

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

REVISED BACKUP

Meeting Date: October 22, 2013 [ ] Consent [ ] Regular  
[ ] Ordinance [X] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt:

A) An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 2 of the Palm Beach County Code (Ordinance No. 2003-030, amended by Ordinance No. 2008-007); pertaining to criminal history record checks; amending section 2-373 of the Palm Beach County Code (Definitions); amending section 2-374 of the Palm Beach County Code (Critical Facilities Determination); amending section 2-375 of the Palm Beach County Code (Criminal History Record Checks); amending section 2-376 of the Palm Beach County Code (Alternative Compliance); providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date; and

B) A Resolution of the Board of County Commissioners of Palm Beach County, Florida, finding certain County facilities to be critical to public safety or security and finding certain County facilities to be criminal justice information facilities pursuant to the Palm Beach County Criminal History Record Check Ordinance.

**Summary:** This Ordinance amends the County's program for conducting criminal history record checks on contractors, vendors, repair and delivery persons who require unescorted access to Critical Facilities, by adding requirements for persons requesting unescorted access to Criminal Justice Information Facilities (CJI Facilities). The Ordinance is required by the Criminal Justice Information Services Security Policy (CJIS Policy) implemented by the Criminal Justice Information Services Division of the Federal Bureau of Investigation (FBI CJIS Division). CJI Facilities are those facilities or areas that contain or house law enforcement agency criminal justice information. The CJIS Policy assigns implementing responsibility for performing criminal history record checks at CJI Facilities to local law enforcement or the Florida Department of Law Enforcement (FDLE). Therefore, the Ordinance assigns implementing responsibility for access to CJI Facilities to the Palm Beach County Sheriff's Office (Sheriff's Office). The disqualifying criminal offenses for CJI Facilities are identified in Appendix B to the Ordinance and include all felonies, misdemeanors, warrants and pending charges/arrests. The Sheriff's Office in conjunction with the FDLE may review misdemeanors, pending charges/arrests and warrants to determine whether these are disqualifying offenses based on the access requested. The Sheriff's Office shall develop procedures for implementation of its responsibilities pursuant to the Ordinance. For access to critical facilities only, alternative compliance is amended to include Florida security guards who are already required by County to obtain criminal history record checks from the State and volunteers of the Sheriff's Office, State Attorney's Office and the Clerk & Comptroller's Office. The Resolution is required by the Ordinance to identify Critical and Criminal Justice Information Facilities. (ESS) Countywide (JM)

**Background & Policy Issues:** On October 1, 2013 the Board of County Commissioners voted to approve the proposed amendment to the Criminal History Record Check Ordinance (Ord. No.2003-030). The Criminal History Record Check Ordinance (Ord. No.03-030) established the County's program for conducting criminal history record checks for critical facilities. Since that time, the FBI CJIS Division adopted a CJIS Policy that requires implementation of criminal history record checks for Contractors that seek access to facilities or areas that contain or house criminal justice information records of law enforcement agencies. In order to accommodate the new security requirements, the Criminal History Record Check Ordinance is expanded to include criminal history record check requirements for unescorted access to CJI Facilities, to identify disqualifying offenses, and to assign CJI implementation responsibility to the Sheriff's Office pursuant to the CJIS Policy.

**Attachments:**

- 1. Criminal History Record Check Ordinance
- 2. Resolution establishing Critical Facilities and Criminal Justice Information Facilities

Recommended By: Anthony Wolf 10/11/13  
Department Director Date  
Approved By: [Signature] 10/18/13  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____ ✕	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes  No

Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Program \_\_\_\_\_

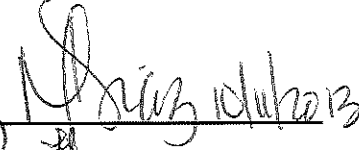
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

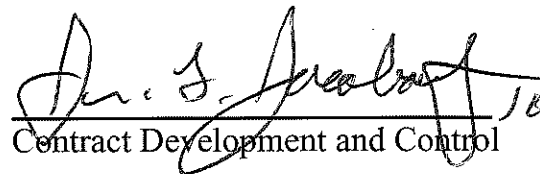
✕ There is no fiscal impact associated with this item.

**C. Departmental Fiscal Review: \_\_\_\_\_**

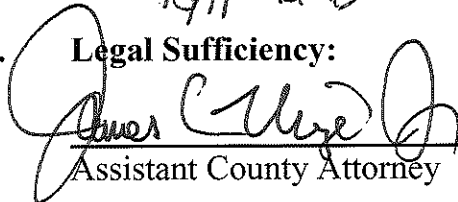
**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development Comments:**

  
 \_\_\_\_\_  
 OFMB  
 12/11/13

  
 \_\_\_\_\_  
 Contract Development and Control  
 12/16/13

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney  
 12/17/13

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

This summary is not to be used as a basis for payment.

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**ORDINANCE NO.**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2 OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 2003-030, AMENDED BY ORDINANCE NO. 2008-007); PERTAINING TO CRIMINAL HISTORY RECORD CHECKS; AMENDING SECTION 2-373 OF THE PALM BEACH COUNTY CODE (DEFINITIONS); AMENDING SECTION 2-374 OF THE PALM BEACH COUNTY CODE (CRITICAL FACILITIES DETERMINATION); AMENDING SECTION 2-375 OF THE PALM BEACH COUNTY CODE (CRIMINAL HISTORY RECORD CHECKS); AMENDING SECTION 2-376 OF THE PALM BEACH COUNTY CODE (ALTERNATIVE COMPLIANCE); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

24           **WHEREAS**, the Board of County Commissioners of Palm Beach County ("Board")  
25 adopted the Palm Beach County Criminal History Record Check Ordinance (Ordinance No.  
26 2003-030, amended by Ordinance No. 2008-007) on August 19, 2003 providing that it become  
27 effective on October 1, 2003; and

28           **WHEREAS**, the Palm Beach County Criminal History Record Check Ordinance  
29 established the County's program for conducting criminal history record checks on Contractors,  
30 vendors, repair and delivery persons who seek unescorted access to County facilities determined  
31 to be critical to public safety or security and established a list of Disqualifying Criminal Offenses  
32 for those facilities; and

33           **WHEREAS**, since that time, legal requirements for securing access to criminal justice  
34 information have been established and it is necessary to implement criminal history record  
35 checks for facilities that are critical to criminal justice information security; and

36           **WHEREAS**, the Criminal Justice Information Services Division of the Federal Bureau of  
37 Investigation (FBI) has adopted and implemented the Criminal Justice Information Services  
38 Security Policy that defines requirements for conducting criminal history record checks in  
39 facilities with access to criminal justice information and further assigns responsibility for  
40 performing criminal history record checks in such facilities to the Florida Department of Law  
41 Enforcement and local law enforcement agencies; and

42           **WHEREAS**, the Board of County Commissioners desires to establish Criminal Justice  
43 Information Facilities and the corresponding Disqualifying Criminal Offenses; and

44           **WHEREAS**, the Board of County Commissioners desires to amend the Criminal History  
45 Record Check Ordinance.

46           **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
47 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:  
48  
49

50           **Section 1. Title**

51           This Ordinance shall be known and may be cited as the "Palm Beach County Criminal  
52 History Record Check Ordinance."

53  
54           **Section 2. Authority**

55           This Ordinance is enacted pursuant to the authority vested in the County by Section  
56 125.5801, Florida Statutes.

57  
58           **Section 3.** Section 2-373 of the Palm Beach County Code is hereby amended as  
59 follows:

60           **Definitions**

61           A. "Applicant" means the individual who applies for a criminal history record check.

62           B. "Contractor" means any natural person who is not employed by the County and  
63 provides or delivers goods or services for, to or on behalf of the County, which shall include, but  
64 shall not be limited to, employees and subcontractors of contractors, unpaid contractors or  
65 volunteers, vendors, repair persons and delivery persons. "Contractor" shall also mean any non-  
66 governmental tenant of a County-owned building, except tenants of County general aviation  
67 airports, including the employees and subcontractors of such tenants. The term "Contractor" shall  
68 not include any local government, State or Federal employees, or any persons employed by any  
69 mail, courier, postal or other similar delivery services.

70           C. "County" means the Board of County Commissioners of Palm Beach County and  
71 its authorized representatives.

72           D. "Criminal History Record Check" means a fingerprint-based State and national  
73 criminal history record check.

74           E. "Criminal Justice Information" (CJI) includes the FBI CJIS and FDLE provided  
75 data necessary for law enforcement and civil agencies to perform their missions including, but  
76 not limited to, biometric, identity history, biographic, property and case/incident history data.

77           F. "Criminal Justice Information Facility" (CJI Facility) means any facility or  
78 portion thereof owned or leased by the County which houses CJI and which is determined by  
79 resolution of the Board pursuant to Section 4 of this Ordinance to be critical to the security of  
80 CJI.

