

TO: ALL COUNTY PERSONNEL

**FROM: VERDENIA C. BAKER
COUNTY ADMINISTRATOR**

PREPARED BY: FACILITIES DEVELOPMENT & OPERATIONS (FDO)

SUBJECT: CRIMINAL HISTORY RECORD CHECKS

PPM #: CW-L-044

ISSUE DATE
May 1, 2019

EFFECTIVE DATE
May 1, 2019

PURPOSE:

To increase the safety and security of facilities owned, operated, or leased by Palm Beach County.

UPDATES:

Future updates to this PPM are the responsibility of the Director of FDO.

AUTHORITY:

- United States Department of Justice, Federal Bureau of Investigations, Criminal Justice Information Services (CJIS) Security Policy, Version 5.2, as may be amended.
- Florida Statute, Section 125.5801, Criminal History Record Checks for Certain County Employees and Appointees, as may be amended.
- Sections 2-371 through 2-377, Palm Beach County Code, as may be amended.
- County Resolutions No. R2013-1470 and R2015-0572, as may be amended.
- CW-L-041, Access System, as may be amended.

DEFINITIONS:

Access Section: A section within the Electronic Services and Security Division who is responsible to program access rights on County issued badges.

AFIS: Automated Fingerprint Identification System, the system for computerized fingerprint searches.

Applicant: A person who applies for a criminal history records check.

Criminal Justice Information (CJI): 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 (CJI) Facility: Any facility owned, operated or leased by the County that has been determined by Resolution of the Board of County Commissioners to be critical to security or public safety, as listed in Exhibit B of Resolution No. R-2013-1470, as amended.

County: Board of County Commissioners of Palm Beach County and its authorized representatives.

Criminal History Record Check (CHRC): A fingerprint-based state and national criminal history record check.

Critical Facility: Any facility owned, operated or leased by the County that has been determined by Resolution to be critical to security or public safety, as listed in Exhibit A of Resolution No. R-2015-0572, as amended.

Contractor: Any person not employed by the County who provides or delivers goods or services for, to or on behalf of the County. This shall include, but not be limited to, employees and subcontractors of contractors, 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.

Disqualifying Criminal Offense for CJI Facilities: Any criminal offense listed in Appendix B of Resolution No. R-2013-1470.

Disqualifying Criminal Offense for Critical Facilities: A conviction or plea of nolo contendere or guilty to any of the criminal offenses listed in Appendix A of Resolution No. R-2015-0572, as amended. Any conviction for which a full pardon has been granted or for which a person has had his or her civil rights restored shall not be considered a disqualifying criminal offense.

ESS: The Electronic Services and Security Division of the Facilities Development and Operations Department.

Florida Department of Law Enforcement (FDLE): The Florida agency created by Section 20.201, F.S., as amended which serves as the central repository of criminal justice information for the State of Florida and operates under the authority of Section 943.05, F.S. and Chapter 11C, Florida Administrative Code (FAC), as amended.

Live Scan: Scanning fingerprints electronically and reading them into a computer for transmission - instead of using ink and fingerprint cards.

Ordinance Palm Beach County Code, Section 2-371 – 2-377, as may be amended.

PBSO: Palm Beach County Sheriff's Office

Project Manager (PM): County or agency employee (includes persons of Constitutional Offices, Department Heads, State Agencies or any other occupant of a County Building) with responsibility

for development of procurement, project scope, and specifications, field implementation or acceptance of goods/services.

Resolution: Resolution No. R2013-1470 and R2015-0572, as may be amended.

State Attorney's Office: the State Attorney of the 15th Judicial Circuit.

Volunteer: Any person who is providing or donating goods or services for, to, or on behalf of the County for any local government, State or Federal agency or office.

POLICY:

All Contractors shall be fingerprinted for a Criminal History Record Check before beginning to perform duties without an escort at Critical Facilities and CJI Facilities, as defined in Resolution No. R-2013-1470 and R-2015-0572. Only persons without any disqualifying offense applicable to either a Critical or CJI Facility will be granted unescorted access to a critical facility. Persons with disqualifying offenses may be denied access.

APPLICATION

This PPM shall apply to any Contractor who requires access to a Critical or CJI Facility.

This PPM shall not apply to:

1. Local, State and Federal government employees and persons employed by any mail, courier, postal, or similar delivery service;
2. Contractors 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 of other federal regulation establishing criminal history record check requirements for public use airports;
3. Contractors subject to and in compliance with the criminal history records check requirements for access to CJI Facilities if the access requirement is for Critical Facilities;
4. Contractors subject to and in compliance with the criminal history records check requirements of any other federal, state, or local law, which is equal to or more stringent than the requirements of the Ordinance;
5. Contractors as 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

6. The person is a volunteer to PBSO, Palm Beach County State Attorney's Office or the Clerk & Comptroller of Palm Beach County's Office and the access requirement is for Critical Facilities.

