



**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>*0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

**Is Item Included in Current Budget:** Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No:

Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Revenue Source \_\_\_\_\_  
 Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Revenue Source \_\_\_\_\_

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

\* No fiscal impact

*W* *FAIS*

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

**III. REVIEW COMMENTS**

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

*Sherry Brown*  
 OFMB *50* *8/11* *8/11*

*John J. Gooden* *8/13/15*  
 Contract Development and Control  
*B. Wheeler* *8-13-15*

**B. Legal Sufficiency:**

*[Signature]* *8/21/15*  
 Assistant County Attorney

**C. Other Department Review:**

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

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

## FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (the "Amendment") is made and entered into June 1, 2015, by and between Palm Beach County, a political subdivision of the State of Florida, (the "County") and the PBC Credit Union, a not-for-profit financial cooperative owned and operated by its members who include the employees of Palm Beach County (the "Credit Union"), located at 3469 Summit Blvd., West Palm Beach 33406, with Florida tax ID #59-0947735.

WHEREAS, the County owns and has improved property known as the South County Administrative Complex located at 501 South Congress Avenue, Delray Beach, FL 33445 (the "Premises"); and

WHEREAS, pursuant to the ATM License Agreement for the Premises executed on June 22, 2012 (the "Agreement"), the Credit Union has installed and operates automated teller machines (ATM) on the Premises; and

WHEREAS, the County has agreed to extend the term of the Agreement pursuant to the Credit Union's exercise of its first renewal option through May 31, 2016.

NOW THEREFORE, in consideration of the mutual terms and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

### Article 1: Recitals

The recitals contained above are true and correct and incorporated herein by reference.

### Article 2: Term

The term of the Agreement expires on May 31, 2015 and shall be extended through May 31, 2016.

### Article 3: Access to Premises

Section 6 of the Agreement is modified by deleting the reference to Resolution R2003-1274 and replacing it with Resolution R2013-1470, and deleting Exhibit "D" and replacing it with Exhibit "D" attached hereto.

### Article 4: Insurance

Section 11 of the Agreement is modified by adding the following:

Simultaneously with the execution of this Amendment it shall be the responsibility of the Credit Union to provide evidence of the minimum amounts of insurance coverage to:

Palm Beach County  
c/o Insurance Tracking Services, Inc. (ITS)  
P.O. Box 20270  
Long Beach, CA 90801  
[pbcc@instracking.com](mailto:pbcc@instracking.com) or fax (562) 435-2999

and

Palm Beach County  
C/O Facilities Development & Operations  
Business & Community Agreements Manager  
2633 Vista Parkway  
West Palm Beach, FL 33411

During the term of the Agreement, the Credit Union shall provide this insurance evidence to ITS at [pbcc@instracking.com](mailto:pbcc@instracking.com) or fax (562) 435-2999, prior to the expiration date of each and every insurance required herein. Within forty-eight (48) hours of the County's request to do so, the Credit Union shall deliver to the County via the Insurance Company/Agent a signed Certificate(s) of Insurance evidencing that all types and amounts of insurance coverages required by this Agreement have been obtained and are in full force and effect. Said Certificate(s) of Insurance shall, to the extent allowable by the insurer, include a minimum thirty (30) day endeavor to notify due to cancellation (10 days for nonpayment of premium) or non-renewal of coverage.

**Article 5: Non-Discrimination**

Section 13 of the Agreement is modified by deleting the section in its entirety and replacing it with the following:

The parties agree and certify that each shall comply with Title IV of the Civil Rights Act of 1964, as amended, and Palm Beach County Resolution No. R-2014-1421, as amended. It is the policy of the Board of County Commissioners of Palm Beach County that Palm Beach County shall not conduct business with nor appropriate any funds to any organization that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and expression, disability, or genetic information.

In accordance with the above policy, all entities are required to submit a copy of their written non-discrimination policy to County which shall be consistent with the policy of Palm Beach County stated above, prior to entering into any contract with Palm Beach County. In the event an entity does not have a written non-discrimination policy, or such policy is inconsistent with County's policy, then such entity shall be required to sign a statement affirming they will comply with Resolution No. R-2014-1421, as amended.

The Credit Union has submitted a copy of its written non-discrimination policy which is consistent with County's policy, or has provided County with a signed statement affirming that it will comply with County's policy as contained in R-2014-1421, as amended.

**Article 6: Effective Date of Amendment**

This Amendment shall become effective only when signed by all parties (the "Effective Date").

**Article 7: Ratification of Agreement**

Except as expressly set forth herein, the Agreement remains unmodified, and in full force and effect in accordance with the terms thereof, and the parties hereby ratify, confirm and adopt the Agreement as amended.

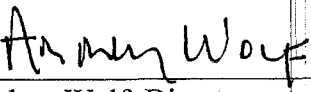
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IN WITNESS WHEREOF, the parties have caused this Agreement to be signed on the day and year first above written.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

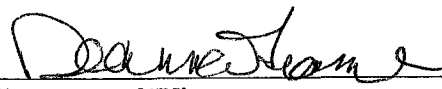
PALM BEACH COUNTY,  
a political subdivision of the State of Florida,  
by its Director of Facilities Development &  
Operations

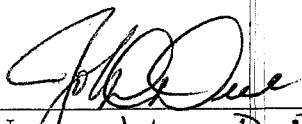
By:   
Assistant County Attorney

By:  *JWL*  
Audrey Wolf, Director  
Facilities Development & Operations

WITNESSES:

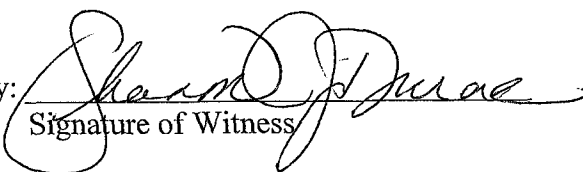
PBC CREDIT UNION, a not-for-profit  
financial cooperative owned and operated by its  
members who include the employees of Palm  
Beach County

By:   
Signature of Witness

By:   
Print Name: John D. Deese

By: Deanna Frame  
Printed Name of Witness

Title: President / CEO

By:   
Signature of Witness

By: Shannon J. Daran  
Printed Name of Witness

**EXHIBIT "D"**  
**Criminal History Records Check Ordinance 2003,030, as amended**

Sec. 2-371. - Title.

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

(Ord. No. 03-030, § 1, 8-19-03)

Sec. 2-372. - Authority.

This article is enacted pursuant to the authority vested in the county by F.S. § 125.5801.

(Ord. No. 03-030, § 2, 8-19-03)

Sec. 2-373. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Applicant* means the individual who applies for a criminal history record check.

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

*County* means the Board of County Commissioners of Palm Beach County and its authorized representatives.

*Criminal history record check* means a fingerprint-based state and national criminal history record check.

*Criminal justice information* (CJI) includes the FBI CJIS and FDLE provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to, biometric, identity history, biographic, property and case/incident history data.

*Criminal justice information facility* (CJI facility) means any facility or portion thereof owned or leased by the county which houses CJI and which is determined by resolution of the Board pursuant to section 2-374 of this article to be critical to the security of CJI.

*Criminal justice information services division (FBI CJIS)* means the Criminal Justice Information Services Division of the FBI responsible for the collection, warehousing, and timely dissemination of relevant CJI to the FBI and to qualified law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.

*Critical facility* means those facilities or areas owned, operated or leased by the county that have been determined by resolution of the Board to be critical to security or public safety pursuant to section 2-374 of this article.

*Disqualifying criminal offense* with respect to access to a critical facility means a conviction of or a plea of nolo contendere or guilty to any of those criminal offenses listed in Appendix A to this article in any jurisdiction during the ten (10) years prior to the date of the criminal history record check. Notwithstanding the foregoing, any conviction for which a full pardon has been granted or any adjudication of delinquency shall not be considered a disqualifying criminal offense.

*Disqualifying criminal offense* with respect to access to a CJI facility means any of those offenses identified in Appendix B to this article and as determined by the Criminal Justice Information Services (CJIS) Security Policy, version 5.2, dated August 9, 2013, as may be amended and updated from time to time.

*Existing contractor* means a contractor who required access to a CJI facility prior to the effective date of the ordinance from which this article is derived (October 30, 2013) and will continue to require access to the CJI facility after the effective date of the ordinance.

*Facilities development and operations* means the facilities development and operations department of the county.

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

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

*New contractor* means a contractor who will require access to a critical facility or a CJI facility for the first time on or after the effective date of the ordinance from which this article is derived (October 30, 2013).

*Sheriff's office* means the Palm Beach County Sheriff's Office.

*State attorney's office* means the State Attorney of the 15th Judicial Circuit.

*Volunteer* means a person who is providing or donating goods or services for, to, or on behalf of the county or for any local government, state or federal agency or office.



(Ord. No. 03-030, § 3, 8-19-03; Ord. No. 08-007, § 1, 3-11-08; Ord. No. 2013-023, § 3, 10-22-13)

Sec. 2-374. - Facilities determination.

- (a) The board shall identify critical facilities by resolution including those facilities or areas owned, operated or leased by the county that the board determines to be critical to security or public safety which resolution may be amended, replaced, or supplemented by the board from time to time.
- (b) The board shall identify CJI facilities by resolution including those facilities or areas owned, operated or leased by the county that the board determines to be critical to the security of CJI which resolution may be amended, replaced, or supplemented by the board from time to time.

(Ord. No. 03-030, § 4, 8-19-03; Ord. No. 2013-023, § 4, 10-22-13)

Sec. 2-375.1. - Criminal history record checks for critical facilities.

- (a) All contractors shall be required to undergo a criminal history record check conducted by or on behalf of the county in order to retain or be granted unescorted access to any critical facility. New contractors shall be required to undergo a criminal history check prior to being granted unescorted access to any critical facility. Any contractor found to have a disqualifying criminal offense or who fails to provide the information necessary to complete a criminal history record check shall, when acting in his or her capacity as a contractor for or on behalf of the county, be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities. Any contractor found to have an arrest for any offense involving juveniles shall, when acting in his or her capacity as a contractor for on behalf of the county, be denied access to critical facilities where children are located including aquatic centers, Head Start facilities, community centers and the High Ridge Family Center. Any contractor found to have an arrest for any offense involving animals shall, when acting in his or her capacity as a contractor for or on behalf of the county, be denied access to critical facilities where animals are located including animal care and control facilities. The decision of whether to deny access or require an escort in critical facilities shall be at the discretion of the county.
- (b) Prior to an applicant submitting a request for a criminal history record check for access to a critical facility, the county shall notify each applicant to be fingerprinted that his or her fingerprints will be sent to the state department of law enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check.
- (c) The county shall notify any applicant found to have a disqualifying criminal offense in writing that he or she has been found to have a disqualifying criminal offense and will be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities unless the contractor provides the county with verifiable

evidence that he or she does not have a disqualifying criminal offense. The notification shall also state that the contractor has the right to (1) obtain a copy of his or her criminal history records; (2) to challenge the completeness and accuracy of the criminal history records pursuant to state and federal law; and (3) to request a correction, change or update to the criminal history records pursuant to state and federal law. The written notification, sent by certified mail, shall not include specific information regarding the contractor's criminal history records or the nature of the disqualifying criminal offense. The county shall verify the identity of the contractor prior to releasing the criminal history records to the contractor.

- (d) The county shall notify any applicant found to have an outstanding warrant in writing by mail. The notification shall identify the jurisdiction of the outstanding warrant so that the applicant may make arrangements to address the outstanding warrant. The county shall also notify the jurisdiction which issued the warrant that the warrant appeared on the criminal history record check of the applicant.
- (e) The county shall notify any applicant in writing found to have a prior arrest, without a disposition on record, for the criminal offenses on Appendix A to this article. If the arrest still has no disposition six (6) months after the date of the notice to the contractor, the contractor shall be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities until the contractor provides the county with verifiable evidence that the prior arrest has been resolved without a conviction or plea of nolo contendere or guilty to any of the criminal offenses listed on Appendix A to this article.
- (f) The county administrator shall establish procedures for the implementation of this article, which may include, but shall not be limited to, procedures for obtaining and processing criminal history record check information for critical facilities, standardizing information to be included in solicitations, procurement documents and contracts issued by the county, and notifying contractors of the requirements of this article.
- (g) Notwithstanding any provision of this article to the contrary, the access restrictions set forth in this article shall only apply when a person is acting in his or her capacity as a contractor for or on behalf of the county.
- (h) Nothing in this article shall be construed as prohibiting or preventing the county from conducting any other background screening that the county may lawfully undertake.

(Ord. No. 03-030, § 5, 8-19-03; Ord. No. 08-007, § 2, 3-11-08; Ord. No. 2013-023, § 5, 10-22-13)

**Editor's note**— Ord. No. 2013-023, § 5, adopted Oct. 22, 2013, renumbered the former § 2-375 as § 2-375.1 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 2-375.2. - Criminal history record checks for CJI facilities.

- (a) The sheriff's office shall be the implementing office for conducting criminal history records checks on contractors when the access requirement is a CJI facility. All criminal history records checks conducted for this purpose of unescorted access and pursuant to this article shall be made according to the Criminal Justice Information Services (CJIS) Security Policy, version 5.2, dated August 9, 2013, as may be amended and updated from time to time.
- (b) All existing contractors and all new contractors shall be required to undergo a criminal history record check conducted by the sheriff's office in order to retain or be granted unescorted access to any CJI facility.
- (c) Any applicant found to have a disqualifying criminal offense, or who fails to provide the information necessary to complete a criminal history record check, shall be denied access to CJI facilities or be required to be accompanied by an escort designated by the sheriff's office. The decision of whether to deny access or require an escort in CJI facilities shall be at the sole discretion of the sheriff's office.
- (d) The sheriff's office, in conjunction with FDLE when required and/or determined to be appropriate by the sheriff's office, shall have the ability to review any misdemeanor conviction, pending charge/arrest and/or warrant to determine applicability of the conviction, charge and/or warrant to the access being requested. The sheriff's office, in its sole discretion, may grant access to, or provide for continued access, depending on the facts presented. There is no review of a disqualifying criminal offense involving a felony.
- (e) The sheriff's office shall establish procedures for the implementation of its responsibilities pursuant to this article, including but not limited to, procedures for processing and obtaining criminal history record check information, procedures for notifying applicants who are found to have disqualifying offenses, procedures for presenting verifiable evidence that a contractor does not have a disqualifying offense, and procedures for notifying potential contractors of the requirements of this article.
- (f) Notwithstanding any provision of this article to the contrary, the access restrictions set forth in this article shall only apply when a person is acting in his or her capacity as a contractor for or on behalf of the county.
- (g) Nothing in this article shall be construed as prohibiting or preventing the sheriff's office from conducting any other background screening that the sheriff may lawfully undertake.

(Ord. No. 2013-023, § 5, 10-22-13)

Sec. 2-376. - Alternative compliance.

A contractor shall be exempt from the requirements of this article if:

- (1) The contractor is subject to and in compliance with the criminal history record check requirements of Title 49 Code of Federal Regulations Part 1500 et al., as may be amended from time to time or any successor regulation or other federal regulation establishing criminal history record check requirements for public-use airports; or
- (2) The contractor is subject to and in compliance with the criminal history record check requirements of this article for access to CJI facilities if the access requirement is for critical facilities; or
- (3) The contractor is subject to and in compliance with the criminal history record check requirements of any other federal, state or local law, which is equal to or more stringent than the requirements of this article; or
- (4) The contractor is required by county procurement policy or document to maintain a Florida Security Guard license "D" or "G" but only for the year that the state performs the criminal history records check and only if the access requirement is for critical facilities, but such contractor must comply in any other year; or
- (5) The person is a volunteer to the Palm Beach County Sheriff's Office, Palm Beach County State Attorney's Office or the Clerk and Comptroller of Palm Beach County's Office and the access requirement is for critical facilities. These volunteers are not considered contractors and are not subject to the requirements of this article.

(Ord. No. 03-030, § 6, 8-19-03; Ord. No. 2013-023, § 6, 10-22-13)

Sec. 2-377. - Enforcement.

This article shall be enforceable by all remedies available at law, but shall not be enforced as a misdemeanor in accordance with F.S. § 125.69(1).

(03-030, § 7, 8-19-03)

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 (1) 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.

(Ord. No. 03-030, 8-19-03; Ord. No. 08-007, § 3, 3-11-08; Ord. No. 2013-023, App. A, 10-22-13)

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.

(Ord. No. 2013-023, App. B, 10-22-13)

Secs. 2-378—2-390. - Reserved.

## FIRST AMENDMENT TO AGREEMENT

**THIS FIRST AMENDMENT TO AGREEMENT** (the "Amendment") is made and entered into June 1, 2015, by and between Palm Beach County, a political subdivision of the State of Florida, (the "County") and the PBC Credit Union, a not-for-profit financial cooperative owned and operated by its members who include the employees of Palm Beach County (the "Credit Union"), located at 3469 Summit Blvd., West Palm Beach 33406, with Florida tax ID #59-0947735.

**WHEREAS**, the County owns and has improved property known as the Governmental Center located at 301 North Olive Avenue, West Palm Beach, FL 33401 (the "Premises"); and

**WHEREAS**, pursuant to the ATM License Agreement for the Premises executed on June 22, 2012 (the "Agreement"), the Credit Union has installed and operates automated teller machines (ATM) on the Premises; and

**WHEREAS**, the County has agreed to extend the term of the Agreement pursuant to the Credit Union's exercise of its first renewal option through May 31, 2016.

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c/o Insurance Tracking Services, Inc. (ITS)  
P.O. Box 20270  
Long Beach, CA 90801  
[pbctracking.com](mailto:pbctracking.com) or fax (562) 435-2999

and

Palm Beach County  
C/O Facilities Development & Operations  
Business & Community Agreements Manager  
2633 Vista Parkway  
West Palm Beach, FL 33411

During the term of the Agreement, the Credit Union shall provide this insurance evidence to ITS at [pbctracking.com](mailto:pbctracking.com) or fax (562) 435-2999, prior to the expiration date of each and every insurance required herein. Within forty-eight (48) hours of the County's request to do so, the Credit Union shall deliver to the County via the Insurance Company/Agent a signed Certificate(s) of Insurance evidencing that all types and amounts of insurance coverages required by this Agreement have been obtained and are in full force and effect. Said Certificate(s) of Insurance shall, to the extent allowable by the insurer, include a minimum thirty (30) day endeavor to notify due to cancellation (10 days for nonpayment of premium) or non-renewal of coverage.

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In accordance with the above policy, all entities are required to submit a copy of their written non-discrimination policy to County which shall be consistent with the policy of Palm Beach County stated above, prior to entering into any contract with Palm Beach County. In the event an entity does not have a written non-discrimination policy, or such policy is inconsistent with County's policy, then such entity shall be required to sign a statement affirming they will comply with Resolution No. R-2014-1421, as amended.



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IN WITNESS WHEREOF, the parties have caused this Agreement to be signed on the day and year first above written.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, a political subdivision of the State of Florida, by its Director of Facilities Development & Operations

By: [Signature]  
Assistant County Attorney

By: [Signature] 4/22  
Audrey Wolf, Director  
Facilities Development & Operations

WITNESSES:

PBC CREDIT UNION, a not-for-profit financial cooperative owned and operated by its members who include the employees of Palm Beach County

By: [Signature]  
Signature of Witness

By: [Signature]  
Print Name: John D Deese

By: Deanna Frame  
Printed Name of Witness

Title: President / CEO

By: [Signature]  
Signature of Witness

By: Shannon J. Duran  
Printed Name of Witness

**EXHIBIT "D"**  
**Criminal History Records Check Ordinance 2003,030, as amended**

Sec. 2-371. - Title.

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

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*Criminal justice information facility* (CJI facility) means any facility or portion thereof owned or leased by the county which houses CJI and which is determined by resolution of the Board pursuant to section 2-374 of this article to be critical to the security of CJI.

*Criminal justice information services division* (FBI CJIS) means the Criminal Justice Information Services Division of the FBI responsible for the collection, warehousing, and timely dissemination of relevant CJI to the FBI and to qualified law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.

*Critical facility* means those facilities or areas owned, operated or leased by the county that have been determined by resolution of the Board to be critical to security or public safety pursuant to section 2-374 of this article.

*Disqualifying criminal offense* with respect to access to a critical facility means a conviction of or a plea of nolo contendere or guilty to any of those criminal offenses listed in Appendix A to this article in any jurisdiction during the ten (10) years prior to the date of the criminal history record check. Notwithstanding the foregoing, any conviction for which a full pardon has been granted or any adjudication of delinquency shall not be considered a disqualifying criminal offense.

*Disqualifying criminal offense* with respect to access to a CJI facility means any of those offenses identified in Appendix B to this article and as determined by the Criminal Justice Information Services (CJIS) Security Policy, version 5.2, dated August 9, 2013, as may be amended and updated from time to time.

*Existing contractor* means a contractor who required access to a CJI facility prior to the effective date of the ordinance from which this article is derived (October 30, 2013) and will continue to require access to the CJI facility after the effective date of the ordinance.

*Facilities development and operations* means the facilities development and operations department of the county.

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

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

*New contractor* means a contractor who will require access to a critical facility or a CJI facility for the first time on or after the effective date of the ordinance from which this article is derived (October 30, 2013).

*Sheriff's office* means the Palm Beach County Sheriff's Office.

*State attorney's office* means the State Attorney of the 15th Judicial Circuit.

*Volunteer* means a person who is providing or donating goods or services for, to, or on behalf of the county or for any local government, state or federal agency or office.

(Ord. No. 03-030, § 3, 8-19-03; Ord. No. 08-007, § 1, 3-11-08; Ord. No. 2013-023, § 3, 10-22-13)

Sec. 2-374. - Facilities determination.

- (a) The board shall identify critical facilities by resolution including those facilities or areas owned, operated or leased by the county that the board determines to be critical to security or public safety which resolution may be amended, replaced, or supplemented by the board from time to time.
- (b) The board shall identify CJI facilities by resolution including those facilities or areas owned, operated or leased by the county that the board determines to be critical to the security of CJI which resolution may be amended, replaced, or supplemented by the board from time to time.

(Ord. No. 03-030, § 4, 8-19-03; Ord. No. 2013-023, § 4, 10-22-13)

Sec. 2-375.1. - Criminal history record checks for critical facilities.

- (a) All contractors shall be required to undergo a criminal history record check conducted by or on behalf of the county in order to retain or be granted unescorted access to any critical facility. New contractors shall be required to undergo a criminal history check prior to being granted unescorted access to any critical facility. Any contractor found to have a disqualifying criminal offense or who fails to provide the information necessary to complete a criminal history record check shall, when acting in his or her capacity as a contractor for or on behalf of the county, be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities. Any contractor found to have an arrest for any offense involving juveniles shall, when acting in his or her capacity as a contractor for on behalf of the county, be denied access to critical facilities where children are located including aquatic centers, Head Start facilities, community centers and the High Ridge Family Center. Any contractor found to have an arrest for any offense involving animals shall, when acting in his or her capacity as a contractor for or on behalf of the county, be denied access to critical facilities where animals are located including animal care and control facilities. The decision of whether to deny access or require an escort in critical facilities shall be at the discretion of the county.
- (b) Prior to an applicant submitting a request for a criminal history record check for access to a critical facility, the county shall notify each applicant to be fingerprinted that his or her fingerprints will be sent to the state department of law enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check.
- (c) The county shall notify any applicant found to have a disqualifying criminal offense in writing that he or she has been found to have a disqualifying criminal offense and will be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities unless the contractor provides the county with verifiable

evidence that he or she does not have a disqualifying criminal offense. The notification shall also state that the contractor has the right to (1) obtain a copy of his or her criminal history records; (2) to challenge the completeness and accuracy of the criminal history records pursuant to state and federal law; and (3) to request a correction, change or update to the criminal history records pursuant to state and federal law. The written notification, sent by certified mail, shall not include specific information regarding the contractor's criminal history records or the nature of the disqualifying criminal offense. The county shall verify the identity of the contractor prior to releasing the criminal history records to the contractor.

- (d) The county shall notify any applicant found to have an outstanding warrant in writing by mail. The notification shall identify the jurisdiction of the outstanding warrant so that the applicant may make arrangements to address the outstanding warrant. The county shall also notify the jurisdiction which issued the warrant that the warrant appeared on the criminal history record check of the applicant.
- (e) The county shall notify any applicant in writing found to have a prior arrest, without a disposition on record, for the criminal offenses on Appendix A to this article. If the arrest still has no disposition six (6) months after the date of the notice to the contractor, the contractor shall be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities until the contractor provides the county with verifiable evidence that the prior arrest has been resolved without a conviction or plea of nolo contendere or guilty to any of the criminal offenses listed on Appendix A to this article.
- (f) The county administrator shall establish procedures for the implementation of this article, which may include, but shall not be limited to, procedures for obtaining and processing criminal history record check information for critical facilities, standardizing information to be included in solicitations, procurement documents and contracts issued by the county, and notifying contractors of the requirements of this article.
- (g) Notwithstanding any provision of this article to the contrary, the access restrictions set forth in this article shall only apply when a person is acting in his or her capacity as a contractor for or on behalf of the county.
- (h) Nothing in this article shall be construed as prohibiting or preventing the county from conducting any other background screening that the county may lawfully undertake.

(Ord. No. 03-030, § 5, 8-19-03; Ord. No. 08-007, § 2, 3-11-08; Ord. No. 2013-023, § 5, 10-22-13)

**Editor's note**— Ord. No. 2013-023, § 5, adopted Oct. 22, 2013, renumbered the former § 2-375 as § 2-375.1 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 2-375.2. - Criminal history record checks for CJI facilities.

- (a) The sheriff's office shall be the implementing office for conducting criminal history records checks on contractors when the access requirement is a CJI facility. All criminal history records checks conducted for this purpose of unescorted access and pursuant to this article shall be made according to the Criminal Justice Information Services (CJIS) Security Policy, version 5.2, dated August 9, 2013, as may be amended and updated from time to time.
- (b) All existing contractors and all new contractors shall be required to undergo a criminal history record check conducted by the sheriff's office in order to retain or be granted unescorted access to any CJI facility.
- (c) Any applicant found to have a disqualifying criminal offense, or who fails to provide the information necessary to complete a criminal history record check, shall be denied access to CJI facilities or be required to be accompanied by an escort designated by the sheriff's office. The decision of whether to deny access or require an escort in CJI facilities shall be at the sole discretion of the sheriff's office.
- (d) The sheriff's office, in conjunction with FDLE when required and/or determined to be appropriate by the sheriff's office, shall have the ability to review any misdemeanor conviction, pending charge/arrest and/or warrant to determine applicability of the conviction, charge and/or warrant to the access being requested. The sheriff's office, in its sole discretion, may grant access to, or provide for continued access, depending on the facts presented. There is no review of a disqualifying criminal offense involving a felony.
- (e) The sheriff's office shall establish procedures for the implementation of its responsibilities pursuant to this article, including but not limited to, procedures for processing and obtaining criminal history record check information, procedures for notifying applicants who are found to have disqualifying offenses, procedures for presenting verifiable evidence that a contractor does not have a disqualifying offense, and procedures for notifying potential contractors of the requirements of this article.
- (f) Notwithstanding any provision of this article to the contrary, the access restrictions set forth in this article shall only apply when a person is acting in his or her capacity as a contractor for or on behalf of the county.
- (g) Nothing in this article shall be construed as prohibiting or preventing the sheriff's office from conducting any other background screening that the sheriff may lawfully undertake.

(Ord. No. 2013-023, § 5, 10-22-13)

Sec. 2-376. - Alternative compliance.

A contractor shall be exempt from the requirements of this article if:

- (1) The contractor is subject to and in compliance with the criminal history record check requirements of Title 49 Code of Federal Regulations Part 1500 et al., as may be amended from time to time or any successor regulation or other federal regulation establishing criminal history record check requirements for public-use airports; or
- (2) The contractor is subject to and in compliance with the criminal history record check requirements of this article for access to CJI facilities if the access requirement is for critical facilities; or
- (3) The contractor is subject to and in compliance with the criminal history record check requirements of any other federal, state or local law, which is equal to or more stringent than the requirements of this article; or
- (4) The contractor is required by county procurement policy or document to maintain a Florida Security Guard license "D" or "G" but only for the year that the state performs the criminal history records check and only if the access requirement is for critical facilities, but such contractor must comply in any other year; or
- (5) The person is a volunteer to the Palm Beach County Sheriff's Office, Palm Beach County State Attorney's Office or the Clerk and Comptroller of Palm Beach County's Office and the access requirement is for critical facilities. These volunteers are not considered contractors and are not subject to the requirements of this article.

(Ord. No. 03-030, § 6, 8-19-03; Ord. No. 2013-023, § 6, 10-22-13)

Sec. 2-377. - Enforcement.

This article shall be enforceable by all remedies available at law, but shall not be enforced as a misdemeanor in accordance with F.S. § 125.69(1).

(03-030, § 7, 8-19-03)



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 (1) 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.

(Ord. No. 03-030, 8-19-03; Ord. No. 08-007, § 3, 3-11-08; Ord. No. 2013-023, App. A, 10-22-13)

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.

(Ord. No. 2013-023, App. B, 10-22-13)

Secs. 2-378—2-390. - Reserved.

## FIRST AMENDMENT TO AGREEMENT

**THIS FIRST AMENDMENT TO AGREEMENT** (the "Amendment") is made and entered into June 1, 2015, by and between Palm Beach County, a political subdivision of the State of Florida, (the "County") and the PBC Credit Union, a not-for-profit financial cooperative owned and operated by its members who include the employees of Palm Beach County (the "Credit Union"), located at 3469 Summit Blvd., West Palm Beach 33406, with Florida tax ID #59-0947735.

**WHEREAS**, the County owns and has improved property known as the Midwestern Communities Service Center located at 200 Civic Center Way, Royal Palm Beach, FL 33411 (the "Premises"); and

**WHEREAS**, pursuant to the ATM License Agreement for the Premises executed on June 22, 2012 (the "Agreement"), the Credit Union has installed and operates automated teller machines (ATM) on the Premises; and

**WHEREAS**, the County has agreed to extend the term of the Agreement pursuant to the Credit Union's exercise of its first renewal option through May 31, 2016.

**NOW THEREFORE**, in consideration of the mutual terms and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

### **Article 1: Recitals**

The recitals contained above are true and correct and incorporated herein by reference.

### **Article 2: Term**

The term of the Agreement expires on May 31, 2015 and shall be extended through May 31, 2016.

### **Article 3: Access to Premises**

Section 6 of the Agreement is modified by deleting the reference to Resolution R2003-1274 and replacing it with Resolution R2013-1470, and deleting Exhibit "D" and replacing it with Exhibit "D" attached hereto.

### **Article 4: Insurance**

Section 11 of the Agreement is modified by adding the following:

Simultaneously with the execution of this Amendment it shall be the responsibility of the Credit Union to provide evidence of the minimum amounts of insurance coverage to:

Palm Beach County  
c/o Insurance Tracking Services, Inc. (ITS)  
P.O. Box 20270  
Long Beach, CA 90801  
[pbcc@instracking.com](mailto:pbcc@instracking.com) or fax (562) 435-2999

and

Palm Beach County  
C/O Facilities Development & Operations  
Business & Community Agreements Manager  
2633 Vista Parkway  
West Palm Beach, FL 33411

During the term of the Agreement, the Credit Union shall provide this insurance evidence to ITS at [pbcc@instracking.com](mailto:pbcc@instracking.com) or fax (562) 435-2999, prior to the expiration date of each and every insurance required herein. Within forty-eight (48) hours of the County's request to do so, the Credit Union shall deliver to the County via the Insurance Company/Agent a signed Certificate(s) of Insurance evidencing that all types and amounts of insurance coverages required by this Agreement have been obtained and are in full force and effect. Said Certificate(s) of Insurance shall, to the extent allowable by the insurer, include a minimum thirty (30) day endeavor to notify due to cancellation (10 days for nonpayment of premium) or non-renewal of coverage.

**Article 5: Non-Discrimination**

Section 13 of the Agreement is modified by deleting the section in its entirety and replacing it with the following:

The parties agree and certify that each shall comply with Title IV of the Civil Rights Act of 1964, as amended, and Palm Beach County Resolution No. R-2014-1421, as amended. It is the policy of the Board of County Commissioners of Palm Beach County that Palm Beach County shall not conduct business with nor appropriate any funds to any organization that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and expression, disability, or genetic information.

In accordance with the above policy, all entities are required to submit a copy of their written non-discrimination policy to County which shall be consistent with the policy of Palm Beach County stated above, prior to entering into any contract with Palm Beach County. In the event an entity does not have a written non-discrimination policy, or such policy is inconsistent with County's policy, then such entity shall be required to sign a statement affirming they will comply with Resolution No. R-2014-1421, as amended.

The Credit Union has submitted a copy of its written non-discrimination policy which is consistent with County's policy, or has provided County with a signed statement affirming that it will comply with County's policy as contained in R-2014-1421, as amended.

**Article 6: Effective Date of Amendment**

This Amendment shall become effective only when signed by all parties (the "Effective Date").

**Article 7: Ratification of Agreement**

Except as expressly set forth herein, the Agreement remains unmodified, and in full force and effect in accordance with the terms thereof, and the parties hereby ratify, confirm and adopt the Agreement as amended.

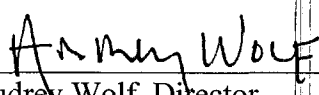

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IN WITNESS WHEREOF, the parties have caused this Agreement to be signed on the day and year first above written.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

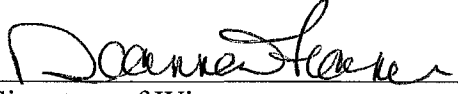
PALM BEACH COUNTY,  
a political subdivision of the State of Florida,  
by its Director of Facilities Development &  
Operations

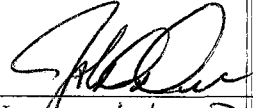
By:   
Assistant County Attorney

By:    
Audrey Wolf, Director  
Facilities Development & Operations

WITNESSES:

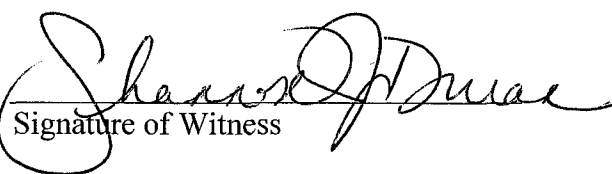
PBC CREDIT UNION, a not-for-profit  
financial cooperative owned and operated by its  
members who include the employees of Palm  
Beach County

By:   
Signature of Witness

By:   
Print Name: John D Deese

By: Deanna Frame  
Printed Name of Witness

Title: President / CEO

By:   
Signature of Witness

By: Shannon J. Duran  
Printed Name of Witness

**EXHIBIT "D"**  
**Criminal History Records Check Ordinance 2003,030, as amended**

Sec. 2-371. - Title.

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

(Ord. No. 03-030, § 1, 8-19-03)

Sec. 2-372. - Authority.

This article is enacted pursuant to the authority vested in the county by F.S. § 125.5801.

(Ord. No. 03-030, § 2, 8-19-03)

Sec. 2-373. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Applicant* means the individual who applies for a criminal history record check.

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

*County* means the Board of County Commissioners of Palm Beach County and its authorized representatives.

*Criminal history record check* means a fingerprint-based state and national criminal history record check.

*Criminal justice information (CJI)* includes the FBI CJIS and FDLE provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to, biometric, identity history, biographic, property and case/incident history data.

*Criminal justice information facility (CJI facility)* means any facility or portion thereof owned or leased by the county which houses CJI and which is determined by resolution of the Board pursuant to section 2-374 of this article to be critical to the security of CJI.

*Criminal justice information services division (FBI CJIS)* means the Criminal Justice Information Services Division of the FBI responsible for the collection, warehousing, and timely dissemination of relevant CJI to the FBI and to qualified law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.

*Critical facility* means those facilities or areas owned, operated or leased by the county that have been determined by resolution of the Board to be critical to security or public safety pursuant to section 2-374 of this article.

*Disqualifying criminal offense* with respect to access to a critical facility means a conviction of or a plea of nolo contendere or guilty to any of those criminal offenses listed in Appendix A to this article in any jurisdiction during the ten (10) years prior to the date of the criminal history record check. Notwithstanding the foregoing, any conviction for which a full pardon has been granted or any adjudication of delinquency shall not be considered a disqualifying criminal offense.

*Disqualifying criminal offense* with respect to access to a CJI facility means any of those offenses identified in Appendix B to this article and as determined by the Criminal Justice Information Services (CJIS) Security Policy, version 5.2, dated August 9, 2013, as may be amended and updated from time to time.

*Existing contractor* means a contractor who required access to a CJI facility prior to the effective date of the ordinance from which this article is derived (October 30, 2013) and will continue to require access to the CJI facility after the effective date of the ordinance.

*Facilities development and operations* means the facilities development and operations department of the county.

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

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*New contractor* means a contractor who will require access to a critical facility or a CJI facility for the first time on or after the effective date of the ordinance from which this article is derived (October 30, 2013).

*Sheriff's office* means the Palm Beach County Sheriff's Office.

*State attorney's office* means the State Attorney of the 15th Judicial Circuit.

*Volunteer* means a person who is providing or donating goods or services for, to, or on behalf of the county or for any local government, state or federal agency or office.



(Ord. No. 03-030, § 3, 8-19-03; Ord. No. 08-007, § 1, 3-11-08; Ord. No. 2013-023, § 3, 10-22-13)

Sec. 2-374. - Facilities determination.

- (a) The board shall identify critical facilities by resolution including those facilities or areas owned, operated or leased by the county that the board determines to be critical to security or public safety which resolution may be amended, replaced, or supplemented by the board from time to time.
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(Ord. No. 03-030, § 4, 8-19-03; Ord. No. 2013-023, § 4, 10-22-13)

Sec. 2-375.1. - Criminal history record checks for critical facilities.

- (a) All contractors shall be required to undergo a criminal history record check conducted by or on behalf of the county in order to retain or be granted unescorted access to any critical facility. New contractors shall be required to undergo a criminal history check prior to being granted unescorted access to any critical facility. Any contractor found to have a disqualifying criminal offense or who fails to provide the information necessary to complete a criminal history record check shall, when acting in his or her capacity as a contractor for or on behalf of the county, be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities. Any contractor found to have an arrest for any offense involving juveniles shall, when acting in his or her capacity as a contractor for on behalf of the county, be denied access to critical facilities where children are located including aquatic centers, Head Start facilities, community centers and the High Ridge Family Center. Any contractor found to have an arrest for any offense involving animals shall, when acting in his or her capacity as a contractor for or on behalf of the county, be denied access to critical facilities where animals are located including animal care and control facilities. The decision of whether to deny access or require an escort in critical facilities shall be at the discretion of the county.
- (b) Prior to an applicant submitting a request for a criminal history record check for access to a critical facility, the county shall notify each applicant to be fingerprinted that his or her fingerprints will be sent to the state department of law enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check.
- (c) The county shall notify any applicant found to have a disqualifying criminal offense in writing that he or she has been found to have a disqualifying criminal offense and will be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities unless the contractor provides the county with verifiable

evidence that he or she does not have a disqualifying criminal offense. The notification shall also state that the contractor has the right to (1) obtain a copy of his or her criminal history records; (2) to challenge the completeness and accuracy of the criminal history records pursuant to state and federal law; and (3) to request a correction, change or update to the criminal history records pursuant to state and federal law. The written notification, sent by certified mail, shall not include specific information regarding the contractor's criminal history records or the nature of the disqualifying criminal offense. The county shall verify the identity of the contractor prior to releasing the criminal history records to the contractor.

- (d) The county shall notify any applicant found to have an outstanding warrant in writing by mail. The notification shall identify the jurisdiction of the outstanding warrant so that the applicant may make arrangements to address the outstanding warrant. The county shall also notify the jurisdiction which issued the warrant that the warrant appeared on the criminal history record check of the applicant.
- (e) The county shall notify any applicant in writing found to have a prior arrest, without a disposition on record, for the criminal offenses on Appendix A to this article. If the arrest still has no disposition six (6) months after the date of the notice to the contractor, the contractor shall be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities until the contractor provides the county with verifiable evidence that the prior arrest has been resolved without a conviction or plea of nolo contendere or guilty to any of the criminal offenses listed on Appendix A to this article.
- (f) The county administrator shall establish procedures for the implementation of this article, which may include, but shall not be limited to, procedures for obtaining and processing criminal history record check information for critical facilities, standardizing information to be included in solicitations, procurement documents and contracts issued by the county, and notifying contractors of the requirements of this article.
- (g) Notwithstanding any provision of this article to the contrary, the access restrictions set forth in this article shall only apply when a person is acting in his or her capacity as a contractor for or on behalf of the county.
- (h) Nothing in this article shall be construed as prohibiting or preventing the county from conducting any other background screening that the county may lawfully undertake.

(Ord. No. 03-030, § 5, 8-19-03; Ord. No. 08-007, § 2, 3-11-08; Ord. No. 2013-023, § 5, 10-22-13)

**Editor's note**— Ord. No. 2013-023, § 5, adopted Oct. 22, 2013, renumbered the former § 2-375 as § 2-375.1 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 2-375.2. - Criminal history record checks for CJI facilities.

- (a) The sheriff's office shall be the implementing office for conducting criminal history records checks on contractors when the access requirement is a CJI facility. All criminal history records checks conducted for this purpose of unescorted access and pursuant to this article shall be made according to the Criminal Justice Information Services (CJIS) Security Policy, version 5.2, dated August 9, 2013, as may be amended and updated from time to time.
- (b) All existing contractors and all new contractors shall be required to undergo a criminal history record check conducted by the sheriff's office in order to retain or be granted unescorted access to any CJI facility.
- (c) Any applicant found to have a disqualifying criminal offense, or who fails to provide the information necessary to complete a criminal history record check, shall be denied access to CJI facilities or be required to be accompanied by an escort designated by the sheriff's office. The decision of whether to deny access or require an escort in CJI facilities shall be at the sole discretion of the sheriff's office.
- (d) The sheriff's office, in conjunction with FDLE when required and/or determined to be appropriate by the sheriff's office, shall have the ability to review any misdemeanor conviction, pending charge/arrest and/or warrant to determine applicability of the conviction, charge and/or warrant to the access being requested. The sheriff's office, in its sole discretion, may grant access to, or provide for continued access, depending on the facts presented. There is no review of a disqualifying criminal offense involving a felony.
- (e) The sheriff's office shall establish procedures for the implementation of its responsibilities pursuant to this article, including but not limited to, procedures for processing and obtaining criminal history record check information, procedures for notifying applicants who are found to have disqualifying offenses, procedures for presenting verifiable evidence that a contractor does not have a disqualifying offense, and procedures for notifying potential contractors of the requirements of this article.
- (f) Notwithstanding any provision of this article to the contrary, the access restrictions set forth in this article shall only apply when a person is acting in his or her capacity as a contractor for or on behalf of the county.
- (g) Nothing in this article shall be construed as prohibiting or preventing the sheriff's office from conducting any other background screening that the sheriff may lawfully undertake.

(Ord. No. 2013-023, § 5, 10-22-13)

Sec. 2-376. - Alternative compliance.

A contractor shall be exempt from the requirements of this article if:

- (1) The contractor is subject to and in compliance with the criminal history record check requirements of Title 49 Code of Federal Regulations Part 1500 et al., as may be amended from time to time or any successor regulation or other federal regulation establishing criminal history record check requirements for public-use airports; or
- (2) The contractor is subject to and in compliance with the criminal history record check requirements of this article for access to CJI facilities if the access requirement is for critical facilities; or
- (3) The contractor is subject to and in compliance with the criminal history record check requirements of any other federal, state or local law, which is equal to or more stringent than the requirements of this article; or
- (4) The contractor is required by county procurement policy or document to maintain a Florida Security Guard license "D" or "G" but only for the year that the state performs the criminal history records check and only if the access requirement is for critical facilities, but such contractor must comply in any other year; or
- (5) The person is a volunteer to the Palm Beach County Sheriff's Office, Palm Beach County State Attorney's Office or the Clerk and Comptroller of Palm Beach County's Office and the access requirement is for critical facilities. These volunteers are not considered contractors and are not subject to the requirements of this article.

(Ord. No. 03-030, § 6, 8-19-03; Ord. No. 2013-023, § 6, 10-22-13)

Sec. 2-377. - Enforcement.

This article shall be enforceable by all remedies available at law, but shall not be enforced as a misdemeanor in accordance with F.S. § 125.69(1).

(03-030, § 7, 8-19-03)

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 (1) 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.

(Ord. No. 03-030, 8-19-03; Ord. No. 08-007, § 3, 3-11-08; Ord. No. 2013-023, App. A, 10-22-13)

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.

(Ord. No. 2013-023, App. B, 10-22-13)

Secs. 2-378—2-390. - Reserved.

## FIRST AMENDMENT TO AGREEMENT

**THIS FIRST AMENDMENT TO AGREEMENT** (the "Amendment") is made and entered into June 1, 2015, by and between Palm Beach County, a political subdivision of the State of Florida, (the "County") and the PBC Credit Union, a not-for-profit financial cooperative owned and operated by its members who include the employees of Palm Beach County (the "Credit Union"), located at 3469 Summit Blvd., West Palm Beach 33406, with Florida tax ID #59-0947735.

**WHEREAS**, the County owns and has improved property known as the North County Courthouse located at 3188 PGA Boulevard, Palm Beach Gardens, FL 33410 (the "Premises"); and

**WHEREAS**, pursuant to the ATM License Agreement for the Premises executed on June 22, 2012 (the "Agreement"), the Credit Union has installed and operates automated teller machines (ATM) on the Premises; and

**WHEREAS**, the County has agreed to extend the term of the Agreement pursuant to the Credit Union's exercise of its first renewal option through May 31, 2016.