81           G. "Criminal Justice Information Services Division" (FBI CJIS) means the Criminal  
82 Justice Information Services Division of the FBI responsible for the collection, warehousing, and  
83 timely dissemination of relevant CJI to the FBI and to qualified law enforcement, criminal  
84 justice, civilian, academic, employment, and licensing agencies.

85           H. "Critical Facility" means those facilities or areas owned, operated or leased by the  
86 County that have been determined by resolution of the Board to be critical to security or public  
87 safety pursuant to Section 4 of this Ordinance.

88           I. "Disqualifying Criminal Offense" with respect to access to a Critical Facility  
89 means a conviction of or a plea of nolo contendere or guilty to any of those criminal offenses  
90 listed in Appendix "A" to this Ordinance in any jurisdiction during the ten (10) years prior to the  
91 date of the criminal history record check. Notwithstanding the foregoing, any conviction for

92 which a full pardon has been granted or any adjudication of delinquency shall not be considered  
93 a disqualifying criminal offense.

94 J. "Disqualifying Criminal Offense" with respect to access to a CJI Facility means  
95 any of those offenses identified in Appendix "B" to this Ordinance and as determined by the  
96 Criminal Justice Information Services (CJIS) Security Policy, version 5.2, dated August 9, 2013,  
97 as may be amended and updated from time to time.

98 K. "Existing Contractor" means a Contractor who required access to a CJI Facility  
99 prior to the effective date of this Ordinance and will continue to require access to the CJI Facility  
100 after the effective date of this Ordinance.

101 L. "Facilities Development & Operations" means the Facilities Development &  
102 Operations Department of the County.

103 M. "Federal Bureau of Investigation" (FBI) means the Federal Agency established in  
104 Title 28 of the United States Code (U.S. Code), Section 533.

105 N. "Florida Department of Law Enforcement" (FDLE) means the Florida agency  
106 created by Section 20.201, F.S. which serves as the central repository of criminal justice  
107 information for the State of Florida and operates under the authority of Section 943.05, F.S. and  
108 Chapter 11C, F.A.C.

109 O. "New Contractor" means a Contractor who will require access to a Critical  
110 Facility or a CJI Facility for the first time on or after the effective date of this Ordinance.

111 P. "Sheriff's Office" means the Palm Beach County Sheriff's Office.

112 Q. "State Attorney's office" means the State Attorney of the 15<sup>th</sup> Judicial Circuit.

113 R. "Volunteer" means a person who is providing or donating goods or services for,  
114 to, or on behalf of the County or for any local government, State or Federal agency or office.

115

116 **Section 4.** Section 2-374 of Palm Beach County Code is hereby amended as follows:

117 **Facilities Determination**

118 A. The Board shall identify Critical Facilities by resolution including those facilities or  
119 areas owned, operated or leased by the County that the Board determines to be critical to security  
120 or public safety which resolution may be amended, replaced, or supplemented by the Board from  
121 time to time.

122 B. The Board shall identify CJI Facilities by resolution including those facilities or areas  
123 owned, operated or leased by the County that the Board determines to be critical to the security  
124 of CJI which resolution may be amended, replaced, or supplemented by the Board from time to  
125 time.

126

127 **Section 5.** Section 2-375 of Palm Beach County Code is hereby amended as follows:

128 **2-375.1 Criminal History Record Checks for Critical Facilities**

129 A. All Contractors shall be required to undergo a criminal history record check  
130 conducted by or on behalf of the County in order to retain or be granted unescorted access to any  
131 Critical Facility. New Contractors shall be required to undergo a criminal history check prior  
132 to being granted unescorted access to any Critical Facility. Any Contractor found to have a  
133 disqualifying criminal offense or who fails to provide the information necessary to complete a

134 criminal history record check shall, when acting in his or her capacity as a Contractor for or on  
135 behalf of the County, be denied access to Critical Facilities or be required to be accompanied by  
136 an escort designated by the County in Critical Facilities. Any Contractor found to have an arrest  
137 for any offense involving juveniles shall, when acting in his or her capacity as a Contractor for  
138 on behalf of the County, be denied access to Critical Facilities where children are located  
139 including aquatic centers, Head Start facilities, community centers and the High Ridge Family  
140 Center. Any Contractor found to have an arrest for any offense involving animals shall, when  
141 acting in his or her capacity as a Contractor for or on behalf of the County, be denied access to  
142 Critical Facilities where animals are located including animal care and control facilities. The  
143 decision of whether to deny access or require an escort in Critical Facilities shall be at the  
144 discretion of the County.

