



COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, County Attorney

201 South Rosalind Avenue ■ 3rd Floor
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 ■ Fax 407-836-5888
<http://www.ocfl.net>

Deputy County Attorney

Joel D. Prinsell

Senior Assistant County Attorneys

Elaine M. Asad

Lila McHenry

Assistant County Attorneys

Andrea A. Adibe

Roberta Alfonso

Cristina T. Berrios

Anthony Cotter

Whitney E. Evers

Wanzo Galloway, Jr.

Erin E. Hartigan

Georgiana Holmes

Katherine W. Latorre

Scott McHenry

Sawsan Mohiuddin

Scott Shevenell

William Turner

Legal Administrative Supervisor

Anna M. Caban

Senior Paralegal
Kimberly Cundiff

Paralegals
Melessia Lofgren
Maria Vargas, ACP

MEMORANDUM

TO: Mayor Teresa Jacobs
and
Board of County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*
Sawsan Mohiuddin, Assistant County Attorney *SM*

DATE: August 28, 2017

SUBJECT: **Consent Agenda Item for the Board Meeting on
September 12, 2017**
*Proposed Revised Administrative Regulation 2.12.08, titled
"Automobile Liability Insurance"*

Attached for your review is a proposed revisions to Administrative Regulation 2.12.08.

I. EXPLANATION & SUMMARY OF PROPOSED REGULATION:

At the request of the Orange County Administrator's Office, the attached regulation was reviewed in depth and revisions were made to ensure that the regulation is consistent with current practices and procedures.

It is my intent to place the proposal on the September 12, 2017, Consent Agenda for approval by the Board of County Commissioners. Please advise me of any questions, comments, or modifications you may wish to make prior to that meeting.

II ACTION REQUESTED:

Approval of proposed revisions to Administrative Regulation 2.12.08, titled
"Automobile Liability Insurance."


AMC

Attachment

cc: Ajit Lalchandani, County Administrator
Eric Gassman, Chief Accountability Officer

PROPOSED REVISION

06/06/17

 ORANGE COUNTY ADMINISTRATIVE REGULATIONS	No.: 2.12.08
	Date: 05/02/88
	Approved By: BCC Revised: 6/27/06
Title: AUTOMOBILE LIABILITY INSURANCE	Page 1 of 2

I. POLICY

The County will provide Automobile Liability coverage and Automobile Physical Damage coverage on owned, replacement, hired or borrowed automobiles and trucks. Coverage will be provided in accordance with Interlocal Risk Management and Self-Insuring Agreement, applicable insurance policies, ordinances, statutes, and applicable case law for all County departments, agencies and others.

All County employees who operate a vehicle in the process of conducting County business are required to attend a driver education training class, in accordance with Administrative Regulation 2.12.03.

II. PROCEDURES

A. County Owned and Leased Vehicles

The Interlocal Risk Management and Self-Insuring Agreement provides protection for County employees as well as other covered agencies for bodily injury or property damage while the insured is on official business. There is an internal deductible on damage to County owned and leased vehicles as outlined in the Interlocal Risk Management and Self-Insuring Agreement.

B. Rental Vehicles

1. Automobiles rented by an employee should be rented in the County's name with the employee's name following for the County's liability to apply.
2. The Collision Damage Waiver (CDW), Lost Damage Waiver (LDW), Personal Accident Insurance (PAI), or other coverage shall be declined by the employee. Employees are covered for this exposure under the Worker's Compensation Law and the County's liability coverage.
3. The rental contract should be read very carefully with respect to restrictions.



ORANGE COUNTY ADMINISTRATIVE REGULATIONS

No.: 2.12.08

Page 2 of 2

Often, the contract will allow only the renter to drive. Failure to follow the rules can void any insurance provided.

4. The rental automobile will be used for official County business only.

C. Personal Automobiles

1. Employees who are required or elect to use their personal vehicles to conduct official County business are not covered for property damage to their vehicle by the County's Risk Management Program. The employee's automobile liability coverage is primary and any excess liability coverage is covered under the County's Risk Management Program for property damage or bodily injury caused to another during the performance of their job. liability insurance.
2. Employees that use their personal vehicles for official County business shall ~~should~~ have automobile liability coverage to adequate limits. Adequate limits shall ~~should~~ be no less than ~~\$100,000~~ \$10,000 per person, \$20,000 per accident for bodily injury and \$10,000 for property damage. Combined Single Limit (CSL) or its equivalent.

- D. The procedures for filing automobile liability claims are outlined in the Safety and Health Manual.

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Interlocal Risk Management and Self-Insuring Agreement; F.S. Ch. 627



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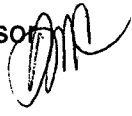
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ADMINISTRATIVE REGULATIONS

CHANGE 41

MEMORANDUM

To: All Administrative Regulations

From: Anna M. Caban, Legal Administrative Supervisor
County Attorney's Office 

Date: September 25, 2017

Subject: Revised Administrative Regulation 2.12.08

The following listed and attached revisions and corrections are forwarded to you for inclusion in Orange County's Administrative Regulations:

- Attachment 1:** Revised Table of Contents, prepared to properly reflect all revisions to date.
- Attachment 2:** Revised Administrative Regulations 2.12.08, titled "Automobile Liability Insurance."

Please insert the updated Table of Contents and revised Administrative Regulations in your copy of the Orange County Administrative Regulations.

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ORANGE COUNTY ADMINISTRATIVE REGULATIONS

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ORANGE COUNTY ADMINISTRATIVE REGULATIONS

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ORANGE COUNTY ADMINISTRATIVE REGULATIONS

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* Refer to Orange County Policy Manual



ORANGE COUNTY ADMINISTRATIVE REGULATIONS

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ADMINISTRATION

2.02 ACTING COUNTY ADMINISTRATOR

I. POLICY

Absence or Disabilities. The County Mayor may designate a qualified County administrative officer or County employee to exercise the powers and perform the duties of the County Administrator during the County Administrator's absence or disability. If there is a vacancy in both the office of County Mayor and the County Administrator, the Board shall designate by resolution a qualified person to perform the duties of County Administrator.

II. PROCEDURES

A. In the event the County Administrator must be away from his/her office for a temporary period, a Deputy County Administrator shall assume the duties and responsibilities of that office.

B. If the County Administrator is to be absent for any extended period of time he/she shall notify the County Mayor of his/her absence.

C. In the event of a vacancy in the office of County Administrator, the County Mayor shall designate an interim County Administrator and proceed to fill the vacancy in accordance with Section 303 of the County Charter.

FOR MORE INFORMATION CONTACT: County Administrator's Office

REFERENCE: County Charter, Section U303B

APPROVED: 2/16/87

REVISED: 11/19/90; 6/27/06

2.03 ACTING DEPARTMENT DIRECTORS AND DIVISION MANAGERS

I. POLICY

Each Department Director and Division Manager shall designate, subject to the approval of the County Administrator, a qualified County administrative officer or County employee to exercise the powers and perform the duties of his/her office during the Director's or Manager's temporary absence or disability.

II. PROCEDURES

A. Each designated Acting Department Director or Acting Division Manager shall be notified of his/her assignment in writing with a copy to the County Administrator's Office and Human Resources Division.

B. When such designation is no longer valid, the designee shall be notified and copies forwarded as described in paragraph A above.

C. When a Department Director is to be away from his/her place of employment due to conferences, training, vacation, etc., he/she is to seek prior permission from the County Administrator's Office. Such permission should be sought in writing for absences of any extended periods.

D. It shall be the responsibility of each Department Director to establish and administer procedures for absence notifications for each Division Manager and other designated staff.

FOR MORE INFORMATION CONTACT: County Administrator's Office

REFERENCE: County Charter, Article IV, section 401, 402

APPROVED: 2/16/87

REVISED: 6/27/06

2.04 INTERGOVERNMENTAL RELATIONS

I. POLICY

A. County departments shall strive to cooperate with other governmental agencies in developing and implementing programs of benefit to the citizens of Orange County. Except for routine matters, the County Administrator or his designee shall initiate or give prior approval to such requests for assistance from other agencies.

B. Services can be rendered more efficiently and effectively when there is an element of coordination between governments. To that end, County departments shall ensure the County Administrator's Office is apprised of intergovernmental projects and requests.

C. Pursuant to Section 108 of the Orange County Charter, federal and state legislative policies and priorities are to be established by the Board of County Commissioners. Execution of that policy shall be conducted through the County Mayor's and County Administrator's Office. Unless specifically directed to do so by the County Administrator or as outlined as part of job duties and responsibilities, during the course of a staff member's professional duties, staff are to refrain from interacting with state and federal elected officials and lobbyists.

II. PROCEDURES

A. If a County employee is contacted by another governmental body with a request for assistance, the following steps should be taken:

1. Refer the request to the appropriate Division Manager.

2. The Division Manager may approve/deny a routine request for assistance without the recommendation of a Department Director, unless it is the policy of the department to have such determination made by the Department Director.

3. If a request is for service that is not normally provided, the Division Manager will forward the request along with a recommendation to the Department Director and the Director of Government Relations. The Department Director and Director of Government Relations will evaluate the request and make a recommendation to the County Administrator. The County Administrator will approve/deny the recommendation or refer to the Board of County Commissioners as appropriate.

B. Employees shall follow the procedure outlined in subsection A1 - A3 above prior to making a formal or informal request for assistance from any other governmental body.

C. Each Department Director shall assign at least two individuals to serve as liaisons to the County Mayor's legislative staff for the purpose of providing advice and information on state and federal initiatives and legislation.

FOR MORE INFORMATION CONTACT: County Administrator's Office

REFERENCE: Section 108, Orange County Charter

APPROVED: 6/27/06

Administration 2 (09/19/17)

2.05 ISSUANCE AND CONTROL OF FORMS

I. POLICY

Orange County Graphics (Graphics) is charged with the responsibility of printing and maintaining the master files for all forms not on the intranet/internet that may be used by departments/divisions for distribution by Orange County. Divisions may contact Graphics to inquire about form numbers, (usually located in the bottom left corner, with the last revision date) and what their annual usage has been for all forms printed by Graphics. This policy applies to all departments under the jurisdiction of the Board of County Commissioners unless they are granted an exemption by the Communications Division Manager or designated staff.

II. PROCEDURES

A. New forms or revisions to old forms must be submitted along with a Request for Printing to Graphics. The new or revised form should be approved within the department or constitutional office prior to submittal to Graphics.

B. The revisions or new form will be returned to the requestor for approval prior to the form being printed.

C. When the requestor approves and signs the new or revised form, it is returned to Graphics for printing.

D. Graphics is responsible for maintaining files of all forms and masters.

E. Any form to be used for computer input must first be approved by the Information Systems and Services Division prior to submission to Graphics.

FOR MORE INFORMATION CONTACT: Graphics Section, Communication Division

REFERENCE: None

APPROVED: 2/16/87

REVISED: 6/27/06

2.05.01 PRINTING AND COPY CENTER SERVICES

I. POLICY

The Graphics Section (Graphics) of the

Communications Division exists to provide offset printing, short-run quick copy and other related services to all County agencies. Graphics has been charged with the responsibility of monitoring the cost effectiveness of in-house versus contracted services and for contracting out those services that cannot be provided more cost effectively by Graphics. Therefore, all projects requiring design, printing, or copying must be reviewed by Graphics to determine if the project can be performed in-house. If it is determined that the project can be printed by Graphics, a job number and an expected time of completion will be issued. If the project requires materials, a quality standard, or a deadline that is beyond the capabilities of Graphics, it will provide the requesting department or division with quotes from three qualified vendors. The requesting agency will pay for the project with funds from its accounting line. The requestor is responsible for creating a purchase order if necessary and the requestor's fiscal office will process payment by purchase order or purchasing card.

Departments and divisions under the Board of County Commissioners (BCC) are required to follow the policy outlined above or receive a specific exemption from the Communications Division Manager. Elected Officials and other County agencies are strongly encouraged to use Graphics for their design and printing needs.

II. PROCEDURES

A. *Printing.* County agencies desiring to utilize the services of Graphics shall adhere to the following procedures:

1. Permanent, new and/or revised forms must be requested on a Request for New/Revised Form which must be approved by Graphics prior to printing. Exceptions are made for minor changes such as change in telephone numbers, misspellings, and typographical errors. For public informational brochures and other publications, refer to Regulation 5.02.01.

2. Request forms are to be submitted to Graphics for all printing requests and orders for pre-printed stock forms in the following manner:

- a. Requests are to be sent through the interoffice mail system, or hand carried to Graphics. Requested forms should be typed and all information blanks filled in accordingly with the organizational number and signature of authorized personnel.

- b. Authorized personnel can be anyone with designated authority to purchase or encumber agency funds.
- c. When completed work is delivered to or picked up by the requesting department, division, or agency, the receiving personnel should check the order(s), sign and date the delivery ticket in the spaces provided. The yellow copy will be given to the individual and he/she should forward that copy to their department's fiscal personnel to be retained for their records.
- d. Graphics retains forms, masters and information on usage factors, probable revisions, and time lapses between orders.

3. Graphics has the authority to establish both initial and re-order quantities. Unusual circumstances requiring more than normal form quantities must be justified or explained.

B. *Copy Center.* County agencies desiring to utilize the services of the Copy Center shall adhere to the following procedures:

1. All work to be reproduced at the Copy Center must be submitted with a Request for Copy Center Service form filled out legibly and completely. A request form must be submitted for each original or set of originals.

2. The following "housekeeping" rules apply to work submitted to the Copy Center: all staples or bindings must be removed, folded documents must be straightened, multi-page originals must be face up and in proper sequence, and clear instructions as to processing must be indicated on the Request for Copy Center Service Form.

3. The yellow copy of the Copy Center's service form will be returned to the requesting person with the completed work and should be handled in the same manner as item c above.

C. *Billing.* All users of Graphics will be billed for their services in accordance with the following procedures:

1. User agencies will be billed via the indirect cost plan.

2. All non-BCC departments grants and non-county agencies will be invoiced for payment.

FOR MORE INFORMATION CONTACT: Graphics Section, Communications Division

REFERENCE: Administrative Regulation 5.02.01

APPROVED: 9/18/89

REVISED: 6/27/06

2.06 PUBLIC RECORDS

I. POLICY

Orange County adopts Chapter 119, Florida Statutes, hereinafter referred to as the "Public Records Law," including all exemptions provided in the Florida Statutes, as presently enacted and, hereafter amended, and as may be construed by the courts and Attorney General, as the County's policy regarding the public's right to inspect and copy public records. Pursuant to section 119.011(12), Florida Statutes, "public records means all documents, papers, letters, books, maps, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law [or Orange County Code] or in connection with the transaction of official business by any agency." The term "public records" is not limited to traditional written documents.

It is the policy of Orange County that all public records shall be open for inspection by any person at any reasonable time and under reasonable conditions as provided by Section 119.07(1)(a), Florida Statutes. No person shall be required to show his/her purpose or special interest as a condition to inspect public records. A request for public records may be made verbally or in writing.

Each official and employee is the custodian of his or her own public records, including any public records created or existing on the official or employee's personal mobile device or other personal property, such as a computer. As a result, each official and employee is responsible for maintaining his or her own public records and complying with the Public Records Law.

II. PROCEDURES

A. Each and every department and division shall designate a records custodian who shall be responsible for the appropriate handling of all public records

requested from the department or division. The following departments or divisions shall be the official Orange County records custodians for the particular type or category of public records described below:

1. The Information Systems and Services (ISS) Division shall be the official records custodian for all telephone call records, transitory telephone messages, voicemail messages, electronic mail (e-mail), and other electronic messages sent to or from a County-issued land-line telephone or computer, or to or from a County-issued cellular phone or instant communication device (cumulatively, "mobile device"). The ISS Division is not the records custodian for telephone call records, telephone messages, voicemail messages, email, and other electronic messages sent to or from an official's or employee's personal devices or other equipment, including but not limited to, telephone, computer, or mobile device; the official or employee who owns and uses such a device to transact County business is the custodian of those records.

2. The Central Human Resources Division maintains the official human resource records of all Board of County Commissioners employees and shall be the official records custodian for employee records.

3. The Office of Management and Budget (OMB) Division maintains all budget and fiscal documents on behalf of the Board of County Commissioners and shall be the official records custodian for budget and fiscal information pertaining to County funds.

4. The Purchasing and Contracts Division maintains all procurement records, bid/RFP documents, and contracts of the Board of County Commissioners and shall be the official records custodian for information pertaining to purchase orders, contracts, and procurement information.

5. The Orange County Clerk to the Board of County Commissioners maintains the official records of the Board of County Commissioners and is considered to be the official records custodian of those documents.

6. Departments and Divisions maintain their own records and documents and shall be the official records custodians for their own public records.

B. Upon receipt of a request to review public records, the request shall immediately be forwarded to

the appropriate records custodian for handling. Request to review public records encompassing records maintained by a department or division not specifically addressed above shall be handled by the appropriate department/division records custodian. Upon receipt of a request to review public records, the Department Director or Division Manager and the County Attorney's Office shall be notified and the request shall immediately be forwarded to the designated records custodian for appropriate handling.

C. In situations involving potential or actual litigation, administrative proceedings, or any form of dispute, the County Attorney's Office shall be notified and will act as a liaison to coordinate the public records production, examination, or inspection with the opposing counsel or the adverse party and County staff. In addition, the custodian shall notify each employee who sent, received, or otherwise generated the requested records and the employee's department director or division manager.

D. All designated records custodians shall be responsible for becoming familiar with the Public Records Law and should attend continuing educational training regarding changes in the Public Records Law.

E. Records custodians shall honor all requests to inspect or examine public records (other than those exempted by Florida Statutes) at any reasonable time, under reasonable conditions and under the supervision of the records custodian or his/her designee.

F. If the records custodian is unavailable or no longer employed with the County, the department director or division manager shall be responsible for ensuring that the request to review public records is processed in a timely fashion.

G. In the event that the requestor desires copies of any documents, the affected custodian shall charge \$0.15 per page, \$0.20 per double-sided copy, or \$1.00 per certified copy, as may be amended from time to time in Section 119.07(4), Florida Statutes, and other charges as established in the County Fee Directory, as may be amended from time to time. For any records request that requires special equipment or paper (such as county maps or aerial photographs), the County division, department or office may charge an additional reasonable charge for the labor and overhead associated with the duplication. A special charge may be assessed, in addition to the actual costs of materials and supplies, when the nature or volume of the records requested

requires extensive use of information technology resources, extensive clerical or supervisory assistance by County personnel. "Information technology" shall be defined to include data processing hardware, software and services, communications, supplies, personnel, facility resources, maintenance, and training.

For the purpose of this Regulation, "extensive" shall mean that it will require more than 15 minutes to locate, review the records for confidential or exempt information, copy and re-file the requested material. Any special service charge shall be computed to the nearest quarter of an hour exceeding 15 minutes and shall be based on the midpoint of the current rate of pay for the pay grade of the person who performed the services, plus the benefit costs, and other charges, as established in the County Fee Directory, as may be amended from time to time. The special service charge, all other fees and charges authorized by the Public Records Law, will be coordinated with the Office of Management and Budget.

H. The designated records custodian shall be responsible for the verification that all fees and charges have been paid prior to the release of any copies.

I. Any specific information that is deemed or classified as confidential or exempt shall NOT be available for public inspection. Any specific information that is exempt from the Public Records Act may be redacted from the public record leaving the remainder of the record available for public access at the discretion of the record custodian or the County Attorney's Office. Regarding emails, custodians are entitled to rely on the information listed in the "Subject" line of an email to categorize an email as confidential, exempt, or nonexempt, unless the custodian has information to the contrary. Given the volume of emails that are transmitted on a daily basis, neither ISS nor the County Attorney's Office has a duty to independently assess each email to determine whether all or part of an email contains confidential or exempt information. The duty to protect confidential or exempt information rests with the employee sending, receiving, or otherwise generating the public record.

J. Should a request be received for any record statutorily exempt from public disclosure, the designated records custodian shall advise the requestor of the specific reason for denial including the statutory citation to the exemption created or afforded by the Florida Statutes.

K. Due to the exhaustive and ever-changing list of public records exempted from disclosure by the Florida Statutes, the designated records custodian should contact the County Attorney's Office regarding any questions concerning public records disclosure requests and related exemptions.

L. The Human Resources Division, in coordination with the Orange County Attorney's Office, shall provide to all new Orange County employees a public records disclosure overview during employee orientation.

M. Voicemail messages are intended to be brief, transitory messages instead of non-transitory messages (as more fully described and explained in Administrative Regulation 11.06,II,G), and therefore transitory voicemail messages need to be retained by an employee/official only until obsolete, superseded, or the administrative value is lost. Land-line voicemail messages shall not be retained by the ISS Division for longer than ten (10) days. In the event an employee/official receives a non-transitory voicemail message, a transitory voicemail message on his/her mobile device or a transitory voicemail message that will not be obsolete within ten (10) days, the recipient shall be responsible for retaining the content in accordance with the Public Records Law.

N. The County will not expect, encourage, or require an employee/official to provide or use a personal mobile device to perform any of the employee's/official's assigned job duties or responsibilities. County business transacted on a personal mobile device may be subject to disclosure under the Public Records Law. Furthermore, transacting County business on a personal mobile device may result in a request to inspect the personal mobile device or its contents, thereby placing in jeopardy the privacy of communications that do not meet the definition of "public record" under the Public Records Law. If an employee/official decides to use his/her personal mobile device to transact County business, it shall be the employee's/official's responsibility to take all appropriate steps at his or her own cost to ensure that any public record generated on such device is retained consistent with the Public Records Law and this Administrative Regulation 2.06 so that, if necessary, the Public Record may be produced for inspection and examination upon request. However, nothing in this subparagraph N shall be construed or interpreted to mean that an employee/official who uses a personal mobile device to conduct County business forfeits any individual rights to protect against or prevent the disclosure of

communications that the employee/official believes do not meet the definition of a "public record."

FOR MORE INFORMATION CONTACT: County Attorney's Office

REFERENCE: Chapter 119, Florida Statutes, Government in the Sunshine Manual; Orange County Fee Directory

APPROVED: 9/21/87

REVISED: 6/27/06; 07/29/08; 02/26/13; 08/16/16

2.06.01 DISPOSITION OF PUBLIC RECORDS

I. POLICY

No public official or County employee may mutilate, destroy, sell, loan or otherwise dispose of any public records without the consent of the Division of Library and Information Services (DLIS) of the Department of State. Any willful violation is a misdemeanor of the first degree, punishable as provided for in the Florida Statutes.

II. PROCEDURES

A. Definitions

- **CUSTODIAN:** Elected or appointed State, County or Municipal Officer charged by law with the responsibility of maintaining the office having public records.
- **DISPOSAL AUTHORIZATION:** Permission by DLIS to dispose of scheduled records. (Any disposition of records without proper authority is a misdemeanor of the first degree.)
- **DLIS:** Division of Libraries and Information Services of the Department of State of the State of Florida.
- **PUBLIC RECORDS:** All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance, or in connection with the transaction of official business by the County.

- **RECORD SERIES:** A group of related documents (either as to form or content) which is arranged under a single filing system, or kept together as a unit because they: (1) consist of the same form; (2) relate to the same subject; (3) result from the same activity; or (4) have certain physical characteristics (maps, blueprints, etc.). A record series may contain both forms and correspondence.
- **RECORDS COORDINATOR (RC):** Person designated by a Department Director or Division Manager to be responsible for the department/division records program.
- **RETENTION SCHEDULE:** A schedule establishing a title for each record series or type of record, describing the records contained under that title, and setting a retention period for the series.
- **SEMI-CURRENT RECORDS:** Records that are referenced once a month or less.
- **PERMANENT RECORDS:** Any record that has been determined by DLIS to have sufficient historical or other value to warrant its continued preservation.

B. The Records Management Department, a department under the County Comptroller, was established to combat waste and inefficiency in paper storage and to operate the Records Center. The Records Center is designed to provide safe and secure storage for semi-current records which have been retained because of administrative, legal, or fiscal requirements. Departments and Divisions are encouraged to transfer their semi-current records to the Records Center, so that valuable floor space can be released for more important uses.

C. The Records Center is operated in accordance with Florida Statutes and the Florida Administrative Code. The Records Center operates as an extension of the individual department's/division's record keeping system. Title to records placed in the Records Center remain in the department/division transferring the records and records are subject to security and referencing stipulations set by the department/division.

D. Each department/division must designate in writing to the Comptroller's Records Management Department, their department/division's Records Coordinator (RC). That designee will be responsible for the department's/division's records management program, coordination with the Comptroller's Records Management Department on all records matters, and ensuring compliance with the provisions of this directive.

E. In addition to semi-current records storage (conventional paper records), the Records Center provides climatically-controlled storage for other media including microfilm, computer tapes and the like. The Comptroller's Records Management Department furnishes special cartons, designated forms, facsimile services, and pickup service for its customers. A retrieval service is also provided for records accepted for storage. If required, the Comptroller's Records Management Department also provides a microfilm service for permanent records.

F. Inventory of Records

1. The initial and subsequent inventory of department/division records is the responsibility of the department/division, with the assistance of the Comptroller's Records Management Department.

2. The department/division designated RC will prepare the inventory of the records, subject to review and approval by the Department Director or Division Manager.

G. Establishing a Records Retention Schedule

1. From the inventory listing, each RC, with the assistance of the Comptroller's Records Management Department, is responsible for identifying the appropriate retention schedule as published by the DLIS.

2. If necessary, the Comptroller's Records Management Department will prepare a special records retention request for submission to DLIS. The Department Director, Division Manager, or designated representative will sign Block 9 (Agency Certification) of the completed form. When approved by DLIS, the form becomes the official records retention schedule for the department/division.

3. The approved schedule remains effective until there is a change in series content, title, retention

period, or other circumstances. Revisions may be proposed at any time by a department/division.

H. Obtaining Records Disposal Authorization

1. Once an official retention period has been established for a record series, records in the series are eligible for disposal when they have met the retention requirements.

2. The Comptroller's Records Management Department will initiate disposal action in accordance with current law and guidance from DLIS, preparing the appropriate form(s). The completed form will be then signed by the Department Director or Division Manager.

Normally, the Comptroller's Records Management Department will then destroy the records for the department/division, completing the form(s) to certify that the records have been destroyed.

3. A one-time disposal authorization may be obtained when a record series becomes obsolete and records are no longer accumulating. The affected RC should contact the Records Center for disposal action.

4. Destruction of records shall be accomplished by shredding, maceration, incineration, or any method approved by DLIS that does not bring discredit or ridicule upon the Custodian. Recycling of paper by a bonded dealer, or discarding in a normal trash container, are acceptable methods of disposal.

I. Microfilming of Records

1. Records, which have a retention period requiring microfilming (generally ten years or more), will be filmed by the Comptroller's Records Management Department. All other arrangements must be with the approval of the Custodian and the Comptroller's Records Management Department. All microfilming must be in accordance with the standards of 1B-26.021, Florida Administrative Code. For a copy of this publication, contact the Records Center.

2. Two microfilm copies will be made of all permanent records. The original will be forwarded to the Orange County secure off-site storage facility and the other to the user.

3. Records submitted for microfilming should be free of all fasteners and binding materials, such as paper clips, rubber bands, etc.

4. The sequence in which records are received for photographing is the order in which they shall be processed. It is imperative that all microfilmed records be meticulously purged and indexed in order that quick retrieval of the information may be achieved.

FOR MORE INFORMATION CONTACT: Orange County Comptroller's Office; Records Management Department

REFERENCE: Florida Statutes, Chapter 119; Florida Statutes, Chapter 257; Florida Administrative Code - 1B-24, 1B-26, 1B-27

APPROVED: 2/16/87

REVISED: 6/27/06

2.07.01 UNIFORM STATIONERY REQUIREMENTS

I. POLICY

A. The use of uniform stationery (paper, envelopes and interoffice memoranda forms) in Orange County is mandatory unless the department is granted a specific exemption by the Communications Division Manager or designee.

B. The Mayor, Board of County Commissioners, the County Administrator and staff, Department Directors and Division Managers may have personalized stationery.

C. Stationery for departments under the control of the Board of County Commissioners shall be identified by the department/division name and corresponding address, but personalized stationery shall not be permitted below the Division Manager level.

D. Under no circumstances shall any division or department logo, slogan or symbol supersede the Orange County logo. Any department or division logo, slogan or symbol must include the words Orange County. Proper usage of logos is governed by the Print Standards Manual.

II. PROCEDURES

A. Stationery may be acquired by making a request to the Graphics Section (Graphics) of the Communication Division.

B. Graphics will ensure compliance with the above policy and proceed with the work order.

FOR MORE INFORMATION CONTACT: Graphics Section, Communications Division

REFERENCE: Print Standards Manual

APPROVED: 2/16/87

REVISED: 6/27/06

2.07.02 UNIFORM MAILING REQUIREMENTS

I. POLICY

All departments under the Board of County Commissioners shall utilize the services of a centralized Mail Processing Center (MPC), unless they have been granted a specific exemption by the Office of Management and Budget (OMB) to utilize their own postage meter or to have their own stamps for mailing purposes. County postage shall only be placed on mailings that are for official County business.

II. PROCEDURES

A. Departments/divisions interested in obtaining their own postage equipment shall first make a request through Facilities Management Division (FMD). Such requests shall be reviewed and a recommendation made through the Administrative Services Department Director to OMB, which shall approve or deny such requests.

B. The MPC shall be responsible for picking up mail from the post office, sorting such mail, and picking up and delivering to various departments/divisions. The frequency of mail pickup and delivery to and from departments/divisions by MPC personnel, if any, shall be determined by FMD Manager based upon the availability of staff resources. Receipt of any personal mail in the MPC is prohibited per the Policy Manual, Section 405.1.

C. Mail shall be picked up no less than once daily from the MPC by those departments/divisions required to do so.

D. Inter-office mailings should clearly display the name and division of the sender and recipient.

E. Accountable mail items such as certified, registered, insured, express mail, etc. will be processed by the MPC. However, such items will be prepared by the individual department/division requiring those special services by using the forms supplied by the U.S. Postal Service (USPS). These forms may be obtained

from the MPC upon request and the MPC can be contacted for instructions on the proper use.

F. Due to USPS automation and cost savings, all outgoing mail requiring postage should be typewritten and/or computer generated instead of handwritten. Contact the MPC for proper addressing instructions or visit the USPS website (www.usps.gov).

G. Mail handling training is required by the County Administrator's office. These sessions are held annually and the MPC supervisor has been designated as the point of contact for training under a "Train-The-Trainer" process.

FOR MORE INFORMATION CONTACT: Facilities Management Division

REFERENCE: None

APPROVED: 2/16/87

REVISED: 6/27/06

2.07.03 USE OF COUNTY SEALS AND LOGOS

I. POLICY

The Orange County Board of County Commissioners (BCC) has adopted an official seal of the BCC and an official seal of the Orange County Mayor (Mayor). The BCC has also adopted certain visual designs as the official Orange County logos. The use of these seals and logos is strictly limited to official use by elected officials and employees of the County as authorized in this Regulation and Section 2-3 of the Orange County Code. Any use of County seals or logos contrary to Section 2-3 or this Regulation is strictly prohibited. This policy applies to all departments under the jurisdiction of the BCC unless they have been granted an exemption by the Communications Division Manager or designated staff.

II. PROCEDURES

A. **BCC SEAL.** Application of the BCC seal signifies the approval, authorization, acceptance, enactment, or execution by the BCC of a document of legal significance. The County Comptroller and his or her deputy clerk may consult with the County Attorney if and when any uncertainty arises as to whether use of the BCC seal is authorized and may rely on any advice rendered by the County Attorney. Limitations on the use of the BCC seal are as follows:

1. The BCC seal may be used in stamped or embossed forms, or in other printed forms, only where approved directly or indirectly by the BCC.

2. Once a document is approved by the BCC, the BCC seal shall be applied only at the direction of the County Comptroller as the Clerk of the BCC.

3. Individual County Commissioners, the Mayor, designated aides, secretaries or assistants shall not apply the BCC seal in stamped or embossed form. However, the BCC, individual County Commissioners, or such aides, secretaries or assistants as they may designate, are granted the exclusive use of the BCC seal in other permissible formats, which may from time to time, be used as a symbol of the office and authority of the BCC. These permissible formats of the BCC seal include, but are not limited to, the following: printing, drawing, graphic presentation, electronic reproduction, manufacture, display, or other use whether by traditional means and media or electronically or by facsimile.

B. MAYOR'S SEAL. Application of the Mayor's seal signifies action taken by the Mayor regarding a document of unusual importance. The Mayor may consult the County Attorney if and when any uncertainty arises as to whether use of the Mayor's seal is authorized and may rely on any advice rendered by the County Attorney. Limitations on the use of the Mayor's seal are as follows:

1. The Mayor's seal may be used in stamped or embossed forms, or in other printed forms exclusively by the Mayor and by the Mayor's staff delegated to use the seal on behalf of the Mayor.

2. The Mayor's seal may also be used in other permissible formats that are produced for the exclusive use of the Mayor or aides, secretaries or assistants designated by the Mayor as a symbol of the Mayor's office and authority of the Mayor. These permissible formats of the Mayor's seal include, but are not limited to the following: printing, drawing, graphic presentation, electronic reproduction, manufacture, display, or other use whether by traditional means and media or electronically or by facsimile.

3. The Mayor and designated staff shall not use the seal for execution of documents approved by the BCC.

C. COUNTY LOGOS. Officials, employees, divisions, and departments shall use the official Orange

County logo on all letterheads, and other official publications originating from their respective offices. A Print Standards Manual for use of the logo shall be distributed to all departments for guidance on the proper uses of the logo. Any official, employee, division or department may consult the County Attorney if and when any uncertainty arises as to whether use of the Orange County logo is authorized and may rely on any advice rendered by the County Attorney. Limitations on the use of the logo are as follows:

1. Each Department Director and Division Manager is responsible for making sure that the official logo is used on any publications originating in his or her office. Slicks and/or disks of the official logo may be obtained from Orange County Graphics (Graphics).

2. Officials, employees, divisions and departments should use the logo "as is." Under no circumstances may any person alter or deface the logo in any way. Before using a County logo, officials, employees, divisions and departments shall refer to the Print Standards Manual to review additional provisions and requirements relating to the use of the logo.

3. If an external officer or agency not under the jurisdiction of the BCC desires to use the logo, permission must be sought and obtained from the Manager of the Communications Division prior to making use of the logo. If permission is granted, Graphics will provide the necessary slicks and/or disks.

FOR MORE INFORMATION CONTACT: Communications Division

REFERENCE: Print Standards Manual; Orange County Code, Section 2-3

APPROVED: 5/11/87

REVISED: 3/11/97; 6/27/06

2.08 DISCLOSURE OF FINANCIAL INTEREST

I. POLICY

Florida Statutes 112.3145 requires that all elected and certain appointed officials of Orange County, as well as members of advisory boards and committees, shall file a disclosure of financial interest.

II. PROCEDURES

A. The Human Resources Division is responsible for ensuring that all new employees required by F.S. 112.3145 to file disclosure of financial interest are notified of their initial responsibility and provided with the forms. Elected officials are notified of this responsibility and provided with the forms by the Supervisor of Elections. Members of specified advisory boards are initially informed of this responsibility and provided the forms by Agenda Development. All of the above categories of individuals are coordinated by the Supervisor of Elections.

B. Subsequent to the initial filing, Agenda Development is responsible for filing annually an updated list of covered persons with the Commission on Ethics. Subsequent disclosure forms are provided to covered persons by the Supervisor of Elections in the county of residence and are mailed back to that same Supervisor.

C. Any questions concerning whether a person is covered under F.S. 112.3145 should be referred by Agenda Development to the County Attorney for response.

FOR MORE INFORMATION CONTACT: Human Resources Division; Agenda Development, County Attorney's Office
REFERENCE: Florida Statutes, Section 112.3145
APPROVED: 2/16/87
REVISED: 6/27/06

2.08.01 LOCAL DISCLOSURE REQUIREMENTS

I. POLICY

On July 8, 2008, the Board of County Commissioners enacted a comprehensive local code of ethics for County officers and employees at Article XIII, Chapter 2 of the Orange County Code. A component of the local code of ethics is disclosure.

II. Procedures

Local Financial Disclosure –

A. Subsection 2-453(a) of the Orange County Code, requires those elected officers and employees required to file annual financial disclosure pursuant to section 112.3145, Florida Statutes, to file additional Local Financial Disclosure forms four (4) times a year, as follows:

- For the period of January 1 to March 31, within thirty (30) days following March 31,
- For the period of April 1 to June 30, within thirty (30) days following June 30,
- For the period of July 1 to September 30, within thirty (30) days following September 30; and
- For the period of October 1 to December 31, within thirty (30) days following December 31.

B. The Orange County Agenda Development Office shall distribute to all County officers and employees required to file annual financial disclosure forms, pursuant to section 112.3145, Florida Statutes, the appropriate Orange County Local Financial Disclosure Form (OC CE 1 or OC CE 6), with instructions, on a schedule as follows:

- For the period of January 1 to March 31, forms to be distributed on or before March 31,
- For the period of April 1 to June 30, forms to be distributed on or before June 30,
- For the period of July 1 to September 30, forms to be distributed on or before September 30; and
- For the period of October 1 to December 31, forms to be distributed on or before December 31.

C. Local Financial Disclosure forms (OC CE Form 1 or OC CE Form 6) shall be filed with the Orange County Agenda Development Office, third floor, County Administration Building, on a schedule as follows:

- For the period of January 1 to March 31, on or before April 30;
- For the period of April 1 to June 30, on or before July 30;
- For the period of July 1 to September 30, on or before October 30; and
- For the period of October 1 to December 31, on or before January 30 of the following year.

D. Manner of Calculating Reportable Interests. For OC CE Form 1, the manner of calculating reportable interests, where applicable and except as to interest in specified businesses, shall be based on absolute dollar values.

E. No Change. If there is no change from the previous report, a form shall be signed and filed; however, the words, "No Change" and the filing party's printed name and signature may be indicated on the face of the form.

Additional Disclosures –

The following additional disclosures should be filed by the Mayor and members of the Board of County Commissioners with the Orange County Agenda Development Office, third floor, County Administration Building:

- Supplemental local financial disclosure form (OC CE Form 5), required to be filed pursuant to subsection 2-453(b) of the Orange County Code), and
- Additional disclosure form (OC CE Form 4), required to be filed pursuant to subsection 2-453(g) of the Orange County Code.

Applicants Relationship Disclosure Form –

A. A completed Relationship Disclosure Form (OC Ce Form 2D or OC CE Form 2P) is required to be filed to provide information on the Applicant entity as follows:

1. For project applications for all development-related items, **Form OC CE 2D** should be completed by the principal or the principal's authorized agent (when accompanied by an agent authorization form on file with the County) and will be submitted to the department processing the application prior to the development-related item being considered for review and/or approval by Orange County.

2. For procurement items that will come before the Board of County Commissioners for final approval, **Form OC CE 2P** should be completed by the bidder, offerer, quoter or respondent or his/her agent (when accompanied by an agent authorization form on file with the County) and will be submitted to the Purchasing Division by the bidder, offerer, quoter or respondent or his/her agent.

3. Applications and items in which the County is the principal or the primary applicant are exempt from this requirement.

B. Failure to file a completed relationship disclosure form, as required by section 2-454 of the Orange County Code, may result in the rejection of a bid or the delay of the item being placed on the appropriate agenda and may result in the delay of review and final approval.

FOR MORE INFORMATION CONTACT: County Attorney's Office

REFERENCE: Florida Statutes, Section 112.3145; Florida Statutes, Section 112.312(21); Florida Statutes, Section 440.02(15); Article XIII, Chapter 2, Orange County Code

APPROVED: 12/16/08

2.09 COMPLIANCE WITH THE "SUNSHINE LAW" – MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS

I. POLICY

A. All meetings of the Orange County Board of County Commissioners shall comply strictly with the requirements of section 286.011 of Florida Statutes (the "Sunshine Law").

B. Section 209 of the Orange County Charter and the Rules of Procedure for the Board of County Commissioners (Administrative Regulation 3.03) are both to be construed to give full effect to the Sunshine Law. The Sunshine Law will govern whenever there is a conflict between it and the County Charter and/or the Board's Rules of Procedure.

C. Except as set forth otherwise in this Regulation, ensuring that Board meetings comply with the Sunshine Law is the responsibility of the County Mayor and the County Administrator. The Agenda Development Office (or such other County department or office as the County Mayor from time to time may designate) will oversee and administer compliance by the Board with the Sunshine Law and this Administrative Regulation.

D. The County Attorney shall provide to the County Mayor, the Board of County Commissioners, the County Administrator, and county staff all needed legal advice with respect to compliance with the Sunshine Law in Board meetings. The County Attorney is to construe the Sunshine Law liberally in favor of public notice of and public access to all meetings of the Board.

E. For purposes of this Regulation, "County bulletin board" means the bulletin board located in the atrium on the first floor of the County Administration Center. This bulletin board is used for posting of all public meeting notices, long-range agendas, and Board of County Commissioners meeting agendas. Only the Agenda Development Office has the authority to post to this bulletin board.

II. PROCEDURES

A. Regular Meetings of the Board of County Commissioners

1. All regular meetings of the Board shall be held on Tuesdays, except annual budget worksessions and budget hearings, which may be held on such days of the week as the County Mayor may designate.

2. The schedule of regular Board meetings shall be published for each calendar quarter, at least ten working days in advance of the beginning of the calendar quarter.

3. The quarterly schedule of regular Board meetings shall be posted on the County's internet website. Copies of the quarterly schedule shall be available at the Agenda Development Office.

4. The agendas for regular Board meetings shall be published in hard copy and on the County's internet website and made available to Board members and the public as set forth in the Board's Rules of Procedures. The agenda shall be posted on the County bulletin board.

5. Unless specified otherwise in the agenda, the location of each regular Board meeting shall be the Commission Chambers on the first floor of the County Administration Center.

6. The morning session for each regular Board meeting shall be scheduled to convene at 9 a.m. and the afternoon session shall be scheduled to convene at 1:30 p.m., unless specified otherwise in the agenda.

7. The notices of individual public hearings shall be published and mailed by the Comptroller Clerk of the Board and shall comply with the requirements of State Statute and the County Code. The notices shall also be provided on the County's internet website and, as directed or authorized from time to time by the County Administrator, mailed to other interested persons. Notices for individual public hearings will *not* be posted on the County bulletin board.

8. Minutes of regular meetings of the Board shall be taken and kept by the County Comptroller, acting as Comptroller Clerk of the Board.

B. Special and Emergency Meetings of the Board of County Commissioners

1. A special or emergency meeting of the Board is any Board meeting (other than a budget worksession or hearing) held on a day other than Tuesday.

2. Special meetings and emergency meetings may be called by the County Mayor or by three or more County Commissioners in the manner set forth in the County Charter and the Board's Rules of Procedure.

3. The notice to Board members for special and emergency meetings shall proceed as set forth in the Board's Rules of Procedure.

4. The public shall be immediately notified of each special and emergency meeting. The notice shall be posted on the County bulletin board, posted on the County's internet website, and mailed, emailed, faxed, or telephoned to the media. The media notices shall be furnished by the Communications Division or such other office as the County Administrator from time to time may designate.

5. The Agenda Development Office shall generate a meeting notice form for all special and emergency meetings.

6. Notice of each special or emergency meeting may be posted only by the Agenda Development Office, and each notice shall specify the date, location (including the street address), time, and specific topic or topics of the meeting. The specified topic or topics will be the only topic or topics that may be discussed and acted upon at the meeting.

7. Minutes of special and emergency meetings shall be taken and kept by the County Comptroller, acting as Comptroller Clerk of the Board.

C. "Noticed" Meetings

1. For purposes of this part, a "noticed" meeting is any meeting between or among two or more Board members to discuss some matter on which foreseeable action will be taken by the Board, and does not constitute a regular, special, or emergency meeting of the Board under the County Charter or the Board's Rules of Procedures. A noticed meeting, therefore, constitutes a "meeting" for purposes of the Sunshine Law, but is not a meeting at which official Board action can be taken. If a Board member whose name is not posted for the noticed meeting chooses to attend, then he or she shall not participate in the discussion.

2. The Agenda Development Office shall generate a meeting notice for all noticed meetings.

3. Notice of each noticed meeting may be posted only by the Agenda Development Office, and each notice must specify the date, location (including the street address), time, and specific topic or topics of the meeting. The specified topic or topics will be the only topic or topics that may be discussed at the meeting.

4. Notices for each noticed meeting shall be posted such that there are no fewer than two full working days between the day the notice is posted and the day the noticed meeting is held.

5. Notices for all noticed meetings shall be posted on both the County's internet website and the County bulletin board.

6. Minutes of noticed meetings shall be taken and kept by the County Comptroller, acting as Comptroller Clerk of the Board. The County Comptroller shall make an audio tape recording of each entire meeting.

7. The content of the noticed-meeting minutes shall include the date, time, location, and topic or topics of the meeting, the names of all meeting participants, and any other information the County Comptroller may elect to include.

8. Noticed meetings may be held only in a County meeting room or meeting room at some governmental building where the public may freely attend, except in the case of a visit by the participating Board members to a site or sites which is or are the topic of the meeting. No sign in shall be required of any person desiring to attend a noticed meeting. For site visits, the noticed meeting shall be held at the site or on a bus or other means of transportation such that the public readily can attend the meeting and hear the discussion. Under no circumstances may the meeting be held at a private club, restaurant or any establishment with restrictive membership where the public may not freely attend and observe.

FOR MORE INFORMATION CONTACT: Agenda Development Office, County Administrator's Office

REFERENCE: Florida Statutes Chapter 286.011; Administrative Regulations 2.09.01 and 3.03; Orange County Charter, Section 209

APPROVED: 2/16/87

REVISED: 10/15/02; 6/27/06

2.09.01 COMPLIANCE WITH THE "SUNSHINE LAW" – MEETINGS OF COUNTY ADVISORY BOARDS

I. POLICY

A. All meetings of County advisory boards shall comply strictly with the requirements of section 286.011 of the Florida Statutes (the "Sunshine Law").

B. All advisory boards are presumed subject to the Sunshine Law unless the County Attorney identifies an express exemption in the Florida Statutes or a clear, unequivocal exemption in Florida case law.

C. The Agenda Development Office (or such other County department or office as the County Administrator from time to time may designate) shall oversee and administer the compliance by advisory boards with the Sunshine Law and this Administrative Regulation.

D. For purposes of this regulation, "advisory board" means all boards, commissions, task forces, committees, and other groups formed for the purpose of carrying out County functions and/or making recommendations to the Board of County Commissioners regarding County business or County matters. This includes not only the boards and committees that constitute "advisory boards" under Section 2-203 of the Orange County Code, but also any County board, commission, committee, or other group that otherwise is described in the previous sentence and is not otherwise exempt from the Sunshine Law. The term also includes County staff committees, such as the development review committee and procurement committees, but does *not* include groups of County employees assigned to County tasks where the group does not constitute a "board" or a "committee" for purposes of the Sunshine Law. Finally, the term includes all committees and sub-committees of an advisory board.

E. For purposes of this regulation, "County bulletin board" means the bulletin board located on the first floor of the County Administration Center. This bulletin board is used for posting of all public meeting notices, long-range agendas, and Board of County Commissioners meeting agendas. Only the Agenda Development Office has the authority to post to this bulletin board.

F. No sign-in shall be required of any person desiring to attend any advisory board meeting, although individuals speaking at public hearings can be required to identify themselves by name and address.

G. All meetings of County advisory boards shall be held in a County meeting room or office or in an office or meeting room at some governmental building where the public may freely attend, except in the case of a visit by the participating advisory board members to a site or sites which is or are the topic of the meeting. For site visits, the meeting shall be held at the site such that the public readily can attend the meeting and hear the discussion.

II. PROCEDURES

A. Regular Meetings of County Advisory Boards

1. The schedule shall be posted on the County bulletin board, and such posted schedule shall constitute the only required notice for regular meetings of the advisory board. The schedule shall be available for inspection by the public in the Agenda Development Office. The County staff shall endeavor to also post the schedule on the county internet website. However, failure to post the schedule on the website shall not be deemed as a failure to post the required notice. Furthermore, in the event the schedule posted on the website conflicts with or is not consistent with the schedule posted on the bulletin board, the schedule posted on the bulletin board shall control.

2. The notice of and agenda for each regular meeting shall contain the following language:

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

3. The notice of and agenda for each regular meeting also shall contain the following language:

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior

to the proceeding, he or she should contact the Orange County Communications Division at 407-836-5631.

Para mayor información en español, por favor llame al 407-836-3111.

4. Except in the event of extraordinary circumstances beyond the control of the County, the agendas for regular meetings shall be available to the public at the assigned County Department, division, or other entity, and on the County's internet website no less than five full working days before the day of the meeting.

5. Minutes of regular meetings for each advisory board shall be taken and kept by the County department, division or other entity assigned to provide staff support for the advisory board.

6. The content of the meeting minutes shall include the date, time, location and topic or topics of the meeting, the names of the meeting participants, all official action (if any) taken by the advisory board at the meeting, and any other information as the advisory board members may elect to include.

7. The draft minutes shall be available to the public at the assigned County Department, division, or other entity, and on the County's internet website within 10 working days following the meeting. The draft minutes shall be issued with the word "DRAFT" as a watermark in the document.

8. The approved minutes shall be available to the public at the assigned County Department, division, or other entity, and on the County's internet website within 10 working days following the meeting at which the minutes were approved.

B. Special Meetings of County Advisory Boards

1. The Agenda Development Office shall provide a meeting notice form for all special meetings.

2. Notice of each special meeting may be posted only by the Agenda Development Office, and each notice shall specify the date, time, location (including the street address), and specific topic or topics of the special meeting. The specified topic or topics in the notice shall be the only topic or topics that may be discussed and/or acted upon during the special meeting.

3. Notices of special meetings shall be posted on the County bulletin board, and County staff shall endeavor to post it on the County's internet website.

4. The notice of each special meeting shall be posted such that there are no fewer than two full working days between the day the notice is posted and the day the meeting takes place. The Agenda Development Office shall not post any special meeting notice that does not meet the time requirements listed herein.

5. Except in the event of extraordinary circumstances beyond the control of the County, the agendas for special meetings shall be available to the public at the assigned County Department, division, or other entity, and on the County's internet website no less than five full working days before the day of the meeting.

6. The notice of and agenda for each special meeting shall contain the following language:

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

7. The notice of and agenda for each special meeting also shall contain the following language:

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at 407-836- 5631.

Para mayor información en español, por favor llame al 407-836-3111.

8. Minutes of special meetings shall be taken and kept by the County department, division or other entity assigned to provide staff support for the advisory board.

9. The content of the meeting minutes shall include the date, time, location, and topic or topics of the meeting, names of the meeting participants, the official action (if any) taken by the advisory board at the

meeting, and any other information as the advisory board members may elect to include.

10. The draft minutes shall be available to the public at the assigned County Department, division, or other entity, and on the County's internet website within 10 working days following the meeting. The draft minutes shall be issued with the word "DRAFT" as a watermark in the document.

11. The approved minutes shall be available to the public at the assigned county Department, division, or other entity, and on the County's internet website within 10 working days following the meeting at which they were approved.

C. Emergency Meetings of County Advisory Boards

1. Emergency meetings may be held only in *bona fide* emergencies. A situation is a *bona fide* emergency only when there is a substantial probability that, without prompt action by the advisory board, the health or safety or fiscal welfare of the County and its citizens will be materially adversely affected.

2. The Agenda Development Office shall provide a meeting notice form for all emergency meetings.

3. Notices of emergency meetings may be posted only by the Agenda Development Office, and each notice must specify the date, time, location (including the street address) and the specific topic or topics of the emergency meeting. The specified topic or topics in the notices shall be the only topic or topics that may be discussed and/or acted upon at the emergency meeting.

4. Notice of each emergency meeting shall be posted on the County bulletin board, and County staff shall endeavor to post it on the County's internet website.

5. Notice of each emergency meeting shall be posted at least 24 hours before the meeting and shall be posted before 5:00 p.m. on the workday preceding the day of the meeting.

6. The notice of and agenda for each emergency meeting shall contain the following language:

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Para mayor información en español, por favor llame al 407-836-3111.

7. The notice of and agenda for each emergency meeting also shall contain the following language:

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at 407-836- 5631.

8. Notice of each emergency meeting shall be provided immediately by the Communications Division to the media, by telephone, fax, or email, and to other known interested parties and stakeholders by either telephone or email.

9. Minutes of emergency meetings shall be taken and kept by the County department, division or other entity assigned to provide staff support for the advisory board.

10. The content of the meeting minutes shall include the date, time, location, topic or topics of the meeting, names of the meeting participants, the official action (if any) taken, and any other information the advisory board members may elect to include.

11. The draft minutes shall be available to the public at the assigned County department, division, or other entity, and on the County's internet website within 10 working days following the meeting. The draft minutes shall be issued with the word "DRAFT" as a watermark in the document.

12. The approved minutes shall be available to the public at the assigned County Department, division, or other entity, and on the County's internet website within 10 working days following the meeting at which they were approved.

D. "Noticed" Meetings of County Advisory Board Members

1. For purposes of this part, a "noticed" meeting is any meeting between or among two or more advisory board members to discuss some matter on which foreseeable action will be taken by the advisory board, and does not constitute a regular, special, or emergency meeting of the advisory board under the County Charter or the Board's Rules of Procedures. A noticed meeting, therefore, constitutes a "meeting" for purposes of the Sunshine Law, but is not a meeting at which official advisory board action can be taken.

2. The Agenda Development Office shall generate a meeting notice for all noticed meetings.

3. Notice of each noticed meeting may be posted only by the Agenda Development Office, and each notice shall specify the date, location (including the street address), time, and specific topic or topics of the meeting. The specified topic or topics shall be the only topic or topics that may be discussed at the meeting.

4. The notices for each noticed meeting shall be posted such that there are no fewer than two full working days between the day the notice is posted and the day the noticed meeting is held. The Agenda Development Office shall not post any noticed meeting notice that does not meet the time requirements listed herein.

5. Except in the event of extraordinary circumstances beyond the control of the County, the agendas for noticed meetings shall be available to the public at the assigned County Department, division, or other entity, and on the County's internet website no less than five full working days before the day of the meeting.

6. Notices for all noticed meetings shall be posted on both the County's internet website and the County bulletin board.

7. The notice of and agenda for each noticed meeting shall contain the following language:

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for

such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

8. The notice of and agenda for each noticed meeting shall also contain the following language:

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at 407-836-5631.

Para mayor información en español, por favor llame al 407-836-3111.

9. Minutes of noticed meetings shall be taken and kept by the County Department, division, or other entity assigned to provide staff support for the advisory board.

10. The content of the meeting minutes shall include the date, time, location, and topic or topics of the meeting, the names of all meeting participants, and any other information as advisory board members may elect to include.

11. The draft minutes shall be available to the public at the assigned County Department, division, or other entity, and on the County's internet website within 10 working days following the meeting. The draft minutes shall be issued with the word "DRAFT" as a watermark in the document.

12. The approved minutes shall be available to the public at the assigned County Department, division, or other entity, and on the County's internet website within 10 working days following the meeting at which they were approved.

E. In addition to this Administrative Regulation, any County advisory board that constitutes a "special district" for purposes of Chapter 189 of Florida Statutes, shall also comply with Section 189.417 of Florida Statutes.

F. Any County advisory board that has legal counsel (other than the County Attorney's Office) shall consult with its counsel from time to time to solicit advice and to ensure the advisory board's compliance with the Sunshine Law, this Administrative Regulation,

and any other applicable meeting-notice requirements of law. All other advisory boards shall consult with the County Attorney's Office.

In all instances, legal counsel (whether outside counsel or the County Attorney's Office) shall construe the Sunshine Law and this Administrative Regulation in favor of public notice of and public access to all advisory board meetings.

FOR MORE INFORMATION CONTACT: Agenda Development Office, County Administrator's Office

REFERENCE: Florida Statutes 286.011; Chapter 80-150, Laws of Florida; Orange County Code, Section 2-203; Florida Statutes 286.0105; American's with Disabilities Act; Florida Statutes 189.417

APPROVED: 9/21/87

REVISED: 10/15/92 6/27/06; 02/21/17

2.10 OFFICIAL COUNTY CEREMONIES

I. POLICY

A. An official County ceremony is defined as any activity that serves as an announcement or celebration of a County event, e.g., a ground breaking ceremony, an Oath of Office ceremony or the grand opening of a County facility.

II. PROCEDURES

A. A request for official County ceremony shall be made by the responsible Department Director or Division Manager to the Communications Division Manager.

B. The Communications Division Manager will assign the Special Events Coordinator and other staff to assist with public notification in coordination with the responsible Department Director or Division Manager.

C. If audio visual support is required, the party requesting the ceremony shall fill out and submit a production request form provided by Orange TV.

FOR MORE INFORMATION CONTACT: Communications Division

REFERENCE: None

APPROVED: 2/16/87

REVISED: 6/27/06

2.11 COUNTY ATTORNEY'S OFFICE – REQUEST FOR ASSISTANCE

I. POLICY

All forms of government in the United States of America, including county governments, are subject to law and limited by law. County governments in Florida are governed and limited by, among other things, the provisions of the United States Constitution, the Constitution of the State of Florida, federal statutes and regulations, state statutes, the state administrative code, the county charter, county ordinances, county administrative regulations, the decisions and rules of federal and state courts, and countless contracts, deeds, permits, and other legal instruments. Failure to comply with the numerous bodies of law and legal instruments applicable to the County can result in substantial liability that ultimately is borne by the citizens of the County. Thus, it is imperative that County officials, County employees, and County advisory board members have access to top quality legal advice and assistance.

Failure to seek legal counsel on matters of substantial legal ramifications can expose the County -- and, in some circumstances, its officers and employees -- to liability and other risks. However, seeking the assistance of the County Attorney's Office in nonsubstantial matters, or shifting to the County's Attorney's Office work that rightfully should be done by another division or department inevitably skews the workload for the County's lawyers and is wasteful and counterproductive.

In summary, to ensure maximum efficiency and effectiveness within the County Attorney's Office, the policies and practices governing requests for legal assistance should be set forth and understood by all County officials, County employees, and County advisory board members.

II. PROCEDURES

A. Definition of Client; Authority to Represent Elected Officials, Employees, etc.

1. As provided in Rule 4-1.13 of the Rules Regulating The Florida Bar ("Rules"), the County Attorney's Office has, as its client, Orange County, Florida, the corporate entity that is a political subdivision and a charter county. The County Attorney, deputy county attorney and all assistant county attorneys shall comply with Rule 4-1.13 if and when there ever arises any issue as to what client or interests they represent in

the course of performing their duties and functions.

2. As further contemplated by Rule 4-1.13, the County Attorney's Office is authorized and directed also to represent, give advice to, and perform legal services for all County Commissioners, the County Mayor, County employees and County advisory board members in any and all judicial or administrative proceedings (other than criminal court proceedings), including expressly (but not limited to) tort, civil rights, and ethics code matters. However, such representation of individuals may occur only so long as (i) the proceedings involve actions or omissions by the individuals in their capacities as County officials, employees or advisory board members, not in their personal capacities and (ii) representation of the individual is not adverse to the interests of the County.

3. At his or her discretion, the County Attorney may provide advice and representation to County Commissioners, the County Mayor, County employees, and County advisory board members in criminal court proceedings, but only (i) in the preliminary stages of the proceedings, and not after arrest, indictment, or information is filed, and (ii) if the proceedings involve actions or omissions by the individual in his or her capacity as a County official, employee, or advisory board member.

4. In addition to the foregoing, the County Attorney's Office may represent any constitutional officer or his/her employees in like manner, subject to the same limitations, but only if and to the extent requested by the constitutional officer.

B. Requests for Assistance.

1. General.

- a. Generally, departments, divisions, elected officials, County employees or others requesting the services of the County Attorney's Office shall make such request in writing to the County Attorney, who in turn will assign the work to assistant county attorneys as appropriate. However, unless required otherwise by the County Attorney, divisions and departments which have frequent interaction with certain assistant county attorneys may make their requests for assistance directly to the

assistant county attorney.

- b. To avoid duplicative or misdirected efforts within the County Attorney's Office, all divisions and departments are urged to request assistance in writing and to rely on oral requests only in the most urgent situations.
- c. The County Attorney will be responsible for the quality of all work emanating from the office. Every reasonable effort will be made by the County Attorney's Office to respond to requests for assistance in a timely manner, and all divisions and departments are urged to specify the deadline, if any, for each request for assistance.

2. *Litigation.*

- a. All litigation, judicial or administrative, shall be handled by the County Attorney's Office or referred to outside legal counsel, as the County Attorney may determine from time to time based on department workload, complexity of the case, expertise required, availability of funding for legal fees and costs, etc.
- b. Any County employee who becomes aware that a lawsuit is soon to be filed against the County or individually against County officials or employees in connection with county operations should contact the County Attorney's Office promptly and report the matter.

Note: Receipt and/or acceptance by County staff of summonses and service of process is governed by Executive Order 06.004.

3. *Ordinances and Resolutions.*

- a. *Ordinances.* Whenever a new ordinance is necessary or useful for County operations or functions, the affected division, department, or elected official either may request preparation of a first draft by the

County Attorney's Office or may cause the first draft to be prepared by staff of the division, department, or elected official. In either event, all draft ordinances are to be reviewed by the County Attorney's Office before notice of the related public hearing is published in the newspaper. Any division or department preparing the draft of a proposed ordinance must ensure that the draft is made available to the County Attorney's Office with sufficient time for review prior to publication of notice.

- b. *Resolutions.* Whenever a new resolution is necessary or useful for County operations or functions (not including ceremonial), the affected division, department, or elected official either may request preparation of a first draft by the County Attorney's Office or may cause the first draft to be prepared by staff of the division, department, or elected official. A draft resolution is to be reviewed by the County Attorney's Office before the draft resolution is incorporated into the Board's agenda packet.

4. *Contracts, Contract Negotiations, and Other Matters.*

- a. All Department Directors, Division Managers, and other employees with responsibility for contracts, contract negotiations, other transactions, decisions, actions, or other non-litigation matters that could have material legal ramifications for the County are expected to use good judgment on whether and when to contact the County Attorney's Office for assistance. Any Department Director or Division Manager who may be uncertain of how to determine when assistance from the County Attorney's Office is needed should consult with the County Attorney and endeavor to gain the ability to recognize when legal help

should be sought.

- b. There is no general requirement for all contracts to receive the "Approved As To Form" stamp and signature by the County Attorney's Office.

5. *Opinions and Advice to Outside Parties.*

- a. *Advice.* Generally, the County Attorney's Office shall render opinions and legal advice only to its client or clients, as contemplated in paragraph IIA above. However, from time to time the County Attorney's Office may inform outside parties of its analysis and conclusions with respect to County legal matters. In those instances, providing legal analysis and conclusions to outside parties shall be deemed to be informing them, in the spirit of open government and only as a courtesy, of what advice and conclusions the County Attorney's Office has given, will give, or would give, if asked, to County officials and staff with respect to a particular matter. No outside parties may rely on such courtesy information.
- b. *Opinions.* From time to time when outside parties incur material risk for the benefit of the County (e.g., investors purchase Orange County bonds or notes), the County Attorney may render his/her legal opinion to such parties with respect to the matter, and the outside parties may rely on the opinion. Whether to render such opinions and under what legal standards the opinions can be rendered shall be determined by the County Attorney.

6. *Tort, Civil Rights, and Workers' Compensation Advice.* From time to time, the Risk Management Division manager acting in consultation with the County Attorney, may designate one of the several firms retained to handle county tort, civil rights, and workers' compensation matters to be the County's "general counsel" on tort and civil rights matters and one firm to be the County's "general counsel" on workers'

compensation matters. Thereafter, the County Attorney's Office and the Risk Management Division may solicit general advice on those areas of law from those law firms, regardless of whether such advice is related to any particular judicial or administrative proceeding. Compensation to the firm for such advisory services shall be as set forth in the firm's contract with the County.

FOR MORE INFORMATION CONTACT: County Attorney's Office

REFERENCE: Charter Section 402; Executive Order 06.004

APPROVED: 2/16/87

REVISED: 6/27/06

2.11.01 COUNTY ATTORNEY'S OFFICE – WAIVERS OF CONFLICTS OF INTEREST FOR OUTSIDE LEGAL COUNSEL

I. POLICY

Because of the County's occasional need for specialized legal expertise, and because of heavy workloads experienced periodically within the County Attorney's Office, Orange County must obtain legal advice and representation from time to time from outside law firms. On those occasions, it is imperative for Orange County and its citizens that the County receive legal advice that is free both from material conflict of interest and from any appearance of material conflict of interest.

For several reasons, it is advantageous for the County, when obtaining outside legal counsel, to rely on local law firms. First, it is somewhat rare when the legal specialties and expertise needed by the County are not available within local law firms. Second, local law firms have enhanced availability and response time because of their proximity and, thus, can be more efficient and cost-effective than firms in other metropolitan areas.

However, many of the law firms in the area also represent clients before the Board of County Commissioners and its divisions, departments and advisory boards. Local firms also represent clients in proceedings against the County and in other matters where the interests of the other client or clients are adverse to the County's interests. If outside legal counsel chooses to represent another client where a conflict of interest may result, it is the affirmative obligation of the outside legal counsel to notify the County Attorney of the conflict and to seek the

appropriate waiver as described in Section II of this Administrative Regulation.

It is the policy of the Board of County Commissioners to balance these competing needs and to allow local law firms to represent the County, so long as there are no conflicts of interest that likely would result in materially adverse consequences to the County's interests. It is in an effort to balance these competing demands that this Administrative Regulation is promulgated.

II. PROCEDURES

A. *Authorized Waivers without Notice to the Board.* For law firms representing or expected to be representing the County in its legal matters, the Board of County Commissioners deems the following types of conflicts of interest to be presumptively immaterial in their consequences to the County and, therefore, to be conflicts which, upon request by the law firm, the County Attorney may waive:

1. representation of other clients before the board of county commissioners or any of its divisions, departments, or other offices, whether in connection with regulatory approvals, contract negotiations, or other matters; and

2. representation of other clients before the county's advisory boards.

In deciding whether to grant such waivers, the County Attorney shall endeavor to determine all the relevant facts and shall exercise good judgment. Nothing in this Regulation prohibits the County Attorney from electing not to waive a conflict if he or she decides that the conflict will have or could have material adverse consequences for the County or otherwise that the County's best interests are, in his or her judgment, better served by not granting the waiver.

B. *Waivers Authorized With Notice to the Board.* For law firms representing or expected to be representing the County in its legal matters, the Board of County Commissioners deems the following types of conflicts of interest to be, in most cases, presumptively immaterial in their consequences to the County and, therefore, to be conflicts which, upon request by the law firm, the County Attorney may waive, but only if (i) notice of the impending waiver is first given to all board members at least five working days in advance of the waiver being granted and (ii) no member of the Board objects:

1. representation of other clients in eminent domain proceedings initiated by the County;

2. representation of other clients in regulatory enforcement proceedings initiated by the County; and

3. representation of other clients in other judicial or administrative proceedings initiated by the County, except as provided in paragraph C, below; and

4. representation of other clients in *certiorari* appeals of actions taken by the Board of County Commissioners or any of its advisory boards.

In deciding whether to grant such waivers, the County Attorney shall endeavor to determine all the relevant facts and shall exercise good judgment. Nothing in this Regulation prohibits the County Attorney from electing not to waive a conflict if he or she decides that the conflict will have or could have material adverse consequences for the County or otherwise that the County's best interests are, in his or her judgment, better served by not granting the waiver.

If, after giving notice of an impending waiver of a type of conflict of interest described above, a board member objects to the waiver, the County Attorney shall place the matter on the board's agenda, and the waiver shall be granted by the County Attorney only if approved by the board.

C. *Waivers Authorized only with Board Approval.* For law firms representing or expected to be representing the County in its legal matters, the Board of County Commissioners deems the following types of conflicts of interest to be material in their consequences to the County and, therefore, to be conflicts which the County Attorney may not waive:

1. representation of other clients in judicial proceedings initiated against Orange County or its officers or employees or advisory board members by or on behalf of the other client (other than proceedings expressly listed in paragraphs A and B, above);

2. representation of other clients in administrative proceedings to challenge a permit or other regulatory approval being sought by the County;

3. representation of the County in a matter in which an adverse party is also a client of the law firm;

4. representation of a County officer or

employee in a judicial or administrative proceeding in which the County is a party with interests adverse to the officer or employee, unless such representation has been requested by the County (e.g., in tort suits where the County is a co-defendant along with individual County employees); and

5. representation of other clients in any other matter not expressly described in paragraphs A and B or this paragraph C, where the County is involved in the matter and the interests of the client are adverse to the County's.

If a particular conflict involves matters identified in both this paragraph C and either paragraph A or B (or both of them), the matter shall be deemed to be a conflict identified in this paragraph C, unless expressly provided otherwise. However, the Board may waive any conflict identified in paragraph C solely at its discretion.

D. *Waivers by the Board of County Commissioners.* Any conflict identified in paragraph A, B, or C may be waived by the Board of County Commissioners, at its discretion.

E. *Applicability of Rules Regulating the Florida Bar (Bar Rules).* For purposes of the Rules regulating The Florida Bar, a waiver of a conflict of interest allowed by this Regulation, if and when granted, shall constitute only a client consent as contemplated under Bar Rule 4-1.7(a)(2), Bar Rule 4-1.7(b)(2), and other similar Bar Rules. Law firms providing services to the County shall comply fully with all Bar Rules, and this Regulation shall not act to excuse compliance therewith.

FOR MORE INFORMATION CONTACT: County Attorney's Office

REFERENCE: Charter Section 403

APPROVED: 9/19/98

REVISED: 6/27/06

2.12 SAFETY AND RISK MANAGEMENT

I. POLICY

It is the policy of the agencies and elected officials participating in the Intergovernmental Risk Management Program to provide for the protection against the financial consequences of accidental losses, to provide for the preservation of their assets and public service capabilities from loss destruction or depletion, to reduce the total "long-term" cost of all activities related to loss

prevention, and to establish, to the fullest extent possible, an "exposure-free" work environment in which employees, as well as members of the public, can enjoy safety and security in the course of their daily pursuits.

II. PROCEDURES

A. The Risk Management Division is responsible for providing administrative direction and supervision of persons responsible for the identification, evaluation, and reduction of risks and liabilities, administering an effective self-insurance program, directing the environmental health and safety programs and training programs, investigating and administering workers' compensation claims, and acting as liaison to consulting and insurance agencies.

B. There shall be an Intergovernmental Risk Management Committee charged with the responsibility for monitoring the operations of the program, suggesting program policies, strengthening environmental health and safety programs, reviewing and approving settlement of claims, and making recommendations to the participants for the operation of the program. Each participant shall be represented on the Committee as outlined in the Interlocal Insuring Agreement.

Agencies subsequently admitted to the program will be entitled to representation as mutually agreed to upon admission.

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Interlocal Risk Management and Self Insurance Agreement and Safety and Health Manual.

APPROVED: 2/16/87

REVISED: 6/27/06

2.12.01 RISK MANAGEMENT PROGRAM

I. POLICY

It is the policy of the participating governmental agencies to provide and maintain safe and healthful working conditions and to follow operating practices that will safeguard employees and citizens. There will be an aggressive accident prevention effort encompassing personnel, equipment, facilities, and related activities. This effort will be accomplished through Risk Management and will require the

coordinated efforts of all personnel. Risk Management will include:

1. Development of operational safety controls, procedures, and standards for hazardous working areas and environmental health and safety programs.
2. Development of Environmental Health and Safety Policies.
3. Development of Environmental Health and Safety procedures for all working areas.
4. Development of Environmental Health and Safety criteria for all areas.
5. Development of accident investigation and reporting procedures.
6. Evaluation of accident and injury cause and analysis data.
7. Planning, training and promotional activities to improve and recommend corrective action.
8. Creation of safety committees to ensure compliance with good safety practices and recommend corrective action.
9. Development, preparation, and maintenance of the Safety and Health Manual .

II. PROCEDURES

A. The manager, Risk Management Division, will be responsible for directing the overall Risk Management Program and implementing the Environmental Health and Safety Plan.

B. The Intergovernmental Agencies' Personnel Officials, will be responsible for:

1. Rendering advice and assistance to supervisors and managers regarding proposed disciplinary action.
2. Reviewing recommended actions and ensuring that they conform to prescribed regulatory requirements.
3. Processing adverse personnel actions resulting from safety violations.

C. Supervisory personnel will be responsible for:

1. Actively supporting and participating in the Safety Program.
2. Taking necessary action to ensure the participation and support of their personnel.
3. Ensuring that appropriate disciplinary action is taken when safety violations are reported.

D. Employees will be responsible for:

1. Reporting all unsafe conditions or practices to their supervisors.
2. Complying with all Safety Standards and Safety Operating Procedures.
3. Reporting all injuries, no matter how minor, to their supervisors.

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Interlocal Risk Management and Self Insurance Agreement and Safety and Health Manual

APPROVED: 2/16/87

REVISED: 6/27/06

2.12.02 COST ALLOCATION SYSTEM - SELF INSURANCE PROGRAM

I. POLICY

It is the policy of the Board of County Commissioners to provide an incentive to improve loss experience by establishing a Cost Allocation System which considers differences in hazard and experience. The Cost Allocation System will also act as a management information system and serve several purposes, such as: program budgeting, program costing, program evaluation and accountability.

The Cost Allocation System will be equitable - reflecting actual hazards and costs - based on easily ascertained and quantified data, and adjustable for program participants having widely disparate operations and/or financial size. The self-insurance program budget consists of:

- The sum of loss reserves for prior loss years plus anticipated losses for the next two budget years.

- Premiums for excess insurance policies purchased to protect participants from exposure above the limits of the program.
- Operating expenses.

Special operations or events requiring separate policies will be charged directly to the program participant.

II. PROCEDURES

A. The Risk Management Division will contract with an accredited actuary to perform a study of all current liabilities and future losses.

B. Based on the findings of the actuary, program costs will be broken down by coverage line; specifically workers' compensation, general liability, auto liability and property.

C. The Risk Management Division will allocate these costs by coverage line based on the following criteria:

1. For exposure ratings, the Risk Management Division will:

Use the applicable exposure base to determine a standard premium for each program participant. Exposure is based on the following criteria for each coverage line:

- Workers' Compensation and General Liability – workers' compensation payroll times the applicable rate for each position.
- Auto Liability – number of vehicles as provided by Fleet Management.
- All-risk Property Coverage – total insurable value of buildings, contents, etc.

2. For experience ratings, the Risk Management Division will:

Use the frequency (number) and severity (dollars incurred) of claims as reported by the current risk management information system to determine a percentage of loss experience for each program participant. Loss experience is used in calculating workers' compensation, general liability, and auto liability premiums only.

3. Losses exceeding the limits of the self-insurance program will be charged-back to the responsible participant. Costs associated with special programs or products will be allocated to the applicable program participant(s) based on their usage.

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Interlocal Risk Management and Self Insurance Agreement and Safety and Health Manual

APPROVED: 2/16/87

REVISED: 6/27/06

2.12.03 DRIVER EDUCATION TRAINING (DET)

I. POLICY

It is the policy of the participating intergovernmental agencies and elected officials that all personnel who operate motor vehicles owned or furnished by these agencies and officials, or operate their privately owned vehicles on official business, will, as soon as practicable after they are employed, successfully complete the Driver Education Training Course and comply with the Health and Safety Manual published by Risk Management.

II. PROCEDURES

A. Risk Management will:

1. Prepare and maintain a Health and Safety Manual that will set forth minimum requirements for those employees that operate County or private vehicles on County business.

2. Establish and coordinate a Driver Education Training Course.

3. Furnish certified instructors or programs.

4. Upon completion, issue Certificates of Completion to the attendee.

5. Review driver transcript files on all agency motor vehicle operators.

6. Update the driver attendance file as necessary in order to sustain current records.

B. Division Managers and/or Supervisors will:

1. Submit to Risk Management a list of

personnel from their respective divisions who require the Driver Education Training Course.

2. Ensure that all personnel under their supervision, who operate vehicles owned or furnished by the participating intergovernmental agencies, or who drive privately-owned vehicles on official business are familiar with the Health and Safety Manual and, will be scheduled for, and successfully complete, the Driver Education Training Course at a frequency determined by Risk Management.

3. Ensure that personnel under their supervision who miss any part of the required training make it up as soon as possible in subsequent classes.

C. Departmental Human Resources sections will:

1. Furnish Risk Management with a completed Driver Information Form on all personnel who are newly employed as motor vehicle operators, so that they may be scheduled for the Driver Education Training Course.

2. File a copy of the Certificate of Completion in each attendee's folder.

3. Notify Risk Management and Human Resources of any change in status of the employee's driver's license, such as upgrading from operator to CDL, cancellation, any restrictions, revocation or suspension.

D. Employees will:

1. Abide by the Health and Safety Manual.
2. When scheduled, attend all sessions so that they might satisfactorily complete the Driver Education Training Course and receive a certificate.
3. Upon completion, put into practice all the fundamentals of the Driver Training Education Course.
4. Immediately upon any change in the status of his/her driver's license, such as upgrading from operator to , CDL, cancellation, any restrictions, revocation or suspension, notify his/her Division Manager .

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Interlocal Risk Management and Self Insurance

Agreement and Safety and Health Manual

APPROVED: 2/16/87

REVISED: 6/27/06

2.12.04 COUNTY MOTOR VEHICLE OPERATIONS

I. POLICY

A. It is the policy of the Orange County Board of Commissioners (BCC) that every effort will be made to prevent employee involvement in motor vehicle accidents. All employees and personnel (hereafter "employee" or "employees") shall comply with all safety laws and regulations which apply to motor vehicles in the State of Florida, with local ordinances within the State, with the Orange County Safety and Health Manual, and with this Administrative Regulation. An employee shall report to his/her supervisor any traffic citations incurred while operating County vehicles and equipment. An employee who violates motor vehicle safety laws and regulations or this Administrative Regulation shall be subject to disciplinary action up to and including termination.

B. Any employee who possesses a mental or physical disability affecting the ability to safely operate a motor vehicle shall be prohibited from driving while on County business, in accordance with Section 322.126, Florida Statutes.

C. The Self Insurance Program covers County employees while driving a County vehicle only within the scope of their employment with the County. An employee who receives a citation for any violation of Florida Statute, and/or local ordinances within the State, while operating a County vehicle shall be personally responsible for payment of incurred fines and court costs.

D. No employee will operate a County vehicle without a valid Florida Driver's License; provided, however, that no employee with a Florida Drivers License containing a Florida Driver's License Restriction C (business purposes) or D (employment purposes) may operate a County vehicle.

E. Personal use of a County vehicle is not permitted.

F. Use of personal vehicles for County business shall be governed by Administrative Regulations

2.12.03 and 2.12.08.

G. Under Section 316.0083, Florida Statutes, counties and municipalities have the right to issue notices of violation and traffic citations to the registered owners of vehicles for running a red light. In the event the County is cited because a County-owned vehicle ran a red light, the employee who had custody of the vehicle at the time of the red light violation, or other person authorized in law who has personal knowledge of the matter, shall file a timely Affidavit Acknowledging Responsibility, thereby transferring responsibility for the notice of violation and any subsequent traffic citation to the employee who had custody of the vehicle at the time of the red light violation.

If the employee who had custody of the vehicle at the time of the red light violation fails to execute an Affidavit Acknowledging Responsibility or fails to pay the fine and related costs within the designated time frame, Orange County shall pay the fine and any related costs within twenty-eight (28) calendar days of the issuance of the notice or the deadline specified in the notice, whichever is earlier. If, after a predetermination hearing, a finding is made that the employee is responsible, the entire amount paid shall be deducted from the employee's pay and the employee shall be subject to disciplinary action up to and including termination.

Due to the serious nature of red light running offenses, the employee shall receive no less than a written reprimand for the first offense where the employee is found to be in violation of a red light ordinance. However, extenuating circumstances may increase the disciplinary action up to and including termination. Regardless, the employee shall be referred to the Risk Management Division for vehicle safety training.

Additional red light camera infractions shall result in further disciplinary actions up to and including termination.

II. PROCEDURES

A. A Division Manager shall:

1. Ensure that an annual driver's license survey is completed on all drivers under his/her supervision who drive a County vehicle or who may drive his/her personal vehicle for County business.

2. Ensure that all supervisors within his/her division are made aware of this Administrative Regulation.

3. Notify the Risk Management Division immediately upon receiving notice that the status of the driver's license of an employee under his/her supervision who drives a County vehicle has changed (for example, upgrading from driver to CDL, cancellation, any new restrictions, temporary disability, revocation, or suspension).

B. A Supervisor shall:

1. Conduct a driver's license survey at least annually on all drivers under his/her supervision who drives a County vehicle or who may drive his/her personal vehicle for County business.

2. Ensure that all vehicle operators under his/her supervision who operate a County vehicle are made aware of this Regulation.

3. Advise and assist all drivers of County vehicles under his/her supervision to promptly notify the Fleet Management Division of vehicle deficiencies that need be corrected by the Fleet Management Division.

4. Notify the Division Manager immediately upon receiving notice that the status of a driver's license of an employee under his/her supervision who drives a County vehicle has changed (for example, upgrading from driver to CDL, cancellation, any new restrictions, temporary disability, revocation, or suspension).

C. An employee who operates a County vehicle shall:

1. Maintain a valid, appropriately classed Florida Driver's License without any restrictions that may adversely affect the performance of his/her job duties or responsibilities, and shall specifically notify his/her supervisor if a Florida Driver's License Restriction C (business purposes) or D (employment purposes) is imposed on his/her license.

2. Notify his/her Supervisor immediately upon any change in the status of his/her drivers' license (for example: upgrading from driver to CDL, cancellation, any new restrictions, temporary disability, revocation, or suspension).

3. Inspect his/her assigned vehicle prior to operating it. Inspection will include, but not be limited to, these safety items:

- a. Foot brakes
- b. Emergency brakes
- c. Lights
- d. Turn signals
- e. Windshield wipers/washers
- f. Tire condition and pressure
- g. Mirror and glass
- h. Exhaust system
- i. Oil level
- j. Automatic transmission fluid level (if applicable)
- k. Brake fluid level
- l. Radiator fluid level
- m. Windshield fluid level

4. Report any deficiencies discovered through the operation of the County vehicle, which are beyond his/her capability to correct, to his/her immediate supervisor. No vehicle should be operated with a known safety deficiency.

5. Not operate a motor vehicle unless the employee and all passengers are restrained by a safety belt.

6. Not temporarily install, nor allow to be temporarily installed, any additional electronic equipment. Additional equipment of this type is not allowed in County vehicles unless it is installed by the vehicle manufacturer or by the County.

7. Not operate a motor vehicle while consuming alcoholic beverages or controlled substances or while under the influence of same.

8. Not smoke in any County vehicle.

9. Complete the Driver Education Training Course, as required by Administrative Regulation 2.12.03.

10. Refrain from using any cellular phones, direct connect or radios, unless a hands-free device is in use.

11. Refrain from eating or drinking while driving a County vehicle.

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Safety and Health Manual; Administrative Regulation 2.12.03; Administrative Regulation 2.12.08

APPROVED: 2/16/87

REVISED: 6/27/06; 7/29/08; 08/04/09; 02/10/15

2.12.05 CITIZEN INJURY IN COUNTY BUILDINGS

I. POLICY

It is the policy of the Board of County Commissioners, Orange County, to provide a safe environment for citizens who visit buildings which are under the supervision of Orange County personnel.

II. PROCEDURES

A. Division Managers will make personnel under their supervision aware of the contents of this policy.

B. The Risk Management Division will ensure that the Third-Party Administrator and/or Risk Management Division thoroughly investigates all incidents of citizen injury in the County's buildings as soon as possible after their occurrence.

C. The Manager, Facilities Management Division, will ensure that his janitorial personnel are made aware of the contents of this policy and of their responsibility toward good housekeeping throughout all County buildings.

D. Serious Injury or Condition: In the event the citizen experiences a stroke, seizure or similar condition, the County would not be responsible for medical expenses. However, the emergency number 911 should be called for prompt medical attention.

E. Non-Serious Injury: If the citizen sustains an injury from a slip, trip, fall or similar situation, the County would not be responsible for medical expenses unless negligence on the County's part is proven by the injured party.

F. Any County employee who witnesses, or has knowledge of a citizen injury will, if the condition is of a serious nature, call the emergency number 911 and also notify Risk Management immediately after the occurrence of such an injury.

G. If the injury is of a non-serious nature, Risk Management will be called immediately to expedite the investigation of the incident.

H. The County Department witnessing the citizen injury will report the incident to the Third-Party Administrator within twenty-four (24) hours.

I. Orange County employees who witness the citizen injury, or assist the injured citizen in any way after the injury, should not admit County responsibility relative to the injury to either the injured party or to anyone else assisting or attending the injured party.

J. If applicable, the Risk Management Division and the Third-Party Administrator will coordinate to determine the payment of medical expenses.

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Interlocal Risk Management and Self Insurance Agreement and Safety and Health Manual

APPROVED: 2/16/87

REVISED: 6/27/06

2.12.07 PERSONAL PROPERTY INSURANCE COVERAGE

I. POLICY

It is the policy of the participating agencies and Elected Officials to provide property insurance for buildings, business personal property and personal property of others in their care, custody or control. Coverage will be provided in accordance with Interlocal Risk Management and Self-Insuring Agreement, applicable insurance policies, ordinances, statutes, and applicable case law.

A. The building coverage includes all buildings or structures and their completed additions that are owned by the insured.

B. The contents coverage includes all furniture, fixtures, equipment and stock owned by the insured.

C. The personal property coverage is only for property in the insured's care, custody or control. Some examples are:

1. Tools inventoried and required by the County for performance of the employee's job, located and kept in the Fleet Management Tool Crib, under lock and key.

2. Personal property of prisoners turned into the Corrections Department for safekeeping.

D. Employee's personal property is not covered under the property insurance policy of the insured, except as noted above.

II. PROCEDURES

The procedures for filing property damage claims are outlined in the Intergovernmental Safety Plan.

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Interlocal Risk Management and Self- Insuring Agreement and Safety and Health Manual

APPROVED: 9/21/87

REVISED: 6/27/06

2.12.08 AUTOMOBILE LIABILITY INSURANCE

I. POLICY

The County will provide Automobile Liability coverage and Automobile Physical Damage coverage on owned, replacement, hired or borrowed automobiles and trucks. Coverage will be provided in accordance with Interlocal Risk Management and Self-Insuring Agreement, applicable insurance policies, ordinances, statutes, and applicable case law for all County departments, agencies and others.

All County employees who operate a vehicle in the process of conducting County business are required to attend a driver education training class, in accordance with Administrative Regulation 2.12.03.

II. PROCEDURES

A. County Owned and Leased Vehicles

The Interlocal Risk Management and Self-Insuring Agreement provides protection for County employees as well as other covered agencies for bodily injury or property damage while the insured is on official business. There is an internal deductible on damage to County owned and leased vehicles as outlined in the Interlocal Risk Management and Self-Insuring Agreement.

B. Rental Vehicles

1. Automobiles rented by an employee should be rented in the County's name with the employee's name following for the County's liability to apply.

2. The Collision Damage Waiver (CDW), Lost Damage Waiver (LDW), Personal Accident Insurance (PAI), or other coverage shall be declined by the employee. Employees are covered for this exposure under the Worker's Compensation Law and the County's liability coverage.

3. The rental contract should be read very carefully with respect to restrictions. Often, the contract will allow only the renter to drive. Failure to follow the rules can void any insurance provided.

4. The rental automobile will be used for official County business only.

C. Personal Automobiles

1. Employees who are required or elect to use their personal vehicles to conduct official County business are not covered for property damage to their vehicle by the County's Risk Management Program. The employee's automobile liability coverage is primary and any excess liability coverage is covered under the County's Risk Management Program for property damage or bodily injury caused to another during the performance of their job.

2. Employees that use their personal vehicles for official County business shall have automobile liability coverage to adequate limits. Adequate limits shall be no less than \$10,000 per person, \$20,000 per accident for bodily injury and \$10,000 for property damage.

D. The procedures for filing automobile liability claims are outlined in the Safety and Health Manual.

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Interlocal Risk Management and Self-Insuring Agreement; F.S. Ch. 627

APPROVED: 5/2/88

REVISED: 6/27/06; 9/19/17

2.12.09 CIVIL SUMMONS, COMPLAINT OR LAWSUIT AGAINST A COUNTY EMPLOYEE

I. POLICY

A. Orange County will (to the fullest extent allowed by law), defend its employees from liability incurred in the performance of the employee's duties. The County will provide a defense in any action against the County employee if the employee agrees and consents to such representation in writing. A County employee named as a defendant in a civil action may retain private counsel and undertake his or her own defense at such employee's sole expense.

B. If the employee is accused of bad faith, malicious purpose or wanton and willful disregard of human rights, safety or property, Orange County may elect not to provide a defense. If Orange County does agree to provide a defense in such a case, the employee, shall agree to reimburse Orange County for costs and attorneys fees as provided in Section I.C below.

C. Defending County employees shall not be construed as any waiver of immunity otherwise available to Orange County. If a final judgment is entered in a civil action finding that an act or omission of a County employee was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property, or was committed while acting outside the course and scope of such employee's employment, Orange County shall not be liable for such acts or omissions and such employee shall be liable to Orange County for all costs and fees expended in defending such employee.

II. PROCEDURES

A. Any County employee served with a civil summons, complaint or other notice naming such employee as a defendant in a civil action, which action resulted from performance of the employee's duties as an employee of Orange County, shall within twenty-four (24) hours after being served, deliver all papers served upon the employee or copies of all such papers to the County Attorney and simultaneously provide a copy to the Risk Management Division.

B. The employee shall include a written statement describing the date and time that such papers were served, by whom the papers were served (if known to the employee), and whether the papers were served upon the employee personally or upon some other person. If the papers were served upon some person other than the employee, for delivery to the employee,

the employee shall state the relationship of such person to the employee. The employee shall also supply a written description of the incident upon which the action was based.

FOR MORE INFORMATION CONTACT: County Attorney's Office Risk Management Division

REFERENCE: Interlocal Risk Management and Self Insurance Agreement and Safety and Health Manual

APPROVED: 9/21/87

REVISED: 6/27/06

2.12.10 FUEL AND CHEMICAL SPILLS

I. POLICY

A. It is the policy of the Board of County Commissioners that the Fire Rescue Department shall be responsible for responding to emergencies related to fuel or chemical spills within Orange County. The Environmental Protection Division (EPD) will provide assistance when needed. Other County divisions will assist with supplying materials and supplies, as requested. The responsible party, if identified, shall reimburse the County for the full amount of the cost of any and all response actions.

II. PROCEDURES

A. Under normal conditions, response to a spill will come through the 911 system to the Fire Rescue Department. Upon responding to the scene, the Fire Rescue Department will determine whether to notify EPD, depending upon the nature and size of the spill. The Fire Rescue Department shall notify the Risk Management Division of any fuel and chemical spills immediately. In the event the Fire Rescue Department or EPD feels it necessary, assistance will be requested from various County divisions for materials, equipment, and supplies.

B. Upon notification by the Fire Rescue Department or EPD, the other County divisions will provide materials, equipment, and supplies. All possible precautions will be taken to prevent exposures to all personnel as well as the public.

C. The County is not responsible for the disposal of any spilled or released fuels and/or chemicals that are not their own. The responsible party, if identified, will be required to assume responsibility for the remediation and disposal of spilled or released fuels and/or chemicals in accordance with all laws, statutes, ordinances, and regulations. In cases where the responsible party cannot

be identified, the County will designate a licensed environmental contractor for the remediation and proper disposal of contaminated soil and/or water in accordance with all laws, statutes, ordinances, and regulations.

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Orange County Code, Chapter 14.5; Interlocal Risk Management and Self Insuring Agreement; Safety and Health Manual

APPROVED: 9/18/89

REVISED: 6/27/06

2.12.11 CORRECTIONAL AND CORRECTIONAL PROBATION OFFICERS; DEATH BENEFITS

I. POLICY

The County shall provide death benefits in accordance with Section 112.19, Florida Statutes (the "Law"), when a correctional or correctional probation officer, while engaged in the performance of the officer's duties, is accidentally killed or receives accidental bodily injury which results in the loss of the officer's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted.

II. PROCEDURES

A. *Review Committee.* Upon the death of an Orange County employee classified as a correctional or correctional probation officer, a committee comprised of a representative from the Human Resources Department, the Corrections Department and the Risk Management Division shall convene a meeting to review evidence to determine whether the circumstances of the employee's death meet the requirements of the Law and allow for the payment of certain death benefits.

B. *Litigation.* If the Review Committee determines that the circumstances of the employee's death do not meet the requirements of the Law and allow for the payment of death benefits, and a survivor of the employee or other party seeks payment of death benefits through litigation, the Risk Management Division shall control the litigation through the Risk Management Program.

C. *Benefits Payable.* If the Review Committee determines that the circumstances of the employee's death do meet the requirements of the Law and allow for the payment of death benefits, the benefits shall be paid, as follows:

1. Any applicable lump-sum death benefits shall be paid through the Risk Management Program.
2. The costs of any applicable continuing health insurance plan benefits shall be paid through the Orange County Corrections Department.

FOR MORE INFORMATION CONTACT: Risk Management, Corrections
REFERENCE: Section 112.19, Florida Statutes
APPROVED: 6/05/07

2.13 TELEPHONE SYSTEMS AND NETWORK INFRASTRUCTURE CONTROL

I. POLICY

The Information Systems and Services Division will be responsible for monitoring, repairing, upgrading, and operating all of the County's telephone and network infrastructure systems to provide adequate service commensurate with need, budgetary limitations, and efficient operation. This Regulation shall apply to all County departments and divisions unless a specific exemption is granted by the Chief Information Officer.

II. PROCEDURES

A. Division Managers requesting new or upgraded service should prepare a written request that details the division's needs. The Division Manager for the requesting division will review and sign the request.

B. The request will be forwarded to the Chief Information Officer for review and approval.

C. Departments and divisions are not authorized to add, change, remove or modify any County telephone or network infrastructure component.

FOR MORE INFORMATION CONTACT: Information Systems and Services Division
REFERENCE: None
APPROVED: 2/16/87
REVISED: 6/27/06

2.14 EQUAL EMPLOYMENT OPPORTUNITY

I. POLICY

Orange County shall not discriminate against any applicant or employee on the basis of race, color, religion, sex, age, national origin, political affiliation or belief, marital status, disability, pregnancy, veteran status or any other reason prohibited by law. All County departments and employees are charged with the responsibility of enforcing this policy.

II. PROCEDURES

The Office of Professional Standards shall be responsible for ensuring compliance with this policy.

FOR MORE INFORMATION CONTACT: Office of Professional Standards
REFERENCE: Section 2 of the Constitution of the State of Florida and Chapter 112.042, 043 and Chapter 760.10, Florida Statutes; The 1972 Equal Employment Act; Executive Order 11246, date September 24, 1965, as amended by Executive Order 11375, dated October 13, 1967, Revised Order Number 4, dated October 4, 1971; Rehabilitation Act of 1973; Sections 503, 504, and Subpart E - Section 51.55 of the Office of Revenue Sharing Regulations; Age Discrimination in Employment Act of 1967; Equal Pay Act of 1963; (ix) Americans with Disabilities Act; Executive Order 11598 and Florida Statute 295.085; The Florida Civil Rights Act (xii) State and Local Fiscal Assistance Act of 1972; Title 29, Code of Federal Regulations; Florida Statutes, Chapters 110.112, 112.011, 112.042, 112.043, 116.111, 295, 413.08, 448.09, 553 Part V, 760
APPROVED: 2/16/87
REVISED: 6/27/06

2.14.01 INVESTIGATION OF COMPLAINTS OF DISCRIMINATION

I. POLICY

Orange County shall investigate all charges filed by citizens, applicants or employees who allege that they have been denied equal employment opportunities or services based on race, color, religion, sex, age, national origin, political affiliation or belief, marital status, disability, pregnancy, veteran status or any other reason prohibited by law. All charges or allegations received by the Orange County Board of County Commissioners (BCC) will be forwarded to the Office of Professional Standards (OPS) for evaluation and investigation.

DEFINITION OF DISCRIMINATION

Discrimination as defined under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), Pregnancy Discrimination Act (PDA), the Age Discrimination in Employment Act (ADEA) and Chapter 760, Florida Statutes, may be proven under either of *two basic theories*:

- Disparate treatment theory (*intentional* discrimination) occurs when an employer intentionally treats an individual, or group of individuals less favorably than others because of their race, color, religion, sex, age, disability, national origin, political affiliation or belief, veteran status or due to pregnancy.
- Disparate (Adverse) Impact Theory involves practices (even of an unintentional nature or design) whose *effects* fall disproportionately against some members of the protected groups or classes as defined above.

II. PROCEDURES

A. Citizens, employees and applicants who believe that they have been subjected to discrimination should report the allegations to their supervisor or directly to OPS. Supervisors who become aware of complaints of alleged discrimination, shall immediately report them to OPS. In addition, any notice of charges related to alleged discrimination of any type filed directly with the Equal Employment Opportunity Commission (EEOC) or Florida Commission on Human Rights (FCHR), shall be immediately forwarded to OPS for review or response on behalf of Orange County.

B. *Equal Opportunity/Professional Standards Investigation*: Within ninety (90) working days after receipt of a formal charge, OPS will be responsible for conducting and completing the investigation. Complaints of alleged discrimination received by OPS will be investigated and a draft report will be provided to the appropriate Department Director, Deputy County Administrator (DCA) and County Attorney for review and action as necessary. Additionally, a draft report review meeting may be requested if management sees a need to further clarify or investigate other aspects of the complaint not addressed in the draft report. If no additional investigative efforts are required, the report will be finalized.

C. *Notification to Charging Party and Respondent*: Once the investigative report has been reviewed and agreed to by the appropriate DCA, County Attorney and Department Director, it will be considered finalized. Upon reaching final status, the charging party (complainant) and any alleged offender will be notified that the investigation has been completed and the report is available for review.

D. *Appeal Rights*: Charging parties not satisfied with the results of the OPS investigation may exercise their right to file with either the EEOC or FCHR, or both. Additionally, this policy is not intended to negate any employee, applicant, or citizen their right to file complaints with these agencies.

FOR MORE INFORMATION CONTACT: Office of Professional Standards

REFERENCE: Title VII, Civil Rights Act of 1964 and as amended in 1991 (CRA); Americans with Disability Act 1990 (ADA); Age Discrimination in Employment Act of 1967 (ADEA); Pregnancy Discrimination Act of 1978 (PDA); Section 2, Constitution of the State of Florida; Florida State Statute (FSS) 112 Chapter 760, FSS

APPROVED: 2/16/87

REVISED: 6/18/91; 8/24/93; 6/27/06

2.14.02 E Q U A L E M P L O Y M E N T OPPORTUNITIES PLAN—OBJECTIVES & RESPONSIBILITIES

I. POLICY

Orange County is committed to providing equal opportunity in employment to all employees. Consistent with the rights and obligations under applicable federal and state law, no person will be discriminated against in employment based on race, religion, color, sex, age, national origin, disability, veteran or marital status.

Orange County will establish an Equal Employment Opportunity (EEO) Plan, which will be updated biennially. The objective of the EEO Plan is to provide Orange County Government with a process to examine its human resources practices to assure that policies and procedures provide fair and equitable treatment in all aspects of the employment process.

II. PROCEDURES

A. Human Resources shall prepare the County's EEO Plan under the direction of the County Administrator in accordance with legal requirements.

B. The County Administrator shall communicate the County's EEO Policy and Plan to senior management and hold all Department Directors accountable for ensuring that the County's EEO Policy and Plan are communicated to all managers and employees, and that EEO Plan objectives and processes are adhered to in the department.

C. The Human Resources Director, assigned staff, County Attorney and Department HR representatives will meet semi-annually to review current County EEO employment statistics, and progress made towards meeting specific goals established in the EEO Plan. Their findings and recommended courses of action to address discrepancies or barriers to equal employment will be communicated to the County Administrator, Senior Staff and Department Directors.

D. The Office of Professional Standards, with the assistance of the County Attorney's Office as needed, shall be responsible for investigating any internal charges of discrimination and for the coordination and disposition of all charges received by the Equal Employment Opportunity Commission.

FOR MORE INFORMATION CONTACT: Human Resources Division; Office of Professional Standards Office
REFERENCE: None
APPROVED: 2/16/87
REVISED: 6/27/06

**2.14.03 E Q U A L E M P L O Y M E N T
O P P O R T U N I T I E S C O M M I S S I O N (EEOC)
A N D F L O R I D A C O M M I S S I O N O N
H U M A N R E L A T I O N S (GCHR)
C H A R G E (S)**

I. POLICY

Orange County shall ensure the proper handling and disposition of all charges received from the Equal Employment Commission (EEOC) as well as the Florida Commission on Human Relations (FCHR), which are filed against any department/division under the jurisdiction of the Board of County Commissioners (BCC). The Office of Professional Standards (OPS) shall respond promptly to such charges and cooperate fully with EEOC/FCHR in the investigation of such charges. The following procedures as outlined herein will be adhered to in the handling and processing of charges received from the EEOC or FCHR. Internal charges of discrimination will be handled in accordance with Administrative Regulation 2.14.01.

OPS will be responsible for the coordination and disposition of all EEOC/FCHR charges. Should a department/division receive a charge from the EEOC/FCHR, it must be forwarded directly to OPS immediately upon receipt.

II. PROCEDURES

The following procedures shall apply to all complaints of discrimination filed with the EEOC/FCHR against individuals or departments/divisions under the jurisdiction of the BCC:

A. Upon receipt of each notice, OPS will acknowledge receipt of the charge and begin a fact-finding effort to gather information to allow for response to the charges and response to the EEOC/FCHR.

B. When situations arise that may delay timely response to the EEOC/FCHR deadlines, OPS will advise the EEOC/FCHR and request an extension as appropriate.

C. Within ten (10) working days of being advised of the specific charges filed with the EEOC/FCHR, the appropriate department/division will provide OPS with a written response, including supporting documentation, detailing the circumstances of the alleged complaint and any other information necessary to accurately respond to the charges.

D. Within the deadlines stated by the EEOC/FCHR (with exception to those circumstances where an extension has been granted), OPS will provide a response on behalf of the respondent department/division to the EEOC/FCHR. A copy of the response shall also be provided to the County Attorney.

E. Upon receipt of the final EEOC/FCHR findings, OPS will provide details to the appropriate department/division, appropriate Deputy County Administrator, the County Attorney and the Risk Management Division. Department Directors or their designees, with approval from the County Attorney's Office, shall have the authority to sign Mediation Agreements or Conciliation Agreements with the EEOC/FCHR.

FOR MORE INFORMATION CONTACT: Office of Professional Standards
REFERENCE: Title 29, Code of Federal Regulations (CFR) Title VII, Civil Rights Act of 1964 (as amended); Florida State Statute

(FSS) 760-Florida Civil Rights Act of 1992 (as amended)
Administrative Regulation 2.14.01
APPROVED: 2/16/87
REVISED: 6/18/91; 6/27/06

2.14.05 INVESTIGATION OF CHARGES OF SEXUAL HARASSMENT

I. POLICY

The County Mayor and the Board of County Commissioners affirms its commitment to ensuring an environment for all employees, applicants, clients and vendors which is fair and lawful, and in which performance will be evaluated on the basis of relevant considerations such as ability and effort. Behaviors which inappropriately assert sexuality as relevant to performance are damaging to this environment.

DEFINITION OF SEXUAL HARASSMENT

The law recognizes two forms of behavior that have been identified as sexual harassment. They are:

1. Quid Pro Quo – which means something in exchange for something. Specifically a promise of employment or employment benefit in exchange for sexual favors or a threat to take some tangible employment action if sexual favors are denied.

2. Hostile Work Environment – situations in the workplace where conduct of a sexual nature interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

II. PROCEDURES

A. Allegations of sexual harassment that come to the attention of managers or supervisors subject to the jurisdiction of the BCC will be reported immediately to the Office of Professional Standards (OPS) for investigation.

B. Employees, applicants, citizens, or vendors who believe they have been subjected to acts of sexual harassment, or have witnessed alleged acts of sexual harassment, by employees of the BCC, shall immediately file a formal complaint in writing with OPS so that the matter can be investigated. Within ninety (90) working days after receipt of a formal charge of sexual harassment, OPS will be responsible for conducting and completing the investigation.

C. Upon final completion of the administrative investigation by OPS, a draft report will be provided to the appropriate Department Director, the County Attorney and Deputy Administrator (DCA) for review and action as necessary. Additionally, a draft report meeting may be requested if management sees a need to further clarify or investigate other aspects of the complaint not addressed in the draft report. If no additional investigative efforts are required, the report will be finalized.

D. The OPS administrative investigation does not deny the person making the complaint their opportunity or right to file complaints with the Equal Employment Opportunity Commission (EEOC) or the Florida Commission on Human Relations (FCHR).

FOR MORE INFORMATION CONTACT: Office of Professional Standards

REFERENCE: Title VII, Civil Rights Act of 1964 (as amended); Florida State Statute (FSS) 760 Florida Civil Rights Act of 1992 (as amended)

APPROVED: 8/24/93

REVISED: 6/27/06

2.16 THE NAMING OF ORANGE COUNTY PARKS, AND RELATED FACILITIES

I. POLICY

The ultimate authority for the naming (or renaming) of Orange County Parks and Recreation sites is vested in the Board of County Commissioners (BCC). This Regulation provides the steps necessary to bring a proposed name to the BCC for consideration and approval. The following procedure is to be used for renaming existing sites, naming new park sites, and for the naming of specific facilities within a park site.

A. Acceptable Park Names

1. Natural feature, recognizable area, neighborhood, or names of horticultural or historical significance for Orange County Parks and Recreation facilities are preferred.

2. A park or recreation facility may be named in honor of a deceased person who has made a major contribution to the field of parks and recreation or community endeavors after a waiting period of no less than twelve months from death of such person except if specified as a condition of substantial donation offered to Orange County.

3. A park or recreation facility shall not be named for a living person except when a name is specified as a condition of substantial donation offered to Orange County.

In such cases when naming a park or recreation facility after a donor, the BCC should indicate the minimum monetary contribution to be considered (in relation to the percentage of total cost of the project or land).

B. The Parks and Recreation Advisory Board (Parks Board) recommends to the BCC that the names of current County parks and recreation facilities be maintained in order to respect historical tradition and community values that previous generations bestowed on these sites.

II. PROCEDURES

A. Submission Process for Proposed Site Names

1. Proposed names for new parks (or the remaining of existing facilities) may be brought forward by any of the following individuals, groups or entities:

- a. County Mayor;
 - b. The BCC or an individual Commissioner;
 - c. Parks Board or Board member;
 - d. Parks and Recreation Manager or staff;
- or
- e. Any Orange County citizen or group.

