



MEMORANDUM

Agenda Item No. 11(A)(14)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 17, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to pass legislation that
would allow local governments to
conduct a national background check
on private school bus operators and
other for hire-chauffeur license
holders

Resolution No. R-304-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

A handwritten signature in black ink, appearing to read 'RAC, Jr.', written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 17, 2009

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Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 11(A)(14)

Veto _____

3-17-09

Override _____

RESOLUTION NO. R-304-09

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS LEGISLATION THAT WOULD ALLOW LOCAL
GOVERNMENTS TO CONDUCT A NATIONAL
BACKGROUND CHECK ON PRIVATE SCHOOL BUS
OPERATORS AND OTHER FOR-HIRE CHAUFFEUR
LICENSE HOLDERS

WHEREAS, federal law currently does not allow local governments to access FBI databases to perform national criminal background checks for employment or licensing unless state law provides the local governments with express statutory authority to conduct such checks; and

WHEREAS, in section 125.5801, Florida Statutes, Florida law currently provides counties the authority to perform national background checks on employees in positions that the county finds is critical to security or public safety; and

WHEREAS, section 125.5801 also provides counties the authority to perform such national checks on private contractors, employee of a private contractor, vendors, repair persons, or delivery persons who have access to any or publicly owned or operated facility that the governing body of the county finds is critical to security or public safety; and

WHEREAS, cities are provided similar authority in section 166.0442, Florida Statutes; and

WHEREAS, the authority to do national criminal background checks that is provided in sections 125.5801 and 166.0442 does not extend to private school bus drivers and other for-hire chauffeur license holders; and

WHEREAS, for private school bus drivers, it is important that a background check is performed checking records not only in the State of Florida but also nationally; and

WHEREAS, a private school bus driver could have an extensive criminal record in another state, but current Florida state law would not allow a local government to conduct a national background check that would capture crimes in other states; and

WHEREAS, particularly because private school bus drivers are in unsupervised daily contact with children, it is imperative that local governments have the authority to conduct a national criminal background check on private school bus drivers,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass legislation that would allow local governments to conduct a national background check on private school bus operators and other for-hire chauffeur license holders.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2009 and 2010 State Legislative Packages to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Audrey M. Edmonson** , who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

| | | | |
|----------------------|---------------------------------|--------------------|---------------|
| | Dennis C. Moss, Chairman | aye | |
| | Jose "Pepe" Diaz, Vice-Chairman | absent | |
| Bruno A. Barreiro | aye | Audrey M. Edmonson | aye |
| Carlos A. Gimenez | aye | Sally A. Heyman | aye |
| Barbara J. Jordan | aye | Joe A. Martinez | aye |
| Dorrin D. Rolle | aye | Natacha Seijas | aye |
| Katy Sorenson | aye | Rebeca Sosa | absent |
| Sen. Javier D. Souto | absent | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty