

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	March 13, 2018	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
Submitted By:	Facilities Development & Operations		
Submitted For:	Human Resources		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for Public Hearing on April 10, 2018 at 9:30 am: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, to be entitled "The Palm Beach County Criminal History Records Check Ordinance;" repealing and replacing sections 2-371 – 2-390 of the Palm Beach County Code which codified Ordinance no. 2003-030, as amended; providing for authority; providing for definitions; providing for the identification of facilities, contractor and employee positions; providing for criminal history records checks for contractor access to critical facilities; providing for criminal history records checks for contractor access to engagement as a vulnerable population contractor; providing for criminal history records checks for contractor access to CJI facilities; providing for alternative compliance; providing for criminal history records checks for county employees - general policy; providing for criminal history records checks for employees - employment positions deemed critical to security and public safety; providing for criminal history records checks for employees - CJI requirement positions; providing for criminal history records checks for employees - CJI access positions; providing for enforcement; providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing an effective date.

Summary: Florida Statutes currently require other government and non-governmental entities have Level 2 CHRCs conducted on employees that have direct contact with "vulnerable populations" (ie: children, seniors and/or the developmentally disabled). Fla Statute Chapter 125 authorizes Counties to require by Ordinance, Level 2 background checks of employees for positions that are deemed critical to security or public safety. Staff is recommending the County authorize Level 2 CHRCs on county positions deemed critical to public safety or security, consistent with the aforementioned statutes, in order to implement similar safeguards for County operated programs. Level 2 CHRC for Contractors with access to vulnerable populations. In addition, the Ordinance provides for CHRCs for CJI Requirement Positions and CJI Access positions. A CJI Requirement Position requires the employee utilize and access highly sensitive criminal justice information ("CJI") and databases as an integral job function. A CJI Access Position is a position that will require unescorted access to criminal justice information based on job location or duties. The Ordinance also: 1) sets forth the list of disqualifying offenses for CJI Requirement Positions and all other Employee positions Deemed Critical to Security or Public Safety; 2) grants authority to the Human Resources Department to determine which positions are critical to security or public safety. Consistent with BCC policy, prior offense information is not requested on County employment applications and CHRC will only be conducted after eligibility and a selection is made. Human Resources will make final employment eligibility determinations in consultation with the County Attorney's office. The only substantive change relative to Contractors (which include volunteers and unpaid interns) is to authorize Level 2 CHRCs on Contractors with direct contact on vulnerable populations using the statutory list of disqualifying offenses. Other changes include reducing the types of alternate compliance, which better align with the practical realities of constraints on information sharing, and to recognize changing re-run requirements for those that are subject to Federal Criminal Justice Information (CJI) requirements. The Ordinance also broadens the conduct of Level 2 CHRCs on Contractors and Employees requiring access to facilities containing CJI to include the State Attorney's Office, in addition to the Palm Beach County Sheriff's Office. If the Ordinance is advanced to Public Hearing, FDO will be including, as a companion item, a mid-year request for one (1) full time Access Tech position within Electronic Services and Security Division of FDO. This request remains among the highest priority for FDO in FY 19 due to growth in the existing program since 2005 and existing workload but is being requested early now to allow for smooth implementation of the Security and Public Safety position and Vulnerable Population contractors without having adverse impacts on the existing programs. (FDO ADMIN) Countywide (DO/LDC)

Background and Policy Issues:

(Continued on page 3)

Attachments:

1. Restated Ordinance

Recommended By:	<u>Amy Wolf</u> Department Director	<u>2/23/18</u> Date
Approved By:	<u>W. Baker</u> Assistant County Administrator	<u>2/28/18</u> Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022		
Capital Expenditures	_____	_____	_____	_____	_____		
Operating Costs	_____	_____	_____	_____	_____		
External Revenues	_____	_____	_____	_____	_____		
Program Income (County)	_____	_____	_____	_____	_____		
In-Kind Match (County)	_____	_____	_____	_____	_____		
NET FISCAL IMPACT	<u> * </u>	_____	_____	_____	_____		
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____		
Is Item Included in Current Budget:		Yes	<u> X </u>	No	_____		
Does this item include the use of federal funds?		Yes	_____	No	<u> X </u>		
Budget Account No:	Fund	_____	Dept	_____	Unit	_____	
		Program	_____			RSC	_____

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

* There is no fiscal impact associated with this item. If the Ordinance is adopted, the fiscal impact is estimated to be between \$4800-\$9600/annually, depending on how many Employment Positions are ultimately Deemed Critical to Security and Public Safety.

The annual cost for this position is \$55,649 (which includes benefits), so the impact of early hiring concurrent with adoption of this Ordinance is \$13,912 in FY 18 and this amount can be covered by lapsed salaries so there is no impact in FY 18.

Fixed Assets Number N/A

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Lisa Ponce 2/26/18
OFMB 2/26/18

Ar. J. Jacobson 2/27/18
Contract Development and Control 2/27/18

B. Legal Sufficiency:
[Signature] 2/28/18
Assistant County Attorney

C. Other Department Review:
[Signature]
Department Director

Background and Policy Issues

Criminal History Records Check on Contractors

The Criminal History Records Check Ordinance (Ord No. 03-030), as amended in 2008, established the County's program for conducting criminal history record checks on Contractors having access to critical facilities. The list of disqualifying offenses for contractor access to critical facilities are contained in Exhibit A to the Ordinance and there are no changes to these disqualifying offenses in the Restated Ordinance.

In 2013, the County again modified the Ordinance to include the County program for conducting CHRC on contractors, vendors, repair and delivery persons which require unescorted access to Critical Facilities who required a CHRC for unescorted access to Criminal Justice Information Facilities (CJI Facilities). That amendment was required by the Criminal Justice Information Services Security Policy (CJIS Policy) implemented by the Criminal Justice Information Services Division of the Federal Bureau of Investigation (FBI CJIS Division). CJI Facilities are those facilities or area that contain or house law enforcement agency criminal justice information. CJI Facilities are identified by separate Board resolution and that resolution will also be updated concurrent with the second reading of the Restated Ordinance.

The CJIS Policy assigns implementing responsibility for performing CHRC at CJI Facilities to Florida Department of Law Enforcement (FDLE) or the local law enforcement agency. The existing Ordinance assigns responsibility for access to CJI Facilities to the Palm Beach County Sheriff's Office. The Restated Ordinance assigns responsibilities to the Palm Beach County Sheriff's Office and the State Attorney's Office with this change being made to streamline the record keeping and audit files of both agencies.

There are no changes between the existing Ordinance and the Restated Ordinance with regard to disqualifying offenses for access to CJI Facilities which are identified in the CJIS Policy and duplicated in Exhibit B in the Ordinance. The disqualifying offenses include all misdemeanors, felonies, warrants and arrests. The Sheriff's Office or the State Attorney's Offices, in conjunction with FDLE may review misdemeanors, pending charges, arrests and warrants to determine whether these are disqualifying offenses based on the access requested. These determinations are solely for the purpose of granting access. The Restated Ordinance now requires the re-run of all persons seeking CJI compliance every five years, and biannual security and awareness training as required by the latest version of the CJIS Policy.

The Restated Ordinance also adds a third type of Contractor referred to a Vulnerable Population Contractor. These are contractors with direct contact with Vulnerable Populations and sets forth the list of disqualifying offenses in Exhibit C to the Restated Ordinance. This list of disqualifying offenses is identical to that contained in FS. 435.04 and will be amended from time to time as the Statute is amended. Since the definition of Contractor in the Restated Ordinance now includes volunteers and unpaid interns (distinguishing them from Employees pursuant to the Restated Ordinance), this addition will allow for Level 2 CHRCs to be conducted for those Contractors which are determined to have direct access to Vulnerable Populations.

The Restated Ordinance reworks the Alternate Compliance Section eliminating alternates which were never implemented due to the restrictions on sharing of information. The Restated Ordinance also includes a new alternate allowing for any Vulnerable Population Contractor that is an organization operating a program pursuant to a contractual agreement with County which contains a requirement to have Level 2 CHRCs conducted on its employees and subcontractors, will not need to be re-run pursuant to this Ordinance.

Employees Deemed Critical to Security and Public Safety

Florida Statutes require employees with direct contact and access to specific locations with persons deemed vulnerable, to have Level 2 background checks conducted prior to and during employment. However, to the extent that Counties are not included in the aforementioned statutes, Fla Statute Chapter 125 authorizes Counties to conduct Level 2 background checks of employees via an Ordinance for positions that are deemed critical to security or public safety.

This would include Level 2 CHRCs on Employees which include permanent, non-permanent, exempt, non-exempt, at will, on-call, stand by, full time, part time, paid interns that have direct contact with members of the public or access to locations in the performance of their duties in such a manner or to such an extent that the County finds it necessary to require a higher level of screening

Background and Policy Issues

The Restated Ordinance defines Employees and Existing Employees and Candidate Employees, collectively. An Existing Employee means a person holding any permanent, non-permanent, exempt, non-exempt, at will, on-call, stand-by, full time, part time, paid interns, or seasonal, CJI Requirements or CJI Access position. A Candidate Employee means a person who has applied for any of the positions previously listed. Consistent with BCC policy, a Candidate is not required to disclose prior offenses on their employment application and a Level 2 CHRC is not conducted on any Candidate until the Candidate has been determined to be otherwise eligible and selected for a position.

The Restated Ordinance assigns responsibility to Human Resources to identify and maintain a list of those Employment Positions Deemed Critical to Security and Public Safety and assigning those positions into three groups for the purpose of; 1) determining which position requires a Level 2 CHRC, and 2) and the applicable set of disqualifying offenses. The following summarizes the three groups.

An Employment Position Deemed Critical to Security or Public Safety means a County job classification that is identified by the County as having direct contact with members of the public or access to any location in the performance of their duties in such a manner or to such an extent that the governing body of the county finds that that a higher level of screening is critical to security or public safety. These positions will include employees with direct contact with individuals at higher risk for corruption, abuse or whom may be manipulated, elderly and individuals that are developmentally disabled, consistent with the prevailing Florida Statutes governing similar non-county employees.

The second group is the CJI Requirement Position. A CJI Requirement Position is an Employee position required to access CJI databases and/or review CJI data or records to perform the essential duties of the position. An example of a CJI Requirement position is an Access Technician at Facilities Development & Operations or Department of Airports.

The third group is the CJI Access Position. A CJI Access Position is an Employee position that requires unescorted access to protected CJI. An example of a CJI Requirement position may be a Heating Air Conditioning and Ventilation (HVAC) Technician or Electrician requiring access to a facility occupied by PBSO or State Attorney. This list is maintained by Human Resources since it requires a Level 2 CHRC to be run on an Employee, but the results of the CHRC are received by PBSO and/or the State Attorney. The County only receives a compliant or non-compliant response from PBSO and/or the State Attorney and the County uses that information received from PBSO or the State Attorney for making access decisions only. However, in the event that the County is notified that the Employee is non-compliant, the County will then re-run the CHRC and the County receive the results (those which are releasable to a non-criminal justice agency) to determine if the previous offense impacts employment eligibility and/or status.

In all cases, HR shall have the final determination as to whether a Candidate Employee shall be eligible for employment or whether a discovered offense impacts an existing Employee's employment status.

The Restated Ordinance requires FDO and HR to establish procedures for the implementation of each Department's responsibility pursuant to the Restated Ordinance. These procedures include, but are not limited to: 1) procedures for processing and obtaining CHRC information, procedures for notifying Employees who are non-compliant, 2) procedures for presenting verifiable evidence that an Employee does not have disqualifying offense, and 3) procedures for notifying Candidate Employees of the requirements of this Ordinance.

The request for an additional Access Technician (pay grade 20) is in direct correlation to the growth that the Access Section of Electronic Systems and Security Division (ESS) has experienced since 2005. At inception, Access Section consisted of two technicians and a manager. The section was responsible for fingerprinting associated with the CRHC Ordinance and card access for five sites. From 2005 to 2018, 39 sites have been added to the Access Section role. From a system perspective, the Section now has five different card access systems in place all with differing operating parameters. For the last calendar year, 19,204 active cardholders reside in the various card access systems. Additionally, due to new Federal requirements that came with CJI CHRC which were added to the Ordinance in 2013, the Access Section role has further been expanded to include all the CJI operating requirements and tracking Security Awareness Training for all CJI compliant applicants. The Access Section schedule almost 3000 appointments not including walk-ins, emergency requests and special projects, and responded to 8000 support emails inquiries last year. Growth is expected to continue as new card access sites are forthcoming (ie: Libraries) and an additional new card access system type will be introduced. We have expended .25 of a FTE in overtime expenses just to stay current with user requests, however the required recurring audits are not getting completed. The annual cost for this position is \$55,649, so the impact of early hiring concurrent with adoption of this Ordinance is \$13,912 and can be covered by lapsed salaries so there is no fiscal impact in FY 18.

ORDINANCE NO.

1
2
3
4 AN ORDINANCE OF THE BOARD OF COUNTY
5 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
6 TO BE ENTITLED "THE PALM BEACH COUNTY
7 CRIMINAL HISTORY RECORDS CHECK ORDINANCE";
8 REPEALING AND REPLACING SECTIONS 2-371 – 2-390 OF
9 THE PALM BEACH COUNTY CODE WHICH CODIFIED
10 ORDINANCE NO. 2003-030, AS AMENDED; PROVIDING
11 FOR AUTHORITY; PROVIDING FOR DEFINITIONS;
12 PROVIDING FOR THE IDENTIFICATION OF FACILITIES,
13 CONTRACTOR AND EMPLOYEE POSITIONS; PROVIDING
14 FOR CRIMINAL HISTORY RECORDS CHECKS FOR
15 CONTRACTOR ACCESS TO CRITICAL FACILITIES;
16 PROVIDING FOR CRIMINAL HISTORY RECORDS
17 CHECKS FOR ENGAGEMENT AS A VULNERABLE
18 POPULATION CONTRACTOR; PROVIDING FOR
19 CRIMINAL HISTORY RECORDS CHECKS FOR
20 CONTRACTOR ACCESS TO CJF FACILITIES; PROVIDING
21 FOR ALTERNATIVE COMPLIANCE; PROVIDING FOR
22 CRIMINAL HISTORY RECORDS CHECKS FOR COUNTY
23 EMPLOYEES - GENERAL POLICY; PROVIDING FOR
24 CRIMINAL HISTORY RECORDS CHECKS FOR
25 EMPLOYEES - EMPLOYMENT POSITIONS DEEMED
26 CRITICAL TO SECURITY AND PUBLIC SAFETY;
27 PROVIDING FOR CRIMINAL HISTORY RECORDS
28 CHECKS FOR EMPLOYEES - CJF REQUIREMENT
29 POSITIONS; PROVIDING FOR CRIMINAL HISTORY
30 RECORDS CHECKS FOR EMPLOYEES - CJF ACCESS
31 POSITIONS; PROVIDING FOR ENFORCEMENT;
32 PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
33 PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR
34 SEVERABILITY; PROVIDING FOR INCLUSION IN THE
35 CODE OF LAWS AND ORDINANCES; PROVIDING FOR
36 CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.
37

38 WHEREAS, Section 125.5801, Florida Statutes, provides the authority for the County to
39 require, by ordinance, state and national criminal history screening for any position of County
40 employment or appointment, whether paid, unpaid, or contractual, which the governing body of
41 the County finds critical to security or public safety; and

42 WHEREAS, on August 19, 2003 the Board of County Commissioners of Palm Beach
43 County ("County") adopted the Palm Beach County Criminal History Record Check ("CHRC
44 Ordinance") (Ordinance No. 2003-030, amended by Ordinance No. 2008-007 and Ordinance No.
45 2013-023) with an effective date of October 1, 2003; and

46 WHEREAS, the CHRC Ordinance initially established the County's program for
47 conducting CHRCs on Contractors, vendors, repair and delivery persons who seek unescorted
48 access to County facilities determined to be critical to public safety or security ("Critical
49 Facilities") and established a list of Disqualifying Criminal Offenses for those facilities; and

50 WHEREAS, the Criminal Justice Information Services Division of the Federal Bureau of
51 Investigation (FBI) adopted and implemented the Criminal Justice Information Services Security
52 Policy which defines requirements for conducting CHRCs in facilities with access to criminal
53 justice information and further assigns responsibility for performing CHRCs in such facilities to

54 the Florida Department of Law Enforcement and local law enforcement agencies; and in 2013,
55 legal requirements for securing criminal justice information were established and required
56 implementation of a CHRC for Contractors accessing facilities that are critical to criminal justice
57 information security (“CJI Facilities”) and the County granted authority for the Sheriff’s Office
58 and State Attorney’s Office to run a CHRC on Contractors seeking access to CJI Facilities; and

59 **WHEREAS**, 42 U.S. Code Sec. 5119(a) provides the authority for a State to effect
60 procedures whereby qualified entities designated by the State can request a nationwide
61 background check for the purpose of determining whether a provider has been convicted of a
62 crime that bears upon the provider’s fitness to have responsibility for the safety and well-being
63 of vulnerable populations, which include children, the elderly, or individuals that are
64 developmentally disabled; and

65 **WHEREAS**, Chapter 435, Florida Statutes provides for employment screening
66 standards, procedures, and exclusions from employment and exemptions from disqualification;
67 and

68 **WHEREAS**, Florida Statutes 943.0542 implements procedures for obtaining nationwide
69 background checks for providers involved in the care, treatment, education, training, instruction
70 or supervision, or recreation to children, the elderly and individuals that are developmentally
71 disabled; and

72 **WHEREAS**, the County desires the authority to run a CHRC on Employment Positions
73 Deemed Critical to Security or Public Safety to determine whether that individual is free from
74 applicable disqualifying offenses pursuant to the requirements of Section 435.04, Florida
75 Statutes; and

76 **WHEREAS**, the County desires to add authority run a CHRC on Employees in CJI
77 Positions determined by the Sheriff’s Office or State Attorney’s Office to be non-compliant with
78 the CJI access requirements to determine whether otherwise eligible for County employment;
79 and

80 **WHEREAS**, due to the substantial procedural and substantive changes made herein and
81 in order to provide clarity, the County desires to repeal the original Criminal History Record
82 Check Ordinance and replace it with this new Criminal History Records Check Ordinance in its
83 entirety.

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

86

87 **Section 1. Repeal of Prior Ordinances.**

88 Palm Beach County Ordinance No. 2003-030, as amended by Ordinance No. 2008-007
89 and Ordinance No. 2013-023, is hereby repealed in its entirety and replaced with the following:

90

91 **Section 2. Title.**

92 This Ordinance shall be known and may be cited as “The Palm Beach County Criminal
93 History Records Check Ordinance.”

94

95 **Section 3. Authority.**

96 This Ordinance is enacted pursuant to the authority vested in the County by Chapter 435,
97 Florida Statutes, Section 125.5801, Florida Statutes and Section 943.0542, Florida Statutes.

98

99 **Section 4. Definitions.**

- 100 A. "Applicant" means a Contractor who applies for a CHRC.
- 101 B. "Candidate Employee" means a person who has applied for any permanent, non-
102 permanent, exempt, non-exempt, at will, on-call, standby, part time, paid intern,
103 seasonal Vulnerable Population, CJI Requirement, or CJI Access position with the
104 County.
- 105 C. "CJI" or "Criminal Justice Information" includes the FBI CJIS and FDLE provided
106 data necessary for law enforcement and civil agencies to perform their missions. This
107 includes, but is not limited to, biometric, identity history, biographic, property and
108 case/incident history data.
- 109 D. "CJI Access Position" means a County job classification that has been determined
110 and identified by the County, as amended from time to time, to be an Employee
111 position that require unescorted access to protected CJI.
- 112 E. "CJI Facility" means any facility or portion thereof owned or leased by the County
113 which houses CJI and which is determined by resolution of the County to be critical
114 to the security of CJI.
- 115 F. "CJI On-Site Contractors" means a person providing, on-site services to, or on behalf
116 of the County in the FDO, ISS and/or Public Safety Department whose services are
117 subject to CJI requirements including Volunteers or individuals commonly known as
118 contract employees.
- 119 G. "CJI Requirement Position" means a County job classification that has been
120 determined and identified by the County, as amended from time to time, to be an
121 Employee position required to access CJI databases and/or review CJI data or records
122 to perform the essential job duties of the position.
- 123 H. "Contractor" means any natural person who is not employed by the County and
124 provides or delivers goods or services for, to or on behalf of the County, which shall
125 include, but shall not be limited to, employees and subcontractors of contractors,
126 unpaid contractors, General Service Contractors, CJI On-Site Contractors,
127 Volunteers, unpaid interns, vendors, repair persons and delivery persons.
128 "Contractor" shall also mean; 1) any non-governmental tenant of a County-owned
129 building, except tenants of County general aviation Airports, including the employees
130 and subcontractors of such tenants; 2) non-County governmental employees requiring
131 access to secondary secured spaces within a Critical Facility; 3) Vulnerable
132 Population Contractors but with the results of the CHRC being used by the County
133 for a determination of volunteer engagement; 4) CJI On-Site Contractors; and 5) any
134 other individual who is specifically required by contract to be subject to a specific
135 type of CHRC. The term "Contractor" shall not include any local government, State
136 or Federal employees, or any persons employed by any mail, courier, postal or other
137 similar delivery services that do not require unescorted access to Critical Facilities.

- 138 I. "County" means the Board of County Commissioners of Palm Beach County and its
139 authorized representatives.
- 140 J. "Criminal History Records Check" or "CHRC" means a fingerprint-based State and
141 National criminal history record check, commonly known as a Level 2 criminal
142 history records check.
- 143 K. "Criminal Justice Information Services Division" (FBI CJIS) means the Criminal
144 Justice Information Services Division of the FBI responsible for the collection,
145 warehousing, and timely dissemination of relevant CJI to the FBI and to qualified law
146 enforcement, criminal justice, civilian, academic, employment, and licensing
147 agencies.
- 148 L. "Critical Facility" means those facilities or areas owned, operated or leased by the
149 County that have been determined by resolution of the County to be critical to
150 security or public safety pursuant this Ordinance.
- 151 M. "Disqualifying Criminal Offense" with respect to access to a Critical Facility means a
152 conviction of or a plea of nolo contendere or guilty to any of those criminal offenses
153 listed in Exhibit "A" to this Ordinance in any jurisdiction during the ten (10) years
154 prior to the date of the CHRC. Notwithstanding the foregoing, any conviction for
155 which a full pardon has been granted or any adjudication of delinquency shall not be
156 considered a disqualifying criminal offense, subject to the provisions of F.S. 435.07
- 157 N. "Disqualifying Criminal Offense" with respect to access to a CJI Facility means any
158 of those offenses identified in Exhibit "B" to this Ordinance and as determined by the
159 Criminal Justice Information Services (CJIS) Security Policy, Version 5.6, dated June
160 5, 2017, as may be amended and updated from time to time.
- 161 O. "Disqualifying Criminal Offense" with respect to Employment Positions Deemed
162 Critical to Security or Public Safety and Vulnerable Population Contractors having
163 contact with individual members of the public or access to any public facility or
164 publically operated facility means an arrest with disposition pending or found guilty
165 of, regardless of adjudication, or entered into a plea of nolo contendere or guilty to or
166 have been adjudicated delinquent and the records have not been sealed or expunged
167 for, with respect to Employees for positions deemed critical to security or public
168 safety and Vulnerable Population Contractors means any offenses identified in F.S.
169 435.04 as amended, and reflected in Exhibit "C" to this Ordinance.
- 170 P. "Employee" means Candidate Employees and Existing Employees, collectively.
- 171 Q. "Employment Positions Deemed Critical to Security or Public Safety" means a
172 County job classification that is identified by the County as having direct contact with
173 individual members of the public or access to any public facility or publically
174 operated facility in such a manner or to such an extent that the governing body of the
175 county finds that preventing unsuitable persons from having such contact or access is
176 critical to security or public safety.
- 177 R. "Existing Employee" means a person holding any permanent, non-permanent,
178 exempt, non-exempt, at will, on-call, stand-by, full time, part time, paid interns, or

- 179 seasonal Vulnerable Population, CJI Requirement, or CJI Access position with the
180 County.
- 181 S. “Facilities Development & Operations” or “FDO” means the Department of the
182 Board of County Commissioners charged with, among other responsibilities, facilities
183 development and operations including the maintenance and construction of County
184 facilities.
- 185 T. “Federal Bureau of Investigation” (FBI) means the Federal Agency established in
186 Title 28 of the United States Code (U.S. Code), Section 533.
- 187 U. “Florida Department of Law Enforcement” (FDLE) means the Florida agency created
188 by Section 20.201, F.S. which serves as the central repository of criminal justice
189 information for the State of Florida and operates under the authority of Section
190 943.05, F.S. and Chapter 11C, F.A.C.
- 191 V. “General Service Contractor” means those Applicants seeking engagement as a paid
192 or unpaid volunteer that provide services to the County, Clerk and Comptroller Tax
193 Collector, Property Appraiser, or Supervisor of Elections on an unescorted basis, and
194 specifically excluding Vulnerable Population Contractors. For the purposes of this
195 Ordinance, General Service Contractors are Contractors and are not Employees.
- 196 W. “Human Resources” or “HR” means the Department of the Board of County
197 Commissioners charged with, among other things, the responsibility for recruitment,
198 screening and evaluating Employees’ eligibility for employment.
- 199 X. “Sheriff” or “Sheriff’s Office” means the Palm Beach County Sheriff’s Office.
- 200 Y. “State Attorney’s Office” means the State Attorney of the 15th Judicial Circuit.
- 201 Z. “Vulnerable Population” means individuals at higher risk for corruption, abuse or
202 whom may be manipulated and for the purposes of this Ordinance includes children,
203 elderly and individuals that are developmentally disabled.
- 204 AA. “Vulnerable Population Contractors” means those Applicants seeking engagement as
205 a volunteer or are employed by a Contractor, that provides direct services or directly
206 participate in programs to Vulnerable Populations on behalf of the County. For the
207 purposes of this Ordinance, Vulnerable Population Contractors are Contractors and
208 are not Employees.
- 209 BB. “Volunteer” means a person who is providing or donating goods or services for, to, or
210 on behalf of the County or for any local government, State or Federal agency or
211 office. Volunteers do not include unpaid interns. Volunteers are considered
212 Contractors for the purpose of this Ordinance.

213

214 **Section 5. The Identification of Facilities, Contractor and Employee Positions.**

215 A. The County shall identify Critical Facilities by resolution including those
216 facilities or areas owned, operated or leased by the County that the County determines to be
217 critical to security or public safety which resolution may be amended, replaced, or supplemented
218 by the County from time to time.

219 B. The County shall identify CJI Facilities by resolution including those facilities or
220 areas owned, operated or leased by the County that the County determines to be critical to the

221 security of CJI which resolution may be amended, replaced, or supplemented by the County from
222 time to time.

223 C. The County shall identify and maintain a list of the specific Employment
224 Positions Deemed Critical to Security or Public Safety, CJI Access Positions and CJI
225 Requirement Positions.

226

227 **Section 6. Criminal History Records Checks for Contractor Access to Critical**
228 **Facilities.**

229 A. All Contractors are required to undergo a CHRC conducted by or on behalf of the
230 County in order to retain or be granted unescorted access to any Critical Facility. Any Contractor
231 found to have a disqualifying criminal offense or who fails to provide the information necessary
232 to complete a CHRC shall, when acting in his or her capacity as a Contractor for or on behalf of
233 the County, shall be denied access to Critical Facilities or be required to be accompanied by an
234 escort designated by the County in Critical Facilities. Any Contractor found to have an arrest for
235 any offense involving juveniles shall, when acting in his or her capacity as a Contractor for on
236 behalf of the County, shall be denied access to Critical Facilities where children are located as
237 identified in the resolution identifying Critical Facilities. Any Contractor found to have an arrest
238 for any offense involving animals shall, when acting in his or her capacity as a Contractor for or
239 on behalf of the County, shall be denied access to Critical Facilities where animals are located
240 including animal care and control facilities, and any other facility identified in the resolution
241 identifying Critical Facilities. The decision of whether to require an escort in Critical Facilities or
242 deny access entirely shall be at the discretion of the County.

243 B. Prior to submitting a request for a CHRC, the County shall notify each Applicant
244 to be fingerprinted that his or her fingerprints will be sent to the State Department of Law
245 Enforcement for a State CHRC and to the Federal Bureau of Investigation for a national CHRC.

246 C. The County shall notify any Applicant found to have a Disqualifying Criminal
247 Offense in writing that he or she has been found to have a Disqualifying Criminal Offense and
248 will be denied access to Critical Facilities or be required to be accompanied by an escort
249 designated by the County in Critical Facilities unless the Contractor provides the County with
250 verifiable evidence that he or she does not have a Disqualifying Criminal Offense. The
251 notification shall also state that the Contractor has the right to (1) obtain a copy of his or her
252 criminal history records; (2) to challenge the completeness and accuracy of the criminal history
253 records pursuant to State and Federal law; and (3) to request a correction, change or update to the
254 criminal history records pursuant to State and Federal law. The written notification, sent by
255 certified mail, shall not include specific information regarding the Contractor's criminal history
256 records or the nature of the disqualifying criminal offense. The County shall verify the identity
257 of the Contractor prior to releasing the criminal history records.

258 D. The County shall notify any Applicant found to have an outstanding warrant in
259 writing by mail. The notification shall identify the jurisdiction of the outstanding warrant so that
260 the applicant may arrange to address the outstanding warrant. The County shall also notify the
261 jurisdiction that issued the warrant that the warrant appeared on the CHRC of the Applicant.

262 E. The County shall notify any Applicant in writing found to have a prior arrest,
263 without a disposition on record, for the criminal offenses on Exhibit “A” to this Ordinance. If the
264 arrest still has no disposition sixty (60) days after the date of the notice to the Contractor, the
265 Contractor shall be denied access to Critical Facilities or be required to be accompanied by an
266 escort designated by the County in Critical Facilities until the Contractor provides the County
267 with verifiable evidence that the prior arrest has been resolved without a conviction or plea of
268 nolo contendere or guilty to any of the criminal offenses listed on Exhibit “A” to this Ordinance.

269 F. The County Administrator shall establish procedures for the implementation of
270 this Section, which may include, but shall not be limited to, procedures for obtaining and
271 processing CHRC information for Critical Facilities, standardizing information to be included in
272 solicitations, procurement documents and contracts issued by the County, and notifying
273 Contractors of the requirements of this Ordinance.

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

277
278 **Section 7. Criminal History Records Checks for Engagement as a Vulnerable**
279 **Population Contractor.**

280 A. All persons seeking application for a Vulnerable Population Contractor shall be
281 required to undergo a CHRC conducted by or on behalf of the County prior to engagement into a
282 Vulnerable Population Contractor position. The decision of whether to deny engagement shall be
283 at the discretion of the County.

284 B. Prior to an Applicant submitting a request for a CHRC, the County shall notify
285 the person seeking engagement that his or her fingerprints will be sent to the Florida Department
286 of Law Enforcement and the Federal Bureau of Investigation for a national CHRC.

287 C. The County shall notify, in writing, any Applicant found to have a Disqualifying
288 Criminal Offense listed on Exhibit “C” that he or she has been found to have a Disqualifying
289 Criminal Offense and will be denied an engagement unless the Contractor provides the County
290 with verifiable evidence that he or she does not have a Disqualifying Criminal Offense. The
291 notification shall also state that the Contractor has the right to (1) obtain a copy of his or her
292 criminal history records; (2) to challenge the completeness and accuracy of the criminal history
293 records pursuant to State and Federal law; and (3) to request a correction, change or update to the
294 criminal history records pursuant to State and Federal law. The written notification, sent by
295 certified mail, shall not include specific information regarding the Vulnerable Population
296 Contractor’s criminal history records or the nature of the disqualifying criminal offense. The
297 County shall verify the identity of the Vulnerable Population Contractor prior to releasing the
298 criminal history records.

299 D. The County shall notify any Applicant found to have an outstanding warrant in
300 writing by mail. The notification shall identify the jurisdiction of the outstanding warrant so that
301 the applicant may arrange to address the outstanding warrant. The County shall also notify the
302 jurisdiction that issued the warrant that the warrant appeared on the CHRC of the Applicant.

303 E. The County shall notify any Vulnerable Population Contractor Applicant in
304 writing found to have a prior arrest, without a disposition on record, for the criminal offenses on
305 Exhibit “C” to this Ordinance. If the arrest still has no disposition 60 days after the date of the
306 notice to the Applicant, the Applicant shall be denied engagement until the Vulnerable
307 Population Contractor provides the County with verifiable evidence that the prior arrest has been
308 resolved without a conviction or plea of nolo contendere or guilty to any of the criminal offenses
309 listed on Exhibit “C” to this Ordinance.

310 F. The County Administrator shall establish procedures for the implementation of
311 this Section, which may include, but shall not be limited to, procedures for obtaining and
312 processing CHRC information for Critical Facilities, standardizing information to be included in
313 solicitations, procurement documents and contracts issued by the County, and notifying
314 Contractors of the requirements of this Ordinance.

315

316 **Section 8. Criminal History Records Checks for Contractor Access to CJF Facilities.**

317 A. The Sheriff’s Office and/or the State Attorney’s Office shall be the implementing
318 offices for conducting CHRC on Contractors when the access requirement is a CJF Facility. All
319 CHRC conducted for the purpose of unescorted access and pursuant to this Ordinance shall be
320 made according to the Criminal Justice Information Services (CJIS) Security Policy, as may be
321 amended and updated from time to time.

322 B. All Contractors shall be required to undergo a CHRC conducted by the Sheriff’s
323 Office and/or the State Attorney’s Office in order to retain or be granted unescorted access to any
324 CJF Facility. All Contractors shall be required to have CHRC re-run every five (5) years by the
325 anniversary of the original CHRC. All Contractors shall be required to undergo Security and
326 Awareness Training every two (2) years by the anniversary of the original CHRC.

327 C. Any Applicant found to have a Disqualifying Criminal Offense identified in
328 Exhibit B, or who fails to provide the information necessary to complete a CHRC, shall be
329 denied access to CJF Facilities or be required to be accompanied by an escort designated by the
330 Sheriff’s Office and/or State Attorney’s Office, as applicable. The decision of whether to deny
331 access or require an escort in CJF Facilities shall be at the sole discretion of the Sheriff’s Office
332 and/or State Attorney’s Office.

333 D. The Sheriff’s Office and/or State Attorney’s Office, in conjunction with FDLE
334 when required and/or determined to be appropriate by the Sheriff’s Office, shall have the ability
335 to review any misdemeanor conviction, pending charge/arrest and/or warrant to determine
336 applicability of the conviction, charge and/or warrant to the access being requested. The
337 Sheriff’s Office or State Attorney’s Office, in its sole discretion, may grant access to, or provide
338 for continued access, depending on the facts presented. There is no review of a Disqualifying
339 Criminal Offense involving a felony.

340 E. The Sheriff’s Office and the State Attorney’s Office shall establish procedures for
341 the implementation of its responsibilities pursuant to this Ordinance, including but not limited to,
342 procedures for processing and obtaining CHRC information, procedures for notifying Applicants
343 who are found to have disqualifying offenses, procedures for presenting verifiable evidence that

344 a Contractor does not have a disqualifying offense, and procedures for notifying potential
345 Contractors of the requirements of this Ordinance.

346

347 **Section 9. Alternative Compliance.**

348 A Contractor shall be exempt from the requirements of Sections 2-375.1 and 2-375.2 if:

- 349 (1) the Contractor is subject to and in compliance with the
350 CHRC requirements of Title 49 Code of Federal Regulations Part 1500 et al., as
351 may be amended from time to time or any successor regulation or other federal
352 regulation establishing CHRC requirements for public-use airports;
- 353 (2) the Contractor is subject to and in compliance with the CHRC requirements of
354 this Ordinance for access to CJI Facilities if the access requirement is for Critical
355 Facilities; or
- 356 (3) the Vulnerable Population Contractor is an organization operating a program
357 pursuant to a contractual agreement with the County and contains a contractual
358 requirement to have Level 2 CHRC conducted on its employees and
359 subcontractors pursuant to Florida Statute;
- 360 (4) Volunteers to a constitutional officer only when the constitutional officer self -
361 conducts Level 2 CHRCs on its Volunteers, with the identical disqualifying
362 offenses as are conducted on its employees.

363

364 **Section 10. Criminal History Records Checks for County Employees- General Policy.**

365 The County shall have the authority to conduct Level 2 CHRC on each Employee holding
366 a Employment Position Deemed Critical to Security or Public Safety, CJI Requirement Position
367 or a CJI Access Position pursuant to the applicable sections of this Ordinance. Sections 10A-G
368 apply to all CHRCs for Employment Positions Deemed Critical to Security or Public Safety, CJI
369 Requirement Positions and CJI Access Positions.

370 A. Prior to an Employee being required to submit for a CHRC pursuant to this
371 Ordinance, the County shall notify each Employee to be fingerprinted that his or her fingerprints
372 will be sent to the State Department of Law Enforcement for a State CHRC and to the Federal
373 Bureau of Investigation for a National CHRC and of the applicable disqualifying offenses to
374 which the Employee is seeking. The Employee will also be notified that failure to consent to
375 undergo a CHRC or provide the information necessary to conduct the CHRC, will eliminate the
376 Employee from consideration for the Employment Positions Deemed Critical to Security or
377 Public Safety, CJI Requirement Position, or CJI Access Position.

378 B. The County shall notify the Employee found to have a Disqualifying Criminal
379 Offense in writing that he or she has been found to have a Disqualifying Criminal Offense. The
380 notification shall also state that the Employee has the right to (1) obtain a copy of his or her
381 criminal history records; (2) to challenge the completeness and accuracy of the criminal history
382 records pursuant to State and Federal law; (3) to request a correction, change or update to the
383 criminal history records pursuant to State and Federal law; (4) and their rights pursuant to F.S.
384 435.07 as amended. The written notification, sent by certified mail, shall not include specific
385 information regarding the Employee's criminal history records or the nature of the disqualifying

386 criminal offense. The County shall verify the identity of the Employee prior to releasing the
387 criminal history records to the Employee.

388 C. The County shall notify any Employee found to have an outstanding warrant in
389 writing by mail. The notification shall identify the jurisdiction of the outstanding warrant so that
390 the Employee may make arrangements to address the outstanding warrant. The County shall also
391 notify the jurisdiction which issued the warrant that the warrant appeared on the CHRC.

392 D. The County shall notify any Employee in writing found to have a prior arrest,
393 without a disposition on record, for the applicable disqualifying criminal offenses identified in
394 this Ordinance.

395 E. FDO and HR shall establish procedures for the implementation of each
396 Department's responsibilities pursuant to this Ordinance, including but not limited to,
397 identification and maintenance of lists of Employment Positions Deemed Critical to Security or
398 Public Safety, CJI Requirement Positions and CJI Access Positions, procedures for processing
399 and obtaining CHRC information, procedures for notifying Employees who are non-compliant,
400 procedures for presenting verifiable evidence that an Employee does not have a disqualifying
401 offense, and procedures for notifying Candidate Employees of the requirements of this
402 Ordinance.

403 F. Human Resources shall have the final determination as to whether a Candidate
404 Employee shall be eligible for employment.

405

406 **Section 11. Criminal History Records Checks for Employees – Employment Positions**
407 **Deemed Critical to Security and Public Safety.**

408 A. A Candidate Employee seeking employment into an Employment Positions
409 Deemed Critical to Security and Public Safety shall be required to undergo a CHRC prior to
410 employment to identify any disqualifying offenses identified in Exhibit "C" to this Ordinance.
411 Any person with a disqualifying offense will not be eligible for employment into a position that
412 is identified an Employment Positions Deemed Critical to Security or Public Safety, subject to
413 paragraph F above.

414 B. Employees in Employment Positions Deemed Critical to Security or Public Safety shall
415 have their CHRC re-run every 5 years. The County shall notify any Existing Employee in
416 writing, found to have a prior arrest, without a disposition on record for an applicable
417 disqualifying offenses that he/she is being placed on Administrative Leave Without Pay
418 until the case has been resolved. Any Existing Employee found guilty of, regardless of
419 adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated
420 delinquent and the records have not been sealed or expunged for any offenses identified
421 in Exhibit "C" of this Ordinance shall be terminated pursuant to the Merit Rules or
422 applicable bargaining agreement.

423

424 **Section 12. Criminal History Records Checks for Employees – CJI Requirement**
425 **Positions.**

426 A. Candidate Employees seeking employment in a CJI Requirement Position shall be
427 required to undergo a CHRC. Existing Employees shall be required to have CHRC re-run every

428 five (5) years by the anniversary of the original CHRC. Employees shall be required to undergo
429 Security and Awareness Training every two (2) years by the anniversary of the original CHRC.

430 B. The Sheriff's Office shall be the implementing office for conducting a CHRC on
431 Employees for CJI Requirement Positions when the access requirement is for CJI and such
432 CHRC shall be made in accordance with the Criminal Justice Information Services (CJIS)
433 Security Policy, as may be amended and updated from time to time. All CHRCs conducted by
434 the Sheriff's Office are for the sole purpose of determining whether unescorted access to CJI can
435 be granted. Any Employee that is found by the Sheriff's Office to be compliant with the CJI
436 access requirements is eligible for employment in a CJI Requirement and will not have a CHRC
437 conducted by the County.

438 C. Any Existing Employee found by the Sheriff's Office to be non-compliant with
439 the CJI requirements, shall; 1) immediately have his/her access rights to CJI revoked, and 2)
440 have a separate CHRC run by the County and reviewed against Exhibit B for the purpose of
441 determining whether the Existing Employee is eligible for continued employment in a CJI
442 Requirement position. Human Resources shall make the determination as to eligibility for
443 continued employment.

444 D. Any Existing Employee holding a CJI Requirement Position that is determined to
445 be non-compliant with the CJI Requirements and not eligible for continued employment will be
446 terminated pursuant to the Merit Rules or applicable bargaining agreement.

447 E. If an Existing Employee holding a CJI Requirement Position is determined to be
448 non-compliant with the CJI requirements but otherwise eligible for continued employment, HR
449 and the department with the CJI Requirement Position shall jointly work together to identify a
450 work location or alternate operating parameters for the Existing Employee so that the Existing
451 Employee remains employed by the County in the particular position or another position within
452 the department and for which the Existing Employee is qualified. .

453

454 **Section 13. Criminal History Records Checks for Employees - CJI Access Positions.**

455 A. Candidate Employees seeking employment in a CJI Access Position shall be
456 required to undergo a CHRC. Employees shall be required to have CHRC re-run every five (5)
457 years by the anniversary of the original CHRC. Existing Employees shall be required to undergo
458 Security and Awareness Training every two (2) years by the anniversary of the original CHRC.

459 B. The Sheriff's Office and/or the State Attorney's Office shall be the implementing
460 office for conducting a CHRC on Employees for CJI Access Positions when the access
461 requirement is for a CJI Facility and such CHRC shall be made in accordance with the Criminal
462 Justice Information Services (CJIS) Security Policy, as may be amended and updated from time
463 to time. All CHRCs conducted by the Sheriff's Office and/or the State Attorney's Office for CJI
464 Access Positions are for the sole purpose of determining whether unescorted access to a CJI
465 Facility can be granted. Any Employee that is found by the Sheriff's Office and/or the State
466 Attorney's Office to be compliant with the CJI access requirements is eligible for employment in
467 a position requiring routine access to CJI and will not have a CHRC conducted by the County.

468 Any Employee found by the Sheriff's Office and/or the State Attorney's Office to be non-
469 compliant with the CJI requirements, shall; 1) immediately have his/her access rights

470 revoked, and 2) have a separate CHRC run by the County and reviewed against Exhibit B for
471 the purposes of determining whether the Existing Employee is eligible for continued
472 employment in a CJI Access Position. Human Resources shall make the determination as to
473 eligibility for employment.

474 C. Any Existing Employee holding a CJI Access Position determined to be non-
475 compliant with the CJI requirements and not eligible for continued employment will be
476 terminated pursuant to the Merit Rules or applicable bargaining unit.

477 D. If an Existing Employee in a CJI Access Position is determined to be non-
478 compliant with the CJI requirements but otherwise eligible for continued employment, HR and
479 the department with the CJI Access Position shall jointly work together to identify a work
480 location or operating parameters so that the Existing Employee remains employed by the County
481 in the particular position sought or, another position within the department and for which the CJI
482 Access Employee is qualified.

483

484 **Section 14. Enforcement.**

485 This Ordinance shall be enforceable by all remedies available at law, but shall not be
486 enforced as a misdemeanor in accordance with Section 125.69(1), Florida Statutes. Nothing in
487 this Ordinance shall be construed as prohibiting or preventing the County from conducting any
488 other background screening that the County may lawfully undertake.

489

490 **Section 15. Repeal of Laws in Conflict.**

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

493

494 **Section 16. Severability.**

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

498

499 **Section 17. Savings Clause.**

500 All provisions of Ordinance No. 2003-030, as amended by Ordinance No. 2008-007 and
501 Ordinance No. 2013-023 are specifically preserved and remain in full force and effect as to all
502 CHRCs conducted or performed and all County approvals and enforcement action taken pursuant
503 thereto, prior to the Effective Date of this Ordinance.

504

505 **Section 18. Inclusion in the Code of Laws and Ordinances**

506 The provisions of this Ordinance shall become and be made a part of the Code of Laws
507 and Ordinances of Palm Beach County, Florida.

508

509 **Section 19. Captions.**

510 The sections of this Ordinance may be renumbered or relettered to accomplish such, and
511 the word "ordinance" may be changed to "section", "article", or other appropriate word.

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Section 20. Effective Date.

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

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 2018.

SHARON R. BOCK,
CLERK & COMPTROLLER,

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
ASSISTANT COUNTY ATTORNEY

Filed with the Department of State on this _____ day of _____, 2016.

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EXHIBIT 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 involving:
 - A. Willful destruction of property
 - B. Importation or manufacture of a controlled substance
 - C. Burglary
 - D. Theft
 - E. Dishonesty, fraud or misrepresentation
 - F. Possession or distribution of stolen property
 - G. Aggravated assault
 - H. Bribery
 - I. Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than one year
 - J. Violence at any public airport
 - K. Information technology crimes including, but not limited to, unlawful use of protected information or hacking
 - L. Threat
 - M. Arson
18. Conspiracy or attempt to commit any of the criminal acts listed in this Exhibit "A"
19. Any offense involving animals when the access requirement is a Critical Facility/area within an animal care and control facility.
20. Any offense involving juveniles when the access requirement is an aquatic center, gymnasium, Head Start facility, community center or High Ridge Family Center
21. Any felony involving violence/death.
22. Any offense against a law enforcement officer.

EXHIBIT B

**DISQUALIFYING OFFENSES
IN CRIMINAL JUSTICE INFORMATION FACILITIES**

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

EXHIBIT C^a

**DISQUALIFYING OFFENSES FOR EMPLOYMENT POSITIONS DEEMED
CRITICAL TO SECURITY AND PUBLIC SAFETY**

1. Sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
2. Sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
3. Adult abuse, neglect, or exploitation of aged persons or disabled adults or failure to report such abuse.
4. Criminal offenses that constitute domestic violence, whether committed in Florida or other jurisdictions.
5. Attempts, solicitation, and conspiracy to commit an offense listed in this subsection.
6. Murder.
7. Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
8. Vehicular homicide.
9. Killing an unborn child by injury to the mother.
10. Assault, battery, and culpable negligence, if the offense was a felony.
11. Assault, if the victim of offense was a minor.
12. Battery, if the victim of offense was a minor.
13. Kidnapping.
14. False imprisonment.
15. Luring or enticing a child.
16. Taking, enticing or removing a child beyond the state limits with criminal intent pending custody proceeding.
17. Carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
18. Exhibiting firearms or weapons within 1,000 feet of a school.
19. Possessing an electric weapon or device, destructive device, or other weapon on school property.
20. Sexual battery.
21. Prohibited acts of persons in familial or custodial authority.
22. Unlawful sexual activity with certain minors.
23. Prostitution.
24. Lewd and lascivious behavior.
25. Lewdness and indecent exposure.
26. Arson.
27. Burglary.
28. Voyeurism, if the offense is a felony.
29. Video voyeurism, if the offense is a felony.
30. Theft and/or robbery and related crimes, if a felony offense.
31. Fraudulent sale of controlled substances, if the offense was a felony.
32. Abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
33. Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
34. Exploitation of disabled adults or elderly persons, if the offense was a felony.
35. Incest.
36. Child abuse, aggravated child abuse, or neglect of a child.
37. Contributing to the delinquency or dependency of a child.
38. Negligent treatment of children.
39. Sexual performance by a child.
40. Resisting arrest with violence.
41. Depriving a law enforcement, correctional or correctional probation officer means of protection or communication.
42. Aiding in an escape.
43. Aiding in the escape of juvenile inmates in a correctional institution.
44. Obscene literature.
45. Encouraging or recruiting another to join a criminal gang.
46. Drug abuse prevention and control only if the offense was a felony or if any other person involved in the offense was a minor.

- 664 47. Sexual misconduct with certain forensic clients and reporting of such sexual conduct.
665 48. Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
666 49. Escape.
667 50. Harboring, concealing, or aiding an escaped prisoner.
668 51. Introduction of contraband into a correctional facility.
669 52. Sexual misconduct in juvenile justice programs.
670 53. Contraband introduced into detention facilities.
671 54. Designated as a sexual predator pursuant to § 755.21, F.S., a career offender pursuant to
672 775.261 F.S.; or a sexual offender pursuant to § 943.0435, F.S., unless the requirement to
673 register as a sexual offender has been removed pursuant to § 943.04354, F.S.
674

675 In addition to the listed offenses, the following are considered disqualifying offenses for
676 Vulnerable Population Positions that include mental health personnel responsibilities as defined
677 in Section 408.809, FS.
678

- 679 1. Felony offenses contained in Chapter 408, F.S.
680 2. Offers service or skilled service without valid license when licensure is required, or
681 knowingly files a false or misleading license renewal application, or submits false or
682 misleading information related to application.
683 3. Medicaid provider fraud.
684 4. Medicaid fraud.
685 5. Attempts, solicitation, and conspiracy to commit an offense listed in this section.
686 6. Fraudulent Acts through mail, wire, radio, electromagnetic, photo electronic, or photo
687 optical systems.
688 7. False and fraudulent insurance claims.
689 8. Obtaining goods by using a 236 false or expired credit card or other credit device, if the
690 offense was a felony.
691 9. Fraudulently obtaining goods or services from a health care provider.
692 10. Patient brokering.
693 11. Criminal use of personal identification information.
694 12. Obtaining a credit card through fraudulent means.
695 13. Fraudulent use of credit cards, if the offense was a felony.
696 14. Forgery.
697 15. Uttering forged instruments,
698 16. Forging bank bills, checks, drafts, or promissory notes.
699 17. Uttering forged bank bills, checks, drafts, or promissory notes.
700 18. Fraud in obtaining medicinal drugs.
701 19. Sale, manufacture, delivery or possession with the intent to sell, manufacture, deliver any
702 counterfeit controlled substance, if the offense was a felony.
703 20. Racketeering and collection of unlawful debts.
704 21. The Florida Money 263 Laundering Act.
705

706 a Exhibit C may be automatically amended from time to time to reflect those disqualifying
707 offenses in F.S 435.04.
708