2. Proposed names must be submitted in writing to the Manager of the Parks and Recreation Division. Proposals must contain, at the minimum, the following information:

- a. Proposed Name
- b. Proposed Site Location
- c. Reasons for recommendation of the proposed name. If being named after an individual, this should include such justifications as civic involvement of honoree, historical context of honoree in the Orange County community, and related information.
- d. The submittal must include a narrative outlining the community accomplishments/ donations attributable specifically to the named individual.

3. Upon receipt of the written proposal, the Manager of the Parks and Recreation Division will place the recommendation on an upcoming Parks Board

agenda for consideration. Copies of the proposal will be provided to the Parks Board members prior to the scheduled meeting. The Parks and Recreation Division will include their recommendations with the submittal to the Parks Board for final evaluation and disposition.

4. A decision will be communicated to the Parks and Recreation Division for the purposes of forwarding a formal response to the sponsoring agency/organization (original requester). Receipt of an approved proposal does not indicate action but support for final consideration. More than one approved proposal can be considered for the same site or facility in question.

B. County Mayor Recommendations

The County Mayor will review the written recommendation of the Parks Board, and advance the recommendation to the BCC for consideration.

C. BCC Approval

The County Mayor's recommendation for a site name will be placed on the BCC meeting agenda for approval. Upon their approval, the site name will be official.

Upon approval of a submitted request, the Parks and Recreation Division, in conjunction with the sponsoring agency/organization, will determine the appropriate type and placement of any recognition within the park facility. All costs associated with this recognition and placement thereof will be the sole responsibility of the sponsoring individual(s)/ organizations.

FOR MORE INFORMATION CONTACT: Parks & Recreation Division, Community & Environmental Services Department

REFERENCE: None

APPROVED: 6/27/06

2.16.01 USE OF COUNTY PARKS AND FACILITIES BY COUNTY DEPARTMENTS

I. POLICY

To encourage and promote the use of all County parks and their facilities for the enjoyment and benefit of all Orange County departments.

II. PROCEDURES

A. County departments and divisions desiring to use a County park for their outdoor activities will be granted use of the outdoor facilities (pavilions, equipment, etc.) free of charge provided the facility is available for the requested time of use and the intended use is for a department-wide or division-wide function. Park entrance fees, where applicable, must be paid.

1. A County department or division function is described as any event promoted and conducted by an entire department or division for the enjoyment of their employees and families.

2. Use of park facilities shall be during normal park operating hours.

3. Employees and their families will be expected to abide by all rules and regulations governing Orange County Parks, County ordinances or any other rules established by the Parks and Recreation Division Manager or designee.

B. Requests for facility use shall be made in writing by the Department Director or Division Manager of the requesting department/division and addressed to the Manager of the Parks and Recreation Division (or designee). Facility requests should be made at least two weeks in advance. Upon receipt of the request, the Parks and Recreation Division Manager or his designee will determine whether such facility is available for use and notify the requesting department/division of approval of intended use. If the facility is available, the requesting department/division must complete a Facility Use Agreement and submit it to the park staff.

C. A County department or division wishing to cancel any scheduled use shall notify the Parks and Recreation Division Manager as soon as possible of the intended cancellation so the facility may be made available for public use.

D. The Parks and Recreation Division will not be responsible for providing any audio visual equipment or office supplies.

E. Other than the standard room setup of tables and chairs, the Parks and Recreation Division will not provide labor for a facility rental free of charge.

F. Cypress Grove Park's Estate House and Grove House are not available free of charge. The Estate

House and Grove House are managed by a private company and their standard fees will apply.

FOR MORE INFORMATION CONTACT: Parks and Recreation Division, Community and Environmental Services Department

REFERENCE: None

APPROVED: 11/19/90

REVISED: 6/27/06

2.16.02 REPORTING ALLEGATIONS OF FRAUD

I. POLICY

A. It is the policy of the Board of County Commissioners (BCC), to ensure compliance with the principles of right and wrong which govern the conduct of employees. Orange County's policies communicate the desire to eliminate unethical practices while creating an environment in which employees and/or citizens are encouraged and comfortable in the reporting of suspicions of fraud.

The term fraud refers to, but is not limited to, any dishonest or fraudulent act to include forgery or alteration of any document, misappropriation of funds, supplies, etc., improper handling or reporting of money or financial transactions, profiting by self or others as a result of inside knowledge, destruction or intentional disappearance of records, furniture, fixtures or equipment, accepting or seeking anything of material value from vendors or persons providing services or materials to the County for personal benefit (exception: gift items in accordance with the Code of Conduct Policy), and/or any similar or related irregularity.

To ensure ethical conduct of its employees, Orange County's Code of Conduct Policy governs the personal use of County equipment, materials, tools, supplies, etc. Infractions of this policy, may constitute disciplinary action up to and including termination and/or criminal charges. It is the County's desire to prosecute all employees that commit a criminal act regardless of the wrong-doer's length of service, title or relationship. In addition, the County desires to terminate all employees convicted in a court of law of committing a fraud against or for the County.

Employees are required to sign a statement, upon employment, acknowledging the County's fraud policy and regulations and agreeing to abide in accordance with such. Through policies and regulations, employees are made responsible for the immediate

reporting, to their supervisor or higher authority, any and all suspected violations of these practices.

It is management's responsibility to establish systems and controls to provide reasonable assurance of the prevention and detection of fraud. Members of the management team should be familiar with the types of improprieties that might occur within their areas of responsibility and be alert for any indication of irregularity. In this regard, the Comptroller Audit Division has the primary authority and responsibility to conduct audits and investigations related to possible fraudulent activities within County operations and functions under the jurisdiction of the BCC.

B. The County makes every attempt to protect employees from retaliatory action due to reports of suspected fraud in accordance with section 112.3187, Florida Statutes (Whistle-Blower Act of 1986). The Act protects an employee from retaliatory action by an organization against an employee who reports to an appropriate agency violation of law on the part of a public employer or independent contractor that creates a substantial and specific danger to the public's health, safety, or welfare. Additionally, the act protects employees reporting improper use of a government office, gross waste of funds, or any other abuse or neglect of duty on the part of an agency, public officer, or employee.

C. The Comptroller Audit Division will keep the name of the person who reports a fraud confidential if desired by the reporting person in accordance with Florida Statutes Section 112.3188, as amended.

II. PROCEDURES

A. Employees and members of the public have a number of mechanisms for reporting suspected fraud. These include:

1. Report the suspected fraud to the Comptroller Audit Division Fraud, Waste and Abuse Hot Line (407-836-5775).

2. Provide their information to a supervisor, Department Director/Division Manager, or higher authority serving under the jurisdiction of the BCC.

3. Provide their information directly to the Office of Professional Standards which will coordinate all information related to allegations of fraud, waste or

abuse with the Comptroller Audit Division prior to proceeding with an investigation.

B. Employees or citizens who wish to remain anonymous may report their information to the Comptroller Audit Division, Fraud, Waste and Abuse Hotline (407-836-5775).

C. Supervisors, Department Directors/Division Managers or higher who receive information related to allegations of fraud will:

1. Compile all information relayed by the reporting individual and report it to either the Comptroller Audit Division or the Office of Professional Standards, or both. In all cases of suspected fraud reported directly to the Office of Professional Standards, they will provide the information to the Comptroller Audit Division.

2. Fully cooperate with any investigations that result from the information provided to include making diligent efforts to keep the information as confidential as necessary to facilitate investigative efforts and not inappropriately cause suspicion upon the reputation of any County employee based upon unsubstantiated information.

D. The Office of Professional Standards shall:

1. Investigate fraud allegations as needed and in all cases cooperate with the Comptroller Audit Division to include reporting such information prior to conducting an investigation.

2. In cases where fraud is verified, coordinate with appropriate law enforcement agencies.

E. The Comptroller Audit Division will:

1. Maintain a Fraud, Waste and Abuse Hot Line to allow for reporting of information related to alleged fraud within the BCC.

2. Investigate reported fraud for those departments/divisions within the jurisdiction of the BCC, either through an independent investigation or through cooperation with the Office of Professional Standards.

3. Coordinate with law enforcement agencies as appropriate.

4. As appropriate, provide a formal investigative report to the BCC upon conclusion of their investigative efforts and an interim report as soon as possible to the County Administrator.

5. In some instances, the Director of the Comptroller Audit Division may determine it is in the best interest of an audit or investigation to take control, or limit access to, County premises, records or equipment, in order to gather, copy, review or safeguard documents or equipment relevant to their audit or investigation responsibilities.

F. Management Responsibilities:

1. Managers/supervisors who become aware of actual or alleged fraud shall report the information immediately to the Comptroller Audit Division, the Office of Professional Standards or both.

2. Managers/supervisors shall fully cooperate with any investigation that results from the information including any resulting law enforcement investigation.

3. Managers/supervisors shall use care and discretion in the handling of any allegations, to avoid alerting suspected individuals or to avoid mistaken accusations causing potential harm to the reputation of an honest employee.

G. County Administrator or designee will:

1. Determine appropriate disciplinary action upon completion of an investigation.

2. Report results of investigative findings to the BCC as determined necessary.

H. Fraud Reporting Reward - Employees and citizens may be rewarded for their conscientious observation and reporting of fraudulent conduct as relevant to the departments/divisions under the jurisdiction of the BCC.

Upon completion of the investigation that substantiates the information provided by an individual, they may be eligible for a reward. Anonymous reports are not eligible for reward. Fraudulent reports recouping a monetary loss of over one thousand dollars (\$1,000) may receive a reward of up to one hundred dollars (\$100). A fraudulent report which results in substantial and/or widespread financial impact may receive a reward in

excess of one hundred dollars (\$100) if directed by the BCC.

FOR MORE INFORMATION CONTACT: County Administrator's Office; Comptroller Audit Division; Office of Professional Standards

REFERENCE: FSS 112-3187 (Florida Whistle-Blower Act of 1986); FSS 112-3188 (Confidentiality of Identifies and Information Provided to Local Officials and Chief Executive)

APPROVED: 12/02/93

REVISED: 6/27/06

2.16.04 USE OF ALCOHOLIC BEVERAGES IN COUNTY PARKS AND FACILITIES

I. POLICY

Although County code prohibits the consumption of alcoholic beverages in Orange County Parks, a waiver may be obtained through the Parks and Recreation Division Manager or designee and under such terms as the Parks and Recreation Division Manager may impose. This waiver allows the consumption of beer (keg form only), wine, or champagne at designated locations. The waiver does not allow for the sale of any alcoholic beverages. Beer (keg form only), wine, or champagne may be served for no longer than a four (4) hour time frame. Acquisition of \$1,000,000 minimum liability insurance is a condition precedent to final approval. Orange County must be named as an additional insured. The insurance policy must specifically include host liquor liability coverage.

A waiver may be obtained for catering companies providing services for the Marks St. Senior Center, Cypress Grove Park Estate House and Grove House, and the Renaissance Senior Center at Curry Ford Park to serve and sell any type of alcoholic beverages if they acquire the proper licensing to do so. The management company for the Cypress Grove Estate House and Grove House may serve and sell alcoholic beverages if the proper licensing is acquired.

II. PROCEDURES

A. Designated locations able to accept an Alcohol Waiver:

Parks

1. Barnett Park – Pavilion #1, #2, #3, #4
2. Clarcona Horseman's Park – Concession Building and Pavilion #1 between Arena #1 and #2

3. Magnolia Park – Lakeside Pavilion only
4. Moss Park – Pavilion #5

Facilities

1. Barnett Park Recreation Center – Dolphin Room #1 and #2, Marlin Room #1 and #2
2. Bear Creek Recreation Center
3. Capehart Recreation Center
4. Cypress Grove Estate House and rear grounds, the Grove House and rear grounds
5. Renaissance Senior Center at Curry Ford Park
6. Fort Gatlin Recreation Center
7. Marks Street Senior Center
8. Orlo Vista Recreation Center – Assembly Room

B. New parks and facilities to be addressed as they become operational.

FOR MORE INFORMATION CONTACT: Parks & Recreation Division, Community and Environmental Services Department

REFERENCE: Orange County Code, Sections 29-56 and 29-57

APPROVED: 10/20/92

REVISED: 6/27/06; 03/18/08

2.17 EXECUTIVE SESSIONS WITH THE BOARD OF COUNTY COMMISSIONERS TO DISCUSS LITIGATION

I. POLICY

The County Attorney, or an attorney designee from his/her office (the Deputy County Attorney, a Senior Assistant County Attorney, or an Assistant County Attorney), may schedule a private consultation with the Board of County Commissioners (BCC) to discuss pending litigation to which the BCC is presently a party before a court or administrative agency. This private session with the BCC shall be known as an "executive session." The subject matter of the executive session shall be limited to settlement negotiations or strategy sessions relating to litigation expenditures in a case for which the County Attorney (or an attorney designee from his office or outside legal counsel, as appropriate) represents the BCC. An executive session should be called only when the County Attorney (or an attorney designee) has determined that such a session is absolutely necessary. Once deemed absolutely necessary, compliance with Florida Statutes, subsection 286.011(8) regarding such private consultations is

paramount. Deviation from this statutory requirement may result in avoidance, sanctions and/or reversal of any discussion at the session.

II. PROCEDURE

1. An executive session shall be noticed in the following three ways:

a. The first notification occurs when the request for an executive session is placed on the BCC agenda as a discussion item.

b. The second notification occurs when a public notice – "Notice of Executive Session of the Board of County Commissioners" – is published or posted. Such a notice shall be posted no less than three (3) full working days prior to the date of the executive session. It is imperative that this notice contain the names of all persons who will be attending the executive session. (An attendee's title may not be substituted for the attendee's name.)

c. The third notification occurs during an open session of the BCC when the County Attorney (or an attorney designee) announces to the BCC that he or she would like to advise the BCC concerning pending litigation, limited to settlement negotiations or strategy sessions relating to litigation expenditures in a particular case. If the BCC approves this request, at an open session, the elected official chairing the meeting (or his/her designee) shall announce the commencement, estimated length of the executive session, and names of all persons who will be attending the executive session.

2. The County Attorney (or his attorney designee) shall be responsible for hiring a certified court reporter for an executive session. The executive session shall be recorded, transcribed, and the record and transcription delivered to the County Attorney (or his attorney designee). No portion of the executive session shall be held off the record. The County Attorney (or his attorney designee) shall, within a reasonable time, file the transcript with the Clerk of the Board in a sealed envelope, instructing the Clerk that the transcript is not a public record and will not become so until the litigation concludes in the case. Therefore, the transcript is not subject to public scrutiny until that time. At such time as the litigation is concluded and all timeframes for appeals have elapsed, the County Attorney (or his designee) shall inform the Clerk of the

Board that the transcript may be made part of the public record.

3. Based upon current Florida appellate case law, only the following persons are allowed to participate in an executive session concerning settlement negotiations or strategy sessions relating to litigation expenditures pertaining to pending litigation or administrative proceedings to which the County is a party: the County Mayor, the County Commissioners, the County Administrator, the County Attorney, and the Assistant County Attorney or specially appointed outside counsel of record for the County in the litigation.

4. Final approval of any determination resulting from the discussions held shall be made only at an open session of the BCC.

5. At the conclusion of the executive session, the public meeting shall be reopened, and the elected official chairing the meeting shall announce the termination of the executive session and shall then either continue with other matters before the BCC or adjourn the public meeting.

FOR MORE INFORMATION CONTACT: County Attorney
REFERENCE: 286.011(8), Florida Statutes
APPROVED: 6/27/06

2.17.01 COLLECTIVE BARGAINING: CLOSED SESSIONS WITH THE BOARD OF COUNTY COMMISSIONERS

I. POLICY

Section 447.605, Florida Statutes, grants an exemption to the public meetings law when it is determined by the County Administrator, or his or her representative, that a meeting ("closed session") with the Board of County Commissioners is required to discuss collective bargaining issues.

Section 447.605, Florida Statutes does not impose any notice or other procedural requirements upon public officials when a meeting between a County Administrator, or his or her representative, and the Board of County Commissioners is deemed necessary.

This Administrative Regulation is adopted to provide guidelines and general procedures for such meetings. It should be noted that this Administrative Regulation is adopted with the express caveat that the procedures set forth below are guidelines, and if these guidelines are not

followed in a particular case, that such circumstance does not confer upon any person or entity any right of action separate from or greater than any rights in Chapter 447, Florida Statutes.

II. PROCEDURES

A. The County Administrator, or his or her representative, makes the determination that a closed session with the Board of County Commissioners is necessary to discuss pending collective bargaining issues.

B. The only topic that may be discussed in the closed session shall be the pending collective bargaining described in the notice below.

C. Notice of the closed session shall be posted in accordance with Administrative Regulation 2.09 regulating the posting of public meetings on the bulletin board on the first floor, reserved for public meeting notices. Notice of this meeting shall be posted at least two (2) days in advance of the proposed meeting or such longer time as is practicable.

D. The Agenda Development Office shall be responsible for the posting of the notice set forth herein.

E. Nothing in this procedure shall alter, amend or nullify the requirement that the actual collective bargaining and negotiations between the Chief Executive Officer and his or her representative and a Bargaining Agent shall be in compliance with the provisions of Section 286.011, Florida Statutes, or alter or amend the provision that all work developed by the public employer in preparation for negotiations, and re-negotiations, shall be confidential and exempt from the provisions of Section 119.07(1), Florida Statutes.

F. Final approval of any determination resulting from the discussions held shall be made only at an open session of the Board of County Commissioners.

FOR MORE INFORMATION CONTACT: Office of the County Attorney
REFERENCES: Section 447.605, Florida Statutes; Section 286.011, Florida Statutes; Section 119.007(1), Florida Statutes
APPROVED: 6/27/06

2.18 STATE OF THE COUNTY MESSAGE

I. POLICY

The Orange County Charter, Article III, Section 302. D.8., requires that the County Mayor "Present annually at a time designated by the Board, a State of the County message, setting forth programs and recommendations to the Board." In order to establish an appropriate time frame for this message, whether delivered orally or in writing, the Board hereby designates the second quarter of each fiscal year, except as provided below, for the County Mayor to deliver the State of the County message.