RESPONSIBILITIES AND PROCEDURES:

I. Responsibilities of Constitutional Offices and County Departments:

To assist all Constitutional Offices or County Department in meeting the requirements of County Code, Section 2-371 – 2-377, FDO has posted all necessary CHRC materials under the Intranet, Facilities Development & Operations forms page. ESS is responsible for all updates to the documents listed under the CHRC section of that intranet page.

Should any escort plan need to be requested for a Critical Facility or CJI Facility, the Project Facility Access Plan Request form should be completed and submitted to FDO-ESS-Security@pbcgov.org. This form can be found on the Intranet page under the Facilities Development & Operations forms page.

For Contractors procured by PBSO or the State Attorney's Office directly, the CHRC will be performed by PBSO directly and ESS will have no involvement.

A. Critical Facilities

1. Any PM that determines there is a need for escorted access must notify ESS in writing and a supplemental escort plan for ensuring that all Contractors will be escorted when in the Critical Facilities with approval of ESS.
2. All Contractors must be fingerprinted via a CHRC. The PM shall inform FD&O or the Purchasing Department, whichever is applicable, that a Contractor must perform all or a portion of his duties within one or more Critical Facilities. Based upon this information, FD&O, Fire Rescue, Department of Airports or Purchasing (as applicable) shall include necessary language in the procurement document that advises the Contractor of the Ordinance. The fingerprint and CHRC process must be complete prior to commencement of work.
3. The PM shall arrange with Access Section to perform a CHRC for the Contractors by completing the contractor and project information sheet (forms are available on the website) and submitting same to Access Section.
4. If the Contractor will also need an access-card for entry into a building or area within a building that is secured with an electronic card-access system, the PM may also simultaneously submit an access-card request form to the Access Section, per PPM CW-L-041.
5. The PM shall also be responsible for notifying the Contractor that a request was submitted for unescorted access and how to obtain the CHRC. The PM will:

- a. Explain that the Contractor must bring a government issued photo ID (e.g. drivers license; passport etc.);
- b. Instruct the Contractor to call the Access Section (at 233-0750) for a photograph and fingerprint appointment.
- c. Advise that all minors shall be accompanied by their parent or legal guardian at the time of the CHRC appointment and will be required to give consent of their minor to the level two background check by signing the application, next to the minors' signature.

B. CJI Facilities

1. Any Constitutional PM that determines there is a need for escorted access must notify ESS in writing and a supplemental escort plan for ensuring that all Contractors will be escorted when in the CJI facilities. Depending on the layout of the building and departmental operation, it may be possible for a County or State employee or other cleared personnel to escort Contractor to the equipment, resume work while they are repairing the equipment, and then return to escort them out of the building. The supplemental plan must be approved by ESS in advance of the access.
2. All employees and Contractors must be fingerprinted via a CHRC. For Contractors, the PM shall complete the Contractor and Project Information form and submit to ESS/Access section.
3. The PM shall inform FD&O or the Purchasing Department, whichever is applicable, that a Contractor must perform all or a portion of his duties within one or more CJI site(s). Based upon this information, FD&O, Fire Rescue, Department of Airports, or Purchasing (as applicable) shall include necessary language in the procurement document that advises the Contractor of the Ordinance. The fingerprint and CJI process must be complete prior to commencement of work.
4. PM shall arrange with Access Section to perform a CHRC for the Contractors by completing the Contractor and project information sheet (forms are available on the website) submitting same to Access Section.
5. If the Contractor will also need an access-card for entry into a building or area within the facility that is secured with an electronic card-access system, the PM may also simultaneously submit an access-card request form to the Access Section, per PPM CW-L-041.
6. The PM shall also be responsible for notifying the Contractor that a request was submitted for unescorted access and how to obtain the CJI clearance. The PM will:
 - a. Provide each Contractor with an instruction packet;
 - b. Explain that the Contractor must bring a government issued picture ID (e.g. drivers license; passport etc.);

- c. Instruct the Contractor to phone the Access Section (at 233-0750) for an appointment to be fingerprinted and photographed.
- d. Advise that all minors shall be accompanied by their parent or legal guardian at the time of the CHRC appointment and will be required to give consent of their minor to the level two background check by signing the application, next to the minors' signature.
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II. Responsibilities of Occupants of Designated County Buildings:

County employees and other Contractors should telephone the ESS/Security Section (at the GCC Security Desk 355-3575) immediately if they see any Contractor, who does not have a current identification badge, working unescorted in any Critical Facility.

All reports will be followed up by the ESS/Security Section with the situation and when necessary, will take the appropriate steps to contact law enforcement officers. Further follow-up to Department Directors or Constitutional Offices will be undertaken for any unauthorized Contractors found to be working in Critical or CJI Facilities.



VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History:

1. PPM CW-O-044, effective 2/25/2014
2. PPM CW-O-044, effective 9/24/2003