145 B. Prior to an Applicant submitting a request for a criminal history record check for  
146 access to a Critical Facility, the County shall notify each applicant to be fingerprinted that his or  
147 her fingerprints will be sent to the State Department of Law Enforcement for a state criminal  
148 history record check and to the Federal Bureau of Investigation for a national criminal history  
149 record check.

150 C. The County shall notify any applicant found to have a Disqualifying Criminal  
151 Offense in writing that he or she has been found to have a Disqualifying Criminal Offense and  
152 will be denied access to Critical Facilities or be required to be accompanied by an escort  
153 designated by the County in Critical Facilities unless the Contractor provides the County with  
154 verifiable evidence that he or she does not have a Disqualifying Criminal Offense. The  
155 notification shall also state that the Contractor has the right to (1) obtain a copy of his or her  
156 criminal history records; (2) to challenge the completeness and accuracy of the criminal history  
157 records pursuant to State and Federal law; and (3) to request a correction, change or update to the  
158 criminal history records pursuant to State and Federal law. The written notification, sent by  
159 certified mail, shall not include specific information regarding the Contractor's criminal history  
160 records or the nature of the disqualifying criminal offense. The County shall verify the identity  
161 of the Contractor prior to releasing the criminal history records to the Contractor.

162 D. The County shall notify any applicant found to have an outstanding warrant in  
163 writing by mail. The notification shall identify the jurisdiction of the outstanding warrant so that  
164 the applicant may make arrangements to address the outstanding warrant. The County shall also  
165 notify the jurisdiction which issued the warrant that the warrant appeared on the criminal history  
166 record check of the applicant.

167 E. The County shall notify any applicant in writing found to have a prior arrest,  
168 without a disposition on record, for the criminal offenses on Appendix "A" to this Ordinance. If  
169 the arrest still has no disposition six months after the date of the notice to the Contractor, the  
170 Contractor shall be denied access to Critical Facilities or be required to be accompanied by an  
171 escort designated by the County in Critical Facilities until the Contractor provides the County  
172 with verifiable evidence that the prior arrest has been resolved without a conviction or plea of  
173 nolo contendere or guilty to any of the criminal offenses listed on Appendix "A" to this  
174 Ordinance.

175 F. The County Administrator shall establish procedures for the implementation of  
176 this Ordinance, which may include, but shall not be limited to, procedures for obtaining and  
177 processing criminal history record check information for Critical Facilities, standardizing  
178 information to be included in solicitations, procurement documents and contracts issued by the  
179 County, and notifying Contractors of the requirements of this Ordinance.

180 G. Notwithstanding any provision of this Ordinance to the contrary, the access  
181 restrictions set forth in this Ordinance shall only apply when a person is acting in his or her  
182 capacity as a Contractor for or on behalf of the County.

183 H. Nothing in this Ordinance shall be construed as prohibiting or preventing the  
184 County from conducting any other background screening that the County may lawfully  
185 undertake.

#### 186 **2-375.2 Criminal History Record Checks for CJI Facilities**

187 A. The Sheriff's Office shall be the implementing office for conducting criminal  
188 history records checks on Contractors when the access requirement is a CJI Facility. All criminal  
189 history records checks conducted for this purpose of unescorted access and pursuant to this  
190 Ordinance shall be made according to the Criminal Justice Information Services (CJIS) Security  
191 Policy, version 5.2, dated August 9, 2013, as may be amended and updated from time to time.

192 B. All Existing Contractors and all New Contractors shall be required to undergo a  
193 criminal history record check conducted by the Sheriff's Office in order to retain or be granted  
194 unescorted access to any CJI Facility.

195 C. Any Applicant found to have a Disqualifying Criminal Offense, or who fails to  
196 provide the information necessary to complete a criminal history record check, shall be denied  
197 access to CJI Facilities or be required to be accompanied by an escort designated by the Sheriff's  
198 Office. The decision of whether to deny access or require an escort in CJI Facilities shall be at  
199 the sole discretion of the Sheriff's Office.

200 D. The Sheriff's Office, in conjunction with FDLE when required and/or determined  
201 to be appropriate by the Sheriff's Office, shall have the ability to review any misdemeanor  
202 conviction, pending charge/arrest and/or warrant to determine applicability of the conviction,  
203 charge and/or warrant to the access being requested. The Sheriff's Office, in its sole discretion,  
204 may grant access to, or provide for continued access, depending on the facts presented. There is  
205 no review of a Disqualifying Criminal Offense involving a felony.

