

ORDINANCE NO. C-23-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING STATE AND FEDERAL CRIMINAL HISTORY SCREENING CHECKS FOR CERTAIN PROSPECTIVE CITY EMPLOYEES, SPECIFIED PRESENT CITY EMPLOYEES, APPOINTEES, AND PRIVATE CONTRACTORS OR VENDORS WHO HAVE ACCESS TO CITY FACILITIES THAT ARE CRITICAL TO SECURITY OR PUBLIC SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND REPEAL; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, F.S.S. 166.0442(1)(a) provides that a municipality may require, by ordinance, state and national criminal history screening for any position of municipal employment or appointment, whether paid, unpaid, or contractual, which the governing body of the municipality finds is critical to security or public safety; and

WHEREAS, F.S.S. 166.0442(2) mandates that the ordinance require each person applying for, or continuing employment or appointment in, any such position of security or public safety, applying for initial or continuing licensing or regulation, of having such contact or access be fingerprinted; and

WHEREAS, F.S.S. 166.0442(2) further requires that the fingerprints be submitted to the Florida Department of Law Enforcement for state criminal history record checks or to the Federal Bureau of Investigation for a national criminal history record check; and

WHEREAS, F.S.S. 166.0442(2) allows for the information obtained from the criminal history record checks conducted pursuant to ordinance to be used by the municipality to determine a person's eligibility for such employment or appointment and to determine a person's eligibility for continued employment or appointment; and

WHEREAS, each individual applying for city employment, or who is presently employed by the city, in a position then deemed to be critical to security or to public safety, can be denied employment or if already employed, such employment can be terminated, if the individual has been or is convicted of any federal or state crime, a conviction of which need not be related to the respective position of employment or appointment; and

WHEREAS, the city commission has determined that it desires to ensure the protection of health, safety, and welfare of its citizens and guests, by providing appropriate

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background screening of its candidates for employment or appointment, whether paid or unpaid, or contractual which are critical to security and public safety, and for those individual to continue employment or appointment thereof; and

WHEREAS, the city commission is cognizant of the provisions of F.S. Chapter 435 as it pertains to Level 1 and 2 screenings, has determined that city employees who hold positions that implicate the security and/or safety of the public shall as a condition of continued employment undergo periodic appropriate and applicable background checks, and

WHEREAS, the city commission desires to implement the provisions of F.S.S. 166.0442 by providing for a system of fingerprint screening in order to protect the health, safety, and welfare of the citizens and guests of the city.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Screening of employees, appointees, contractor, and vendors.

- A. Screening is hereby required for any position of city employment or appointment which is critical to security or public safety, or for any private contractor, or any employee or subcontractor of any contractor, or vendor, who has access to any public facility or publicly operated facility that is critical to security or public safety, as determined by the city manager.
- B. Each person who applies and is extended a conditional offer of employment for, or continuing employment in, any position that is critical to security or public safety, and any person who is a private contractor, employee or subcontractor of a private contractor, or a vendor having access to any such facility shall be fingerprinted as determined by the city manager.
- C. The fingerprints obtained pursuant to this Section shall be submitted to the Florida Department of Law Enforcement for state criminal history records check or the Federal Bureau of Investigation for national criminal history records check.
- D. The information obtained from the criminal history records check conducted pursuant to this Section may be used by the city to determine an applicant's eligibility for employment or appointment, to determine an employee's eligibility for continued employment or appointment, or to determine a person's access to a facility under the control of the city.

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- E. Any other background screening, including, but not limited to, criminal history background checks, which the city may lawfully undertake are not prohibited or restrained by the operation of this Ordinance.

SECTION 3. Implementation.

- A. The city manager or their designee is hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance.
- B. The city manager or their designee is hereby authorized to adopt administrative rules and policies that are deemed necessary and appropriate to implement the provisions of this Ordinance and to provide for the appropriate background screenings of employees and candidates for employment or appointment which is critical to security or public safety, or for any private contractor, employee or subcontractor of a private contractor, or vendor who has access to any public facility or publicly operated facility that is critical to security or public safety.
- C. This Ordinance shall be implemented in harmony with any existing collective bargaining agreements.

SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS. The city intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the city manager, or his designee, without the need for a public hearing.

SECTION 5. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this ___ day of _____, 2023.

PASSED SECOND READING this ___ day of _____, 2023.

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Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN