

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE SUBCHAPTER OF CHAPTER 33 OF THE CODE OF ORDINANCES TITLED "CITY EMPLOYEES," UNDER "GENERAL PROVISIONS," TO CREATE A NEW SECTION 33.005 TO BE TITLED "STATE AND NATIONAL CRIMINAL HISTORY CHECKS FOR CERTAIN MUNICIPAL EMPLOYEES" TO CODIFY REQUIREMENTS FOR CRIMINAL HISTORY RECORDS FOR PERSONNEL IN THE DEPARTMENT OF FIRE RESCUE AND BEACH SAFETY; TO CODIFY THE REQUIREMENT FOR CRIMINAL HISTORY RECORDS CHECKS FOR CERTAIN MUNICIPAL EMPLOYEES AND APPOINTEES; PROVIDING FOR SEVERABILITY AND CODIFICATION.

WHEREAS, it is common practice, appropriate, and proper to require general background checks for prospective City employees; and

WHEREAS, the City currently conducts background checks for firefighter personnel through the Florida Department of Law Enforcement's ("FDLE") Civil Workflow Control System ("CWCS"), which enables the City to conduct fingerprint-based State and national criminal history records checks under the authority of § 633.412, Florida Statutes; and

WHEREAS, the Federal Bureau of Investigation ("FBI") has advised FDLE that the City will no longer be authorized to submit applicants under the authority of §633.412, Florida Statutes, effective May 1, 2023; and

WHEREAS, the City desires to continue its current level of background screening for personnel in the Department of Fire Rescue and Beach Safety; and

WHEREAS, §166.0442, Florida Statutes, provides authority to conduct such screening; and

WHEREAS, §166.0442, Florida Statutes, authorizes municipalities, by ordinance, to require criminal history records checks for any position of municipal employment or appointment, whether paid, unpaid, or contractual, which the governing body of the municipality find is critical to security or public safety; and

Underlined text are additions to existing text; ~~struck through~~ text has been removed from existing text.

WHEREAS, §166.0442, Florida Statutes, further requires that criminal history record checks include fingerprinting the applicants and having the individual's fingerprints submitted to FDLE for a State criminal history record check, which are then forwarded by FDLE to the FBI for a national criminal history record check; and

WHEREAS, considering the City's past practice and continuing need to require background screening for prospective employees and certain individuals, it is appropriate for the City to require criminal history record checks for the personnel in the Department of Fire Rescue and Beach Safety as authorized by §166.0442(1), Florida Statutes; and

WHEREAS, the City Commission has determined it is in the best interest of the City and serves a valid public purpose to require State and national criminal history record checks for such personnel as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 33, titled City Employees, under General Provisions of the Code of Ordinances, is hereby amended to create a new section 33.005 to be titled "State and National Criminal History Checks for Certain Municipal Employees", which shall read as follows:

### TITLE III: ADMINISTRATION

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### CHAPTER 33: CITY EMPLOYEES

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### GENERAL PROVISIONS

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#### § 33.005 STATE AND NATIONAL CRIMINAL HISTORY CHECKS FOR CERTAIN MUNICIPAL EMPLOYEES.

(a) Pursuant to §166.0442, Florida Statutes, as amended from time to time, State and national criminal history record checks shall be required for personnel in the Department of Fire Rescue and Beach Safety.

(b) All prospective personnel in the Department of Fire Rescue and Beach Safety shall be required to authorize the City to conduct all appropriate background screening procedures as a condition of employment with the City, including but not limited to obtaining fingerprints.

(c) Fingerprints obtained pursuant to § 166.442, Florida Statutes, shall be submitted to FDLE for State criminal history records checks, which shall be forwarded by FDLE to the FBI for national criminal history records checks, or as in accordance with FDLE and FBI procedures, as amended from time to time.

(d) The information obtained for each criminal history record check conducted under this section shall be used to determine a person's eligibility for employment and eligibility for continued employment.

(e) This section is not intended to preempt or prevent any other background screening, including but not limited to criminal history background checks that the City may lawfully undertake.

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Section 3: That it is the intention of the City Commission that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of the Code may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE SUBCHAPTER OF CHAPTER 33 OF THE CODE OF ORDINANCES TITLED "CITY EMPLOYEES," UNDER "GENERAL PROVISIONS."

ADVERTISED on \_\_\_\_\_, 2023.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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JOSH LEVY, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM:

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DOUGLAS R. GONZALES  
CITY ATTORNEY