206 E. The Sheriff's Office shall establish procedures for the implementation of its  
207 responsibilities pursuant to this Ordinance, including but not limited to, procedures for  
208 processing and obtaining criminal history record check information, procedures for notifying  
209 Applicants who are found to have disqualifying offenses, procedures for presenting verifiable  
210 evidence that a Contractor does not have a disqualifying offense, and procedures for notifying  
211 potential Contractors of the requirements of this Ordinance.

212 F. Notwithstanding any provision of this Ordinance to the contrary, the access  
213 restrictions set forth in this Ordinance shall only apply when a person is acting in his or her  
214 capacity as a Contractor for or on behalf of the County beginning November 4, 2013.

215 G. Nothing in this Ordinance shall be construed as prohibiting or preventing the  
216 Sheriff's Office from conducting any other background screening that the Sheriff may lawfully  
217 undertake.

218  
219 **Section 6.** Section 2-376 of Palm Beach County Code is hereby amended as follows:

220 **Alternative Compliance**

221 A Contractor shall be exempt from the requirements of this Ordinance if:

222 (1) the Contractor is subject to and in compliance with the criminal history record  
223 check requirements of Title 49 Code of Federal Regulations Part 1500 et al., as may be  
224 amended from time to time or any successor regulation or other federal regulation  
225 establishing criminal history record check requirements for public-use airports; or

226 (2) the Contractor is subject to and in compliance with the criminal history record  
227 check requirements of this Ordinance for access to CJI Facilities if the access requirement  
228 is for Critical Facilities; or

229 (3) the Contractor is subject to and in compliance with the criminal history record  
230 check requirements of any other federal, state or local law, which is equal to or more  
231 stringent than the requirements of this Ordinance; or

232 (4) the Contractor is required by County procurement policy or document to maintain  
233 a Florida Security Guard license "D" or "G" but only for the year that the State performs the  
234 criminal history records check and only if the access requirement is for Critical Facilities,  
235 but such Contractor must comply in any other year; or

236 (5) the person is a volunteer to the Palm Beach County Sheriff's Office, Palm Beach  
237 County State Attorney's Office or the Clerk & Comptroller of Palm Beach County's Office  
238 and the access requirement is for Critical Facilities. These volunteers are not considered  
239 Contractors and are not subject to the requirements of this Ordinance.

240  
241 **Section 7. Enforcement**

242 This Ordinance shall be enforceable by all remedies available at law, but shall not be  
243 enforced as a misdemeanor in accordance with Section 125.69(1), Florida Statutes.

244  
245 **Section 8. Repeal of Laws in Conflict**

246 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby  
247 repealed to the extent of such conflict.

248  
249 **Section 9. Severability**

250 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
251 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect  
252 the remainder of this Ordinance.

253  
254 **Section 10. Inclusion in the Code of Laws and Ordinances**

255 The provisions of this Ordinance shall become and be made a part of the Code of Laws  
256 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be



257 renumbered or relettered to accomplish such, and the word "ordinance" may be changed to  
258 "section", "article", or other appropriate word.

259

260 **Section 11. Effective Date**

261 The provisions of this Ordinance shall become effective upon filing with the Department  
262 of State.

263

264 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
265 County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

266

267

268 SHARON R. BOCK,  
269 CLERK & COMPTROLLER,

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

270

271

272

273 By: \_\_\_\_\_  
274 Deputy Clerk

By: \_\_\_\_\_  
Steven L. Abrams, Mayor

275

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278 APPROVED AS TO FORM AND  
279 LEGAL SUFFICIENCY

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283 By: \_\_\_\_\_  
284 ASSISTANT COUNTY ATTORNEY

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286

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288 Filed with the Department of State on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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**Appendix A**  
**Disqualifying Offenses in Critical Facilities**

