



## Legislation Details (With Text)

|                      |   |                      |                                 |              |  |
|----------------------|---|----------------------|---------------------------------|--------------|--|
| <b>File #:</b>       | PO-2023-05  | <b>Version:</b>      | 1                               | <b>Name:</b> | Ord -State & National Criminal Checks for Firefighters |
| <b>Type:</b>         | Ordinance   | <b>Status:</b>       | Passed                          |              |  |
| <b>File created:</b> | 3/23/2023   | <b>In control:</b>   | Regular City Commission Meeting |              |  |
| <b>On agenda:</b>    | 5/3/2023  | <b>Final action:</b> | 5/3/2023                        |              |  |
| <b>Title:</b>        | 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. |                      |                                 |              |  |

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Ord 2023- State and National Criminal History checks for Firefighters.pdf, 2. Florida Statutes regarding Firefighter Criminal History Records Checks.pdf

| Date      | Ver. | Action By                       | Action                            | Result |
|-----------|------|---------------------------------|-----------------------------------|--------|
| 5/3/2023  | 1    | Regular City Commission Meeting | adopt on second and final reading | Pass   |
| 4/19/2023 | 1    | Regular City Commission Meeting | adopt on first reading            | Pass   |

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.

*Employee Development & Empowerment*

Staff Recommends: Approval of the attached Ordinance.

### Explanation:

### SECOND READING:

No changes since first reading.

### FIRST READING:

The City of Hollywood currently conducts background checks for firefighter personnel through the Florida Department of Law Enforcement's ("FDLE") Civil Workflow Control System, which enables the City to conduct fingerprint-based State and national criminal history record checks under the authority of Florida Statute Section 633.412. The Federal Bureau of Investigation ("FBI") has advised FDLE that the City will no longer be authorized to submit applicants under the authority of Florida Statute Section 633.412 effective May 1, 2023.

The City desires to continue its current level of background screening for personnel in the Department of Fire Rescue and Beach Safety. Florida Statute Section 166.0442 provides authority to conduct such screening. Florida Statute Section 166.0442 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 finds is critical to security or public safety.

Florida Statute Section 166.0442 requires that criminal history record checks include fingerprinting the applicable individuals, and having the individuals' fingerprints submitted to FDLE for State criminal history record check, which are then forwarded by FDLE to the FBI for a national criminal history check. 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 Florida Statute 166.0442.

**Fiscal Impact:**

Approval of this Ordinance will not fiscally impact the City.

**Recommended for inclusion on the agenda by:**

Tami Thornton, Assistant Human Resources Director

Tammie L. Hechler, Director of Human Resources

George R. Keller, Jr., CPPT, City Manager