACTION: Pending

SUMMARY ANALYSIS

HB 1089 passed the House on March 8, 2016, as SB 628.

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 bills adds the Agency for Persons with Disabilities (APD) to the list of state agencies above; thus, 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 fund expenditures were \$91.7 million. Therefore, the trust fund balance is sufficient to absorb this loss of revenue.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2016.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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, 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 participants, and representatives (collectively hereinafter referred to as "vendors") was \$8.00.

On May 25, 2015, however, APD began participating in the state Provider Background Screening Clearinghouse, which required APD background screenings to be processed separately from the DCF screenings. Due to this separation, APD 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 state agencies above; thus, authorizing APD vendors to pay \$8.00 per background screening.

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 2014-2015, FDLE's Operating Trust Fund revenues were \$98.9 million and the trust fund 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.

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

¹ s. 943.053(3)(b), F.S.

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

D. FISCAL COMMENTS:

None.