1. Carrying a weapon or explosive into building where same is posted as prohibited
2. Destruction or vandalism to a public buildings or property
3. Conveying false information and threats
4. Murder
5. Assault with the intent to murder.
6. Espionage
7. Sedition
8. Kidnapping or hostage taking
9. Treason
10. Rape or aggravated sexual abuse
11. Unlawful possession, use, sale, distribution or manufacture of an explosive, weapon or weapon of mass destruction
12. Terrorism
13. Hate crimes
14. Extortion
15. Armed or felony unarmed robbery
16. Distribution of, or intent to distribute, a controlled substance
17. Felony arson
18. Felony involving a threat
19. Felony involving:
  - A. Willful destruction of property
  - B. Importation or manufacture of a controlled substance
  - C. Burglary
  - D. Theft
  - E. Dishonesty, fraud or misrepresentation
  - F. Possession or distribution of stolen property
  - G. Aggravated assault
  - H. Bribery
  - I. Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than one year
  - J. Violence at any public airport
  - K. Information technology crimes including, but not limited to, unlawful use of protected information or hacking
20. Conspiracy or attempt to commit any of the criminal acts listed in this Appendix "A"
21. Any offense involving animals when the access requirement is a Critical Facility/area within an animal care and control facility.
22. Any offense involving juveniles when the access requirement is an aquatic center, gymnasium, Head Start facility, community center or High Ridge Family Center
23. Any felony involving violence.
24. Any offense against a law enforcement officer.

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**APPENDIX B**  
**DISQUALIFYING OFFENSES**  
**IN CRIMINAL JUSTICE INFORMATION FACILITIES**

1. All felonies
2. All misdemeanors
3. Any pending charge/and or arrest
4. Any warrant.

**RESOLUTION NO. R-\_\_\_\_\_**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, FINDING CERTAIN COUNTY FACILITIES TO BE CRITICAL TO PUBLIC SAFETY OR SECURITY AND FINDING CERTAIN COUNTY FACILITIES TO BE CRITICAL TO CRIMINAL JUSTICE INFORMATION SECURITY PURSUANT TO THE PALM BEACH COUNTY CRIMINAL HISTORY RECORD CHECK ORDINANCE (ORDINANCE NO. 2003-030) AND SECTION 125.5801, FLORIDA STATUTES; PROVIDING FOR REPEAL OF RESOLUTION R2003-1274; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Palm Beach County adopted the Palm Beach County Criminal History Record Check Ordinance pursuant to Section 125.5801, Florida Statutes, requiring criminal history record checks of certain persons requiring access to facilities that the Board determines to be critical to public safety or security or critical to criminal justice information security and;

**WHEREAS**, the Palm Beach County Criminal History Record Check Ordinance requires the Board of County Commissioners to identify by resolution those facilities or areas owned, operated or leased by Palm Beach County that it has determined to be critical to public safety or security and to identify those facilities by Exhibit to the resolution; and

**WHEREAS**, the Palm Beach County Criminal History Record Check Ordinance requires the Board of County Commissioners to identify by resolution those facilities or areas owned, operated or leased by Palm Beach County that it has determined to be critical to criminal justice information security and to identify those facilities by Exhibit to the resolution; and

**WHEREAS**, the Board of County Commissioners has determined that each of the facilities or areas owned, operated or leased by Palm Beach County that are identified in the attached Exhibit "A" are Critical Facilities and each of the facilities or areas owned, operated or leased by Palm Beach County that are identified in the attached Exhibit "B" are Criminal Justice Information Facilities.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Section 1. Critical Facilities Determination.**

The Board of County Commissioners hereby finds each of those facilities or areas, which are owned, operated or leased by Palm Beach County and identified in the attached Exhibit "A" are facilities that are critical to public safety or security and are Critical Facilities pursuant to the Criminal History Record Check Ordinance.

**Section 2. Criminal Justice Information Facilities Determination.**

The Board of County Commissioners hereby finds each of those facilities or areas, which are owned, operated or leased by Palm Beach County and identified in the attached Exhibit "B" are critical to criminal justice information security and are Criminal Justice Information Facilities pursuant to the Criminal History Record Check Ordinance.

**Section 3. Repeal.**

This resolution shall repeal Resolution R2003-1274, as supplemented by Resolution R2008-0056, in its entirety.

**Section 4. Severability.**

If any section, paragraph, sentence, clause, phrase, or word of this Resolution is for any reason held by a court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

**Section 5. Effective Date.**

This Resolution shall become effective immediately upon adoption hereof.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- COMMISSIONER STEVEN L. ABRAMS, MAYOR
- COMMISSIONER PRISCILLA A. TAYLOR, VICE MAYOR
- COMMISSIONER HAL R. VALECHE
- COMMISSIONER PAULETTE BURDICK
- COMMISSIONER SHELLEY VANA
- COMMISSIONER MARY LOU BERGER
- COMMISSIONER JESS R. SANTAMARIA

The Chairman thereupon declared the Resolution duly passed and adopted this

\_\_\_\_\_ day of \_\_\_\_\_, 2013.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY: \_\_\_\_\_  
ASSISTANT COUNTY ATTORNEY

**EXHIBIT "A"**  
**CRITICAL FACILITIES**

**Critical Facilities Designated by Site:** For purposes of this Exhibit "A", the term "site" means improved and unimproved real property within property boundaries of each of the property described below.

1. Government Center, 301 N. Olive Avenue, West Palm Beach except for Rooms 205, 401.25, 402.121, 802.2, 802.19, and 802.
2. Restored 1916 Courthouse Building, 300 N. Dixie Highway, West Palm Beach.
3. Main Courthouse, 205 N. Dixie Highway, West Palm Beach except for Suites 1.1001, 1.1100, 1.1200 and 1.2600 and Rooms C.1.H.34, C.4.H.11, CBB-02, CBD-13 and CBD-23.
4. North County Government Center, 3188 PGA Blvd, Palm Beach Gardens, except for Suites 2200 and 2500.
5. South County Courthouse, 200 W. Atlantic Avenue, Delray Beach, except for Suite 1W-300, 1W-400 and 400 and Room 1E401.
6. West County Courthouse, 2950 SR 15, Belle Glade except Suites N-200 and N-300.
7. Gun Club Courthouse, 3228 Gun Club Road except for Suite W-120 and Rooms W114 and B128.
8. Criminal Justice Building, 421 3<sup>rd</sup> Street, West Palm Beach
9. PBSO General Services Building, 3350 Gun Club Road, WPB, except for Suites 100, 125, 140 and 150.
10. Medical Examiner Office, 3126 Gun Club Road, West Palm Beach
11. Emergency Operations Center, 20 S. Military Trail, West Palm Beach
12. Main Detention Center, 3228 Gun Club Road, West Palm Beach, except for Suites 1040, 1101, 2031, 2071, 3083, 3089, CP 3-10, N101, S104, Rooms 1074, 2001, 2035, 2049, 2074, 3117, 3119, 3123, 3129, E103, L7, L13, N135, N136, N140.
13. Central Detention Center, 673 Fairgrounds Road, West Palm Beach except Buildings W, X, Y and Z.
14. West Detention Center, 38811, 38877, 38871 and 38873 James Wheeler Way, Belle Glade, except Suites Q100, P130, R, V107, V115, W107, W145, W149, X137, and Rooms S104, T109, T113, U105, V109, V113, X109, X112, X114, X117, X142B, CA 112, CB 111, CB114.
15. Video Visitation Center, 9650 Process Drive, West Palm Beach, except Suite S100.
16. All water and wastewater plants and pumping sites owned or operated by Palm Beach County
17. All communications towers owned by Palm Beach County
18. North County General Aviation Airport, 11600 Aviation Blvd., West Palm Beach
19. Palm Beach County Park Airport, 2633 Lantana Road, Lantana
20. Palm Beach County Glades Airport, 3800 State Road 715, Pahokee

**EXHIBIT "A"**  
**CRITICAL FACILITIES**

**Critical Facilities Designated by Building:** For the purposes of this Exhibit "A" the term "building" means designated areas within a physical structure.

21. Midwestern Communities Service Center, 200 Civic Center Way, Royal Palm Beach, except Suites 100 and 300.
22. Four Points Center (including Supervisor of Elections Building), 50-240 S. Military Trail, West Palm Beach
23. Airport Center Complex (excluding the property leased as a hotel), 100-160 Australian Avenue, West Palm Beach
24. Vista Center Office Building, 2300 Jog Road, West Palm Beach, except Suites 1W-31, 1W-27, 1W-34, and 3W-26.
25. Vista Center Field Operations and Support Facility, 2633 Vista Parkway, West Palm Beach except Suite 1East
26. Judicial Center Parking Garage, 505 Banyan Blvd., West Palm Beach
27. Government Center Parking Garage, 215 N. Olive Avenue, West Palm Beach
28. Animal Care and Control Facility, 7100 Belvedere Road, West Palm Beach
29. South County Courthouse Parking Garage, 50 SW 2<sup>nd</sup> Avenue, Delray Beach
30. Lake Worth Tax Collector's Office, 3551 S. Military Trail, West Palm Beach
31. Mosquito Control Facilities, 9011 W. Lantana Road, Lake Worth
32. Morikami Museum, 4000 Morikami Park Road, Delray Beach
33. Southeast County Administrative Complex, 200-600 S. Congress Avenue, Delray Beach except for 345 South Congress, 2<sup>nd</sup> Floor South Wing.
34. West County Animal Care and Control Facility, 3615 SR 715, Pahokee
35. West County Governmental Center aka Glades Office Building, 2976 SR 15, Belle Glade.
36. All Head Start facilities and the Highridge Family Center
37. All fire stations occupied by the Palm Beach County Fire Rescue Department
38. All health clinics owned or operated by Palm Beach County
39. All libraries owned or operated by Palm Beach County
40. All locker rooms and changing rooms in all County-owned aquatic facilities and gymnasiums
41. South County Civic Center, 16700 Jog Road, Delray Beach
42. Palm Beach County Convention Center, 650 Okeechobee Blvd, West Palm Beach
43. Voter Equipment Center, 3200 Belvedere Road, Building 1169, West Palm Beach
44. Herman Brice Fire Rescue Headquarters and Training Center, 405 Pike Road, West Palm Beach except for Suite 1S-105.
45. All fiber termination endpoints including light guide interconnect units (LIU's) owned by Palm Beach County including those fiber termination endpoints located in non-County owned buildings.

