

BCC Mtg. Date: February 21, 2023

Effective Date: February 23, 2023

ORDINANCE NO. 2023-07

**AN ORDINANCE RELATING TO CRIMINAL HISTORY
SCREENING FOR CERTAIN COUNTY EMPLOYEES,
APPOINTEES, AND CONTRACTORS; AMENDING
ARTICLE I OF CHAPTER 2 OF THE ORANGE COUNTY
CODE OF ORDINANCES TO REQUIRE CERTAIN
EMPLOYEES, APPOINTEES, AND INDIVIDUALS
SEEKING EMPLOYMENT OR CONTRACTING WITH THE
COUNTY TO SUBMIT TO STATE AND NATIONAL
CRIMINAL HISTORY SCREENING AND
FINGERPRINTING; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Orange County Board of County Commissioners (“BCC”) believes that it is sound public policy and critically important for the safety and welfare of the citizens of Orange County that heightened criminal history screening procedures exist for certain employees, and individuals seeking employment with or contracting with the County; and

WHEREAS, pursuant to section 125.5801, Florida Statutes, the County may require, by ordinance, state and national criminal history screenings for any position of County employment or appointment, private contractor, employee of a private contractor, vendor, repair person, for-hire chauffeur, or delivery person who has direct contact with individual members of the public or access to any public facility or publicly operated facility in such a manner or to such an extent that the governing body of the County finds that preventing unsuitable persons from having such contact or access is critical to security or public safety; and

WHEREAS, in order to conduct such heightened criminal history screenings, it is necessary to submit fingerprints to the Florida Department of Law Enforcement (“FDLE”), Florida Department of Children and Families, and to the Federal Bureau of Investigation (“FBI”); and

WHEREAS, submitting fingerprints for criminal history screening and retrieving the results of said screening requires the County to have an Originating Agency Identification (“ORI”) number issued by the FBI, which number may only be issued after adoption of an ordinance by the BCC; and

WHEREAS, the BCC finds that requiring heightened criminal history screenings for certain employees or appointees, and individuals having direct contact with or access to public facilities or publicly operated facilities is critical to the security and public safety of the County and is not against public policy; and

WHEREAS, the BCC desires to require such heightened screenings as set forth herein for certain county contractors and their employees, as well as for vendors, repair-persons, for-hire chauffeurs, and delivery persons as set forth herein.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY, FLORIDA:**

Section 1. Enactment of New Section 2-5, Required Criminal History Screenings.

Article I of Chapter 2, Administration, of the Orange County Code of Ordinances is hereby enacted to read as follows:

Sec. 2-5. Required criminal history screenings.

(a) Pursuant to section 125.5801, Florida Statutes, as may be amended, the County shall require criminal history screening for:

(1) Any position of employment or appointment within the County which the County finds is critical to security or public safety;

(2) Any private contractor, employee of a private contractor, vendor, repair person, for-hire chauffeur, or delivery person who has direct contact with individual members of the public or access to any public facility or publicly operated facility in such a manner or to such an extent that the County finds that preventing unsuitable persons from having such contact or access is critical to security or public safety.

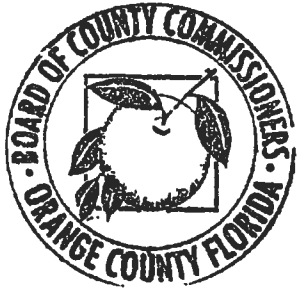
(b) Each person applying for or continuing employment or appointment in any such position, or having access to any such facility shall also be required to be fingerprinted. The fingerprints shall be submitted to the Florida Department of Law Enforcement for a state criminal history record check and/or to the Federal Bureau of Investigation for a national criminal history record check.

(c) The information obtained from the criminal history record checks conducted pursuant to this section may be used by the County to determine an applicant's eligibility for employment or appointment and to determine an employee's eligibility for continued employment.

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

Section 2. Effective date. This ordinance shall take effect pursuant to general law.

ADOPTED THIS 21ST DAY OF FEBRUARY, 2023.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Terrijo Ann Kinney*
Deputy Clerk