**NOW THEREFORE**, in consideration of the mutual terms and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**Article 1: Recitals**

The recitals contained above are true and correct and incorporated herein by reference.

**Article 2: Term**

The term of the Agreement expires on May 31, 2015 and shall be extended through May 31, 2016.

**Article 3: Access to Premises**

Section 6 of the Agreement is modified by deleting the reference to Resolution R2003-1274 and replacing it with Resolution R2013-1470, and deleting Exhibit "D" and replacing it with Exhibit "D" attached hereto.

**Article 4: Insurance**

Section 11 of the Agreement is modified by adding the following:

Simultaneously with the execution of this Amendment it shall be the responsibility of the Credit Union to provide evidence of the minimum amounts of insurance coverage to:

Palm Beach County  
c/o Insurance Tracking Services, Inc. (ITS)  
P.O. Box 20270  
Long Beach, CA 90801  
[pbc@instracking.com](mailto:pbc@instracking.com) or fax (562) 435-2999

and

Palm Beach County  
C/O Facilities Development & Operations  
Business & Community Agreements Manager  
2633 Vista Parkway  
West Palm Beach, FL 33411

During the term of the Agreement, the Credit Union shall provide this insurance evidence to ITS at [pbc@instracking.com](mailto:pbc@instracking.com) or fax (562) 435-2999, prior to the expiration date of each and every insurance required herein. Within forty-eight (48) hours of the County's request to do so, the Credit Union shall deliver to the County via the Insurance Company/Agent a signed Certificate(s) of Insurance evidencing that all types and amounts of insurance coverages required by this Agreement have been obtained and are in full force and effect. Said Certificate(s) of Insurance shall, to the extent allowable by the insurer, include a minimum thirty (30) day endeavor to notify due to cancellation (10 days for nonpayment of premium) or non-renewal of coverage.

#### **Article 5: Non-Discrimination**

Section 13 of the Agreement is modified by deleting the section in its entirety and replacing it with the following:

The parties agree and certify that each shall comply with Title IV of the Civil Rights Act of 1964, as amended, and Palm Beach County Resolution No. R-2014-1421, as amended. It is the policy of the Board of County Commissioners of Palm Beach County that Palm Beach County shall not conduct business with nor appropriate any funds to any organization that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and expression, disability, or genetic information.

In accordance with the above policy, all entities are required to submit a copy of their written non-discrimination policy to County which shall be consistent with the policy of Palm Beach County stated above, prior to entering into any contract with Palm Beach County. In the event an entity does not have a written non-discrimination policy, or such policy is inconsistent with County's policy, then such entity shall be required to sign a statement affirming they will comply with Resolution No. R-2014-1421, as amended.



The Credit Union has submitted a copy of its written non-discrimination policy which is consistent with County's policy, or has provided County with a signed statement affirming that it will comply with County's policy as contained in R-2014-1421, as amended.

**Article 6: Effective Date of Amendment**

This Amendment shall become effective only when signed by all parties (the "Effective Date").

**Article 7: Ratification of Agreement**

Except as expressly set forth herein, the Agreement remains unmodified, and in full force and effect in accordance with the terms thereof, and the parties hereby ratify, confirm and adopt the Agreement as amended.

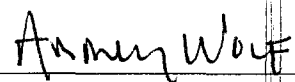
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IN WITNESS WHEREOF, the parties have caused this Agreement to be signed on the day and year first above written.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

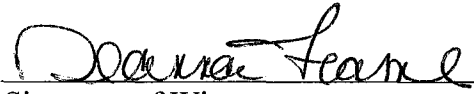
PALM BEACH COUNTY,  
a political subdivision of the State of Florida,  
by its Director of Facilities Development &  
Operations

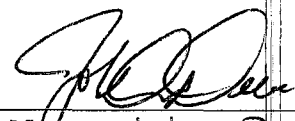
By:   
Assistant County Attorney

By:   
Audrey Wolf, Director  
Facilities Development & Operations *WML*

WITNESSES:

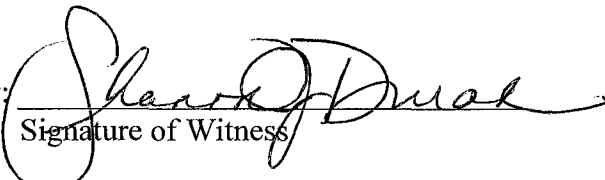
PBC CREDIT UNION, a not-for-profit  
financial cooperative owned and operated by its  
members who include the employees of Palm  
Beach County

By:   
Signature of Witness

By:   
Print Name: John D Deese

By: Deanna Frame  
Printed Name of Witness

Title: President / CEO

By:   
Signature of Witness

By: Shannon J. Duran  
Printed Name of Witness

**EXHIBIT "D"**  
**Criminal History Records Check Ordinance 2003,030, as amended**

Sec. 2-371. - Title.

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

(Ord. No. 03-030, § 1, 8-19-03)

Sec. 2-372. - Authority.

This article is enacted pursuant to the authority vested in the county by F.S. § 125.5801.

(Ord. No. 03-030, § 2, 8-19-03)

Sec. 2-373. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Applicant* means the individual who applies for a criminal history record check.

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

*County* means the Board of County Commissioners of Palm Beach County and its authorized representatives.

*Criminal history record check* means a fingerprint-based state and national criminal history record check.

*Criminal justice information* (CJI) includes the FBI CJIS and FDLE provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to, biometric, identity history, biographic, property and case/incident history data.

*Criminal justice information facility* (CJI facility) means any facility or portion thereof owned or leased by the county which houses CJI and which is determined by resolution of the Board pursuant to section 2-374 of this article to be critical to the security of CJI.

*Criminal justice information services division* (FBI CJIS) means the Criminal Justice Information Services Division of the FBI responsible for the collection, warehousing, and timely dissemination of relevant CJI to the FBI and to qualified law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.

*Critical facility* means those facilities or areas owned, operated or leased by the county that have been determined by resolution of the Board to be critical to security or public safety pursuant to section 2-374 of this article.

*Disqualifying criminal offense* with respect to access to a critical facility means a conviction of or a plea of nolo contendere or guilty to any of those criminal offenses listed in Appendix A to this article in any jurisdiction during the ten (10) years prior to the date of the criminal history record check. Notwithstanding the foregoing, any conviction for which a full pardon has been granted or any adjudication of delinquency shall not be considered a disqualifying criminal offense.

*Disqualifying criminal offense* with respect to access to a CJI facility means any of those offenses identified in Appendix B to this article and as determined by the Criminal Justice Information Services (CJIS) Security Policy, version 5.2, dated August 9, 2013, as may be amended and updated from time to time.

*Existing contractor* means a contractor who required access to a CJI facility prior to the effective date of the ordinance from which this article is derived (October 30, 2013) and will continue to require access to the CJI facility after the effective date of the ordinance.

*Facilities development and operations* means the facilities development and operations department of the county.

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

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

*New contractor* means a contractor who will require access to a critical facility or a CJI facility for the first time on or after the effective date of the ordinance from which this article is derived (October 30, 2013).

*Sheriff's office* means the Palm Beach County Sheriff's Office.

*State attorney's office* means the State Attorney of the 15th Judicial Circuit.

*Volunteer* means a person who is providing or donating goods or services for, to, or on behalf of the county or for any local government, state or federal agency or office.

(Ord. No. 03-030, § 3, 8-19-03; Ord. No. 08-007, § 1, 3-11-08; Ord. No. 2013-023, § 3, 10-22-13)

Sec. 2-374. - Facilities determination.

- (a) The board shall identify critical facilities by resolution including those facilities or areas owned, operated or leased by the county that the board determines to be critical to security or public safety which resolution may be amended, replaced, or supplemented by the board from time to time.
- (b) The board shall identify CJI facilities by resolution including those facilities or areas owned, operated or leased by the county that the board determines to be critical to the security of CJI which resolution may be amended, replaced, or supplemented by the board from time to time.

(Ord. No. 03-030, § 4, 8-19-03; Ord. No. 2013-023, § 4, 10-22-13)

Sec. 2-375.1. - Criminal history record checks for critical facilities.

- (a) All contractors shall be required to undergo a criminal history record check conducted by or on behalf of the county in order to retain or be granted unescorted access to any critical facility. New contractors shall be required to undergo a criminal history check prior to being granted unescorted access to any critical facility. Any contractor found to have a disqualifying criminal offense or who fails to provide the information necessary to complete a criminal history record check shall, when acting in his or her capacity as a contractor for or on behalf of the county, be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities. Any contractor found to have an arrest for any offense involving juveniles shall, when acting in his or her capacity as a contractor for on behalf of the county, be denied access to critical facilities where children are located including aquatic centers, Head Start facilities, community centers and the High Ridge Family Center. Any contractor found to have an arrest for any offense involving animals shall, when acting in his or her capacity as a contractor for or on behalf of the county, be denied access to critical facilities where animals are located including animal care and control facilities. The decision of whether to deny access or require an escort in critical facilities shall be at the discretion of the county.
- (b) Prior to an applicant submitting a request for a criminal history record check for access to a critical facility, the county shall notify each applicant to be fingerprinted that his or her fingerprints will be sent to the state department of law enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check.
- (c) The county shall notify any applicant found to have a disqualifying criminal offense in writing that he or she has been found to have a disqualifying criminal offense and will be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities unless the contractor provides the county with verifiable

evidence that he or she does not have a disqualifying criminal offense. The notification shall also state that the contractor has the right to (1) obtain a copy of his or her criminal history records; (2) to challenge the completeness and accuracy of the criminal history records pursuant to state and federal law; and (3) to request a correction, change or update to the criminal history records pursuant to state and federal law. The written notification, sent by certified mail, shall not include specific information regarding the contractor's criminal history records or the nature of the disqualifying criminal offense. The county shall verify the identity of the contractor prior to releasing the criminal history records to the contractor.

- (d) The county shall notify any applicant found to have an outstanding warrant in writing by mail. The notification shall identify the jurisdiction of the outstanding warrant so that the applicant may make arrangements to address the outstanding warrant. The county shall also notify the jurisdiction which issued the warrant that the warrant appeared on the criminal history record check of the applicant.
- (e) The county shall notify any applicant in writing found to have a prior arrest, without a disposition on record, for the criminal offenses on Appendix A to this article. If the arrest still has no disposition six (6) months after the date of the notice to the contractor, the contractor shall be denied access to critical facilities or be required to be accompanied by an escort designated by the county in critical facilities until the contractor provides the county with verifiable evidence that the prior arrest has been resolved without a conviction or plea of nolo contendere or guilty to any of the criminal offenses listed on Appendix A to this article.
- (f) The county administrator shall establish procedures for the implementation of this article, which may include, but shall not be limited to, procedures for obtaining and processing criminal history record check information for critical facilities, standardizing information to be included in solicitations, procurement documents and contracts issued by the county, and notifying contractors of the requirements of this article.
- (g) Notwithstanding any provision of this article to the contrary, the access restrictions set forth in this article shall only apply when a person is acting in his or her capacity as a contractor for or on behalf of the county.
- (h) Nothing in this article shall be construed as prohibiting or preventing the county from conducting any other background screening that the county may lawfully undertake.

(Ord. No. 03-030, § 5, 8-19-03; Ord. No. 08-007, § 2, 3-11-08; Ord. No. 2013-023, § 5, 10-22-13)

**Editor's note**— Ord. No. 2013-023, § 5, adopted Oct. 22, 2013, renumbered the former § 2-375 as § 2-375.1 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 2-375.2. - Criminal history record checks for CJI facilities.

- (a) The sheriff's office shall be the implementing office for conducting criminal history records checks on contractors when the access requirement is a CJI facility. All criminal history records checks conducted for this purpose of unescorted access and pursuant to this article shall be made according to the Criminal Justice Information Services (CJIS) Security Policy, version 5.2, dated August 9, 2013, as may be amended and updated from time to time.
- (b) All existing contractors and all new contractors shall be required to undergo a criminal history record check conducted by the sheriff's office in order to retain or be granted unescorted access to any CJI facility.
- (c) Any applicant found to have a disqualifying criminal offense, or who fails to provide the information necessary to complete a criminal history record check, shall be denied access to CJI facilities or be required to be accompanied by an escort designated by the sheriff's office. The decision of whether to deny access or require an escort in CJI facilities shall be at the sole discretion of the sheriff's office.
- (d) The sheriff's office, in conjunction with FDLE when required and/or determined to be appropriate by the sheriff's office, shall have the ability to review any misdemeanor conviction, pending charge/arrest and/or warrant to determine applicability of the conviction, charge and/or warrant to the access being requested. The sheriff's office, in its sole discretion, may grant access to, or provide for continued access, depending on the facts presented. There is no review of a disqualifying criminal offense involving a felony.
- (e) The sheriff's office shall establish procedures for the implementation of its responsibilities pursuant to this article, including but not limited to, procedures for processing and obtaining criminal history record check information, procedures for notifying applicants who are found to have disqualifying offenses, procedures for presenting verifiable evidence that a contractor does not have a disqualifying offense, and procedures for notifying potential contractors of the requirements of this article.
- (f) Notwithstanding any provision of this article to the contrary, the access restrictions set forth in this article shall only apply when a person is acting in his or her capacity as a contractor for or on behalf of the county.
- (g) Nothing in this article shall be construed as prohibiting or preventing the sheriff's office from conducting any other background screening that the sheriff may lawfully undertake.

(Ord. No. 2013-023, § 5, 10-22-13)

Sec. 2-376. - Alternative compliance.

A contractor shall be exempt from the requirements of this article if:

- (1) The contractor is subject to and in compliance with the criminal history record check requirements of Title 49 Code of Federal Regulations Part 1500 et al., as may be amended from time to time or any successor regulation or other federal regulation establishing criminal history record check requirements for public-use airports; or
- (2) The contractor is subject to and in compliance with the criminal history record check requirements of this article for access to CJI facilities if the access requirement is for critical facilities; or
- (3) The contractor is subject to and in compliance with the criminal history record check requirements of any other federal, state or local law, which is equal to or more stringent than the requirements of this article; or
- (4) The contractor is required by county procurement policy or document to maintain a Florida Security Guard license "D" or "G" but only for the year that the state performs the criminal history records check and only if the access requirement is for critical facilities, but such contractor must comply in any other year; or
- (5) The person is a volunteer to the Palm Beach County Sheriff's Office, Palm Beach County State Attorney's Office or the Clerk and Comptroller of Palm Beach County's Office and the access requirement is for critical facilities. These volunteers are not considered contractors and are not subject to the requirements of this article.

(Ord. No. 03-030, § 6, 8-19-03; Ord. No. 2013-023, § 6, 10-22-13)

Sec. 2-377. - Enforcement.

This article shall be enforceable by all remedies available at law, but shall not be enforced as a misdemeanor in accordance with F.S. § 125.69(1).

(03-030, § 7, 8-19-03)



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5. Assault with the intent to murder.
6. Espionage.
7. Sediton.
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 (1) 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.

(Ord. No. 03-030, 8-19-03; Ord. No. 08-007, § 3, 3-11-08; Ord. No. 2013-023, App. A, 10-22-13)

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.

(Ord. No. 2013-023, App. B, 10-22-13)

Secs. 2-378—2-390. - Reserved.