**EXHIBIT “B”**  
**CJI FACILITIES**

**CJI Facilities Designated by Site:** For purposes of this Exhibit “B”, the term “site” means improved and unimproved real property within property boundaries of each of the property described below.

1. Criminal Justice Building, 401 N. Dixie Highway, West Palm Beach
2. Criminal Justice Complex, 3228 Gun Club Road, A-Building, West Palm Beach

**CJI Facilities Designated by Building:** For the purposes of this Exhibit “B” the term “building” means designated areas within a physical structure including all communications closets with physical access to CJI, whether or not the communication closets is identified on this Exhibit.

1. All Palm Beach County Sheriff’s Office Road Patrol District Substations
2. All Palm Beach County Sheriff’s Office Specialty Unit facilities (ie: K-9, Aviation, Marine Unit, Shooting Range, Driving Range, Training Center, EOD, Bike Unit, Auto Theft Task Force, Narcotics)
3. PBSO General Services Building, 3350 Gun Club Road, WPB, Suites 100, 125, 140 and 150.
4. Southeast County Administrative Complex, 345 S. Congress, Delray Beach 2<sup>nd</sup> Floor South Wing.
5. Midwestern Communities Service Center, 200 Civic Center Way, Royal Palm Beach, Suites 100 and 300.
6. Vista Center Office Building, 2300 Jog Road, West Palm Beach, Suites, 1W-31, 1W-27, 1W-34 and 3W-26.
7. Vista Center Field Operations and Support Facility, 2633 Vista Parkway, West Palm Beach, Suite 1East.
8. Government Center, 301 North Olive Ave, West Palm Beach, Rooms 205, 401.25, 402.121, 802.2, 802.19, and 802.20.
9. Main Courthouse, 205 N. Dixie Highway, West Palm Beach Suites 1.1001, 1.1100, 1.1200 and 1.2600 and Rooms C.1.H.34, C.4.H.11, CBB-02, CBD-13 and CBD-23
10. North County Government Center, 3188 PGA Blvd, Palm Beach Gardens, Suites 2200 and 2500.
11. South County Courthouse, 200 W. Atlantic Avenue, Delray Beach, Suite 1W-300, 1W-400 and 400 and Room 1E401.
12. West County Courthouse, 2950 SR 15, Belle Glade Suites N-200 and N-300.
13. Gun Club Courthouse, 3228 Gun Club Road, West Palm Beach, Suite W-120 and Rooms W114 and B128.
14. Main Detention Center, 3228 Gun Club Road, West Palm Beach, Suites 1040, 1101, 2031, 2071, 3083, 3089, CP 3-10, N101, S104, Rooms 1074, 2001, 2035, 2049, 2074, 3117, 3119, 3123, 3129, E103, L7, L13, N135, N136, N140.
15. Central Detention Center, 673 Fairgrounds Road, West Palm Beach, Buildings W, X, Y and Z.
16. West Detention Center, 38811, 38877, 38871, 38873 James Wheeler Way, Belle Glade, Suites Q100, P130, R, V107, V115, W107, W145, W149, X137, and Rooms S104, T109, T113, U105, V109, V113, X109, X112, X114, X142B, CA 112, CB 111, CB114.
17. Video Visitation Center, 9650 Process Drive, West Palm Beach, Suite S100.
18. Herman Brice Fire Rescue Headquarters & Training Center, 405 Pike Road, WPB; Suite 1S-105.
19. PBSO Airport District, 1000 James L. Turnage Blvd, Rooms T104, T113, T114, T115A, T126 and T245.