II. PROCEDURES

A. The County Mayor will communicate to the Board at least 30 days in advance a date, time, and location for delivery of the State of the County message. The date and time for delivery of the message, whether orally or in writing, shall occur during the period between January 1st and March 31st, except as provided below.

B. If the County Mayor elects to deliver the State of the County message orally, the County Mayor shall communicate to the public the date, time, and location of the State of the County message. If the message is to be delivered to the Board in writing, it shall be disseminated to the public as well, with the widest dissemination practical.

C. In time of emergencies, or for other reasons, the County Mayor may request from the Board a waiver of the time requirements in this Regulation.

D. In the first year of a term of office, the County Mayor may deliver the State of the County address during the months of March, April, or May, at the County Mayor's option, for the purpose of setting forth the County Mayor's goals, programs and priorities during the term. In that case, and if the message is to be delivered orally, the County Mayor will notify the Board of the date, time and place for delivery of the message no less than thirty calendar days in advance and shall give suitable notice to the public.

FOR MORE INFORMATION CONTACT: County Mayor's Office; Communications Division

REFERENCE: Orange County Charter; Article III; Section 302. D.8

APPROVED: 10/20/92

REVISED: 6/27/95; 1/02/01; 6/27/06

2.19 DISASTER PLANNING AND CONTROL

I. POLICY

The Board of County Commissioners, in their effort to protect the life and property of citizens, both residents and visitors, established the Office of Emergency Management for the purpose of comprehensive planning through mitigation, preparedness, response and recovery. This office (Office of Emergency Management) comes under the supervision of Fire Rescue Department under the Office of Public Safety.

The Orange County Comprehensive Emergency Management Plan (CEMP) for the disaster preparedness of Orange County and the Emergency Management of Resources has been adopted by the Board of County Commissioners; and in support of this plan, it is necessary that the divisions, departments, offices and units of Orange County make effectiveness preparation to discharge emergency responsibilities for management of all possible emergencies and/or disasters and to promote rapid recovery from the effects thereof.

II. PROCEDURES

A. The Office of Emergency Management shall develop a Comprehensive Emergency Management Plan (CEMP) as required by Chapter 252.38, Florida Statutes.

B. The Office of Emergency Management shall prepare the local government emergency management plans consistent with Rule 9G-6, Florida Administrative Code.

C. The Governor of Florida shall manage overall efforts to support local governments. However, local direction and control shall be the responsibility of the County Mayor and Mayors/City Managers of municipalities.

D. The Executive Policy Group is composed of the County Mayor or designee, County Administrator, Deputy County Administrators, Manager of Emergency Management, Sheriff, Comptroller, County Department Directors, Orange County School Board Superintendent, and County Attorney, as well as other local municipal or County representatives as deemed necessary.

E. Orange County utilizes an Emergency Support Function (ESF) System to assign specific tasks and responsibilities to various agencies tasked with response and recovery operations during times of emergency. Responsibilities for each ESF are referred to in the CEMP, Basic Plan, Section 3.

F. All County divisions and municipalities can access the Orange County CEMP via County web page or contact the Office of Emergency Management to obtain a hard copy.

G. The County will operate and conduct operations according to the National Incident Management System in a disaster and/or emergency.

H. Initial response to all hazardous material incidents shall be the responsibility of local fire and law enforcement agencies.

FOR MORE INFORMATION CONTACT: Office of Emergency Management; Fire Rescue Department

REFERENCE: Chapter 252, Florida Statutes; Rule 9G-6, Florida Administrative Code; Public Law 920, Federal Civil Defense Act of 1950; Public Law 99-499, Emergency Planning and Right to Know Act of 1986; State of Florida Executive Order 80-29; Orange County Comprehensive Emergency Management Plan; Robert T. Stafford Act and Amendments; Homeland Security Presidential Directives #5 and #8; State of Florida Comprehensive Emergency Management Plan; National Response Plan

APPROVED: 6/18/91

REVISED: 11/11/97; 6/27/06

2.20 SPECIFIC PROJECT EXPENDITURE REPORT

I. POLICY

Subsection 2-354(b) of the Orange County Code (Code) requires that all principals or their authorized agent submit to the appropriate county department, excluding professional fees paid by the principal to his/her lobbyist for the purpose of lobbying, one specific project expenditure report (SPR) for all lobbying expenditures incurred by the principal and his or her authorized agent (which is supported by a completed authorized agent form) and his/her lobbyist, contractors, and consultants for projects or issues to be presented to the Board of County Commissioners (BCC) even if the expenditure value is \$0.

For purposes of completion of the SPR, principal or principal's authorized agent does not include governmental entities but does include persons, partnerships, joint ventures, trusts, associations, corporations, limited liability corporations, or other entities where the principal or employee is not a lobbyist under the Code but does perform lobbying activities on behalf of a business in which they have a personal interest.

The Code requires that the SPR format be adopted separately by administrative regulation.

II. PROCEDURES

A. Effective with items submitted to or filed with the County after January 1, 2009, the County Department administering any project or issue (Department), will provide the SPR to any principal or principal's authorized agent for those projects or issues that will come before the BCC for final determination unless that project or issue is exempt from the SPR requirement.

B. In cases where a SPR is required, a signed and notarized SPR and any amendments thereto will be collected by the Department administering the project or issue, even if the value of expenditure is \$0. The form will remain cumulative. If the SPR is signed by the principal's authorized agent, a copy of the Agent Authorization form should accompany the SPR.

C. Effective with agenda items submitted to the Agenda Development Office after November 15, 2012, only in cases where the expenditure value recorded on the SPR exceeds \$0 must the Department submit the completed SPR to the Agenda Development Office as part of the BCC agenda item. In all cases, the SPR must contain the signature of the principal or principal's authorized agent and must be notarized. If the SPR is signed by the principal's authorized agent, a copy of the Agent Authorization form should accompany the SPR.

D. The form of the SPR, as drafted, must contain the following elements:

1. The Name and Address of the principal or the principal's authorized agent;

2. The Name and Address of principal or his/her agents lobbyists, consultants, and contractors, if any;

3. A table in which the principal or his/her agent lists all lobbying expenditures incurred by the principal and the principal's authorized agent, his or her lobbyist, and/or his or her contractors, if applicable, expended in connection with the project or issue; and

4. A signed certification by the principal or principal's authorized agent, which must be notarized, in which the principal or his/her agent:

a. certifies that all information provided in the SPR is true and correct;

b. acknowledges and agrees to amend the SPR to include any additional expenditures related to the project or issue that are incurred after submittal of the SPR but prior to the scheduled BCC meeting date; and

c. acknowledges that it is a second degree misdemeanor to knowingly make a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty.

E. One cumulative SPR will be filed for each project or item unless exempt. Any amendments to the SPR must be filed with the Department no later than seven (7) business days prior to the BCC meeting date on which this item will be presented to the BCC. For an item set for public hearing, if additional expenditures are incurred within the seven (7) business day period prior to the BCC meeting date, changes may be made verbally at the public hearing before the BCC, if applicable. However, if the item is scheduled to appear on the BCC consent agenda and additional expenditures are incurred within the seven (7) business day period prior to the BCC meeting date, the item will be removed from the consent agenda for that BCC meeting date.

F. The following items are exempt from the SPR requirement:

1. Ministerial items presented to the board which require a mandatory act or duty and admit of no personal discretion or judgment in its performance.

2. Settlement agreements of matters in which the County is a party.

3. Matters in which the County is the principal or the primary applicant.

4. Discussion items or workshop items with no action requested by the BCC.

5. Request for approval of resolutions by the BCC.

6. Ordinances amending the Code which are presented by County staff.

G. Specified procurement matters, other than competitive sealed proposals or procurement of professional services, shall be exempt from the SPR

requirement. Where required the completed SPR shall be submitted to the Department at the time a proposal is submitted to the County and the SPR shall be updated, if necessary, in cases where a protest is filed regarding a recommendation.

FOR MORE INFORMATION CONTACT: County Attorney's Office

REFERENCES: Section 2-354, Orange County Code

APPROVED: 12/16/08

REVISED: 10/30/12

2.21 IDENTITY THEFT PROTECTION

I. POLICY

Identity theft is a common crime. Careless handling of personal information makes identity theft easier. It is the County's policy to take all reasonable precautions to protect personal information collected from employees, customers and citizens. The County will take all reasonable steps to prevent unauthorized use or access to personal information obtained from customers, employees and citizens while records are in the County's custody and control. In addition, records will be disposed of in a manner that minimizes the opportunity for misuse. All records will be obtained, maintained and disposed of in compliance with all federal, state and local laws and regulations.

II. PROCEDURE

A. Records Containing Personal Information: To prevent identity theft, accidental loss or disclosure of personal information, each impacted County department and/or office will be responsible for developing documented operating procedures to protect personal information obtained from customers, employees and citizens.

Personal information includes:

- social security number
- date of birth
- driver's license number
- alien identification number
- credit card numbers
- debit card numbers
- banking institution account numbers
- birth certificates
- passport number

The operating procedures in use at each department, at

a minimum, shall include:

- A requirement to obtain and keep only relevant personal information needed and no other personal information;
- Limiting access to personal information to employees, volunteers and contractors that need the information to do their jobs;
- Training employees, volunteers and contractors to handle personal information responsibly;
- Educating employees, volunteers and contractors about which records can be taken off site, when they can be taken off site and how they are to be secured when off site;
- Storing confidential records in a secure place such as a locked file cabinet or a locked desk;
- Installing firewalls, anti-spyware, and anti-virus software to protect computer systems from hacking;
- Using password protection and encryption to protect personal information from unauthorized access;
- Logging off the computer when it is unattended and system lock computer screens after a set period of time;
- Ensure complete and secure destruction of paper documents and computer files containing personal information.

B. Financial Transaction: County departments and/or offices that obtain personal information for ongoing customer accounts for the purpose of conducting financial transactions shall create an Identity Theft Prevention Program to comply with section 681.2 of chapter 16 of the Code of Federal Regulations, which implements section 114 of the Fair and Accurate Credit Transaction of 2003. These County departments and/or offices shall submit their written Identify Theft Program to the County Attorney's Office for review and approval. The Program will be designed to identify red flags that will alert the County when new or existing accounts are opened/accessed using false information, protect against the establishment of false accounts, provide methods to ensure existing accounts are not opened using false information, and provide measures to respond to such events.

FOR MORE INFORMATION CONTACT: County Attorney's Office

REFERENCE: Section 681.2 of chapter 16 of the Code of Federal

Regulations; Section 114 of the Fair and Accurate Credit Transaction of 2003.

APPROVED: 04/07/09

2.22 COMPLAINT FORM AND ENFORCEMENT RESPONSE GUIDE AND FINES MATRIX

I. POLICY

Subsection 2-455, of the Orange County Code (Code), contains the requirements for investigation of alleged violations of the Orange County Code of Ethics (Article XIII, Chapter 2, Orange County Code) and the requirement that the complaint form, enforcement response guide, and matrix be adopted by the Board of County Commissioners by administrative regulation.

A sworn Complaint shall be filed with the Office of Agenda Development and forwarded to the County Investigative Officer who shall initiate the investigation. Such sworn Complaints shall clearly describe all alleged violations based upon personal knowledge and factual information. Hearsay, rumors, or other unfounded allegations shall not be used as a basis for a Complaint.

Upon receipt of the Complaint, the County Investigative Officer shall review the allegations and surrounding facts and make a determination if jurisdiction exists. Should it be concluded that there is no jurisdiction, the Investigative Officer shall advise all parties of his finding and the matter will be closed. If, however, it is found that jurisdiction does exist, the Investigative Officer shall proceed in accordance with the adopted procedures and matrix, as set forth in this administrative regulation. The alleged violator shall have the opportunity to cure the violation within the time frame set forth in the matrix.

Based on the foregoing, the County Investigative Officer and Special Master determine that a Settlement Agreement would be acceptable, such Agreement shall be created using the enforcement response, further described in section 2-456, Orange County Code, and matrix to establish the enforcement or corrective actions and associated fines, if applicable.

The sworn Complaint and records relating to the sworn Complaint are confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and section 24(a), Article I of the State Constitution. Further, any proceeding conducted pursuant to the

sworn Complaint or preliminary investigation is exempt from the provision of section 286.011, Florida Statutes, section 34(b), Article I of the State Constitution, and section 120.525, Florida Statutes.

Exemptions shall apply until the sworn Complaint is dismissed as legally insufficient, the alleged violator requests in writing that such records and proceedings be made public, or until the Special Master determines, based on the investigation process, whether probable cause exists to believe that a violation has occurred.

II. PROCEDURES

A. Complaint Form

1. A Complaint Form for alleged violation may be obtained from, and must be filed with, the Office of Agenda Development.

2. The Complaint Form, as drafted, must contain the following elements:

a. The name, address, and telephone number of the person bringing the complaint.

b. The name, title, address, and telephone number (if known) of the person against whom the complaint is being brought.

c. A Statement of Facts (Part III) which should include:

- i. Names and addresses of persons whom may be witnesses;
- ii. All relevant dates to the Complaint;
- iii. Full explanation of the facts; and
- iv. The specific section of the code complainant believes to have been violated (if known).

3. The Complaint shall be based upon personal knowledge and factual information and clearly describe all alleged violations in the Complaint Form. Hearsay, rumors, and other unfounded allegations shall not be used as a basis for a complaint.

4. The Complaint Form must be signed by the complainant under oath representing affirmation that the

facts contained therein are true and correct to the best of the complainant's knowledge and belief.

5. Within three to five business days of receiving the sworn Complaint, the Office of Agenda Development shall forward said Complaint to the County Investigative Officer who shall notify the respondent that a Complaint has been received.

6. The County Investigative Officer shall then initiate the investigation.

B. Enforcement response guide and matrix.

1. The enforcement response guide and matrix shall contain information relevant to the following:

- a. Section of code alleged in the complaint;
- b. Personnel to whom complaint is made;
- c. Applicability to County code/jurisdiction;
- d. Findings; and
- e. Enforcement action, and fine matrix.

ENFORCEMENT RESPONSE GUIDE and FINES MATRIX
for use by County Investigative Officer, Special Master and Hearing Officer

COMPLAINT	PERSONNEL TO WHOM COMPLAINT IS MADE	APPLICABILITY TO COUNTY CODE Jurisdiction?	FINDINGS As interpreted from Complaint and based on Code section	ENFORCEMENT ACTION/FINE MATRIX
Section 2-453 (a) – Local financial disclosure report not filed on or before due date.	County Investigative Officer (Officer) (through the designated department, as determined by the County Administrator)	Applicable; addressed in County Code	1. Determine documents required by Code were not improperly filed. 2. Documents required by s.2-453 (a) filed less than 5 business days late. 3. Documents required by s.2-453 (a) filed 5 or more business days late.	1. No violation; no further investigation. Complainant informed by letter. 2. No fine assessed. Complainant informed by letter. 3. Settlement by Officer is an option. Documents filed 5 or more days late, fine of \$25/day until date the forms filed. If officer or employee is militarily deployed or presents other excusable absence as determined by Officer (e.g. illness, death in family) or provides evidence of reliance on advice provided in writing by County Ethics Officer, matter will be closed and complainant informed.
Section 2-453 (a) – Local financial disclosure report not completed.	County Investigative Officer (Officer) (through the designated department, as determined by the County Administrator)	Applicable; addressed in County Code	1. Determine information required by Code was not omitted from form. 2. Determine information that was omitted was provided within 5 business days of alleged violator learning of the omission. 3. Jurisdiction and probable cause found.	1. No violation; no further investigation. Complainant informed by letter. 2. No violation; no further investigation. Complainant informed by letter. 3. All other matters will be referred to the Special Master; reliance on advice provided in writing by County Ethics Officer is an affirmative defense.
Section 2-453 (b) – Business relationship disclosure not filed on or before due date.	County Investigative Officer (Officer) (through the designated department, as determined by the County Administrator)	Applicable; addressed in County Code	1. Determine documents required by code were not improperly filed. 2. Documents required by s.2-453 (b) filed less than 2 business days late. 3. Documents required by s.2-453 (b) filed 2 or more business days late.	1. No violation; no further investigation. Complainant informed by letter. 2. No fine assessed. Complainant informed by letter. 3. Settlement by Officer is an option. Documents filed 2 or more days late, fine of \$25/day until date the form is filed. If officer or employee is militarily deployed or presents other excusable absence as determined by Officer (e.g. illness, death in family) or provides evidence of reliance on advice provided in writing by County Ethics Officer, matter will be closed and complainant informed.
Section 2-453 (c) – Mayor or Commissioner accepting a banned gift from lobbyist or principal who retains a lobbyist.	County Investigative Officer (Officer) (through the designated department, as determined by the County Administrator)	Applicable to the extent this is addressed in County Code (and not state law).	1. Determination that Mayor or Commissioner did not accept a gift from lobbyist or principal who retains a lobbyist. 2. Determination that there is no evidence that a banned gift was accepted. 3. Determine that Mayor or Commissioner returned banned gift or paid compensation equal in value to gift within 5 business days of learning of violation. 4. Jurisdiction and probable cause found.	1. No violation found. Mayor or Commissioner can return gift or gift value. Complainant informed by letter. 2. No violation found. Complainant informed by letter. 3. No violation found. Complainant informed by letter. 4. All other matters will be referred to the Special Master; reliance on advice provided in writing by County Ethics Officer is an affirmative defense.

FOR MORE INFORMATION CONTACT: County Attorney's Office
 REFERENCE: Section 2-354, Orange County Code
 APPROVED: 06/29/10
 REVISED: 10/30/12

Section 2-453 (c) – Lobbyist or principal who retains a lobbyist provides a gift to the Mayor or Commissioner.	County Investigative Officer (Officer) (through the designated department, as determined by the County Administrator)	Applicable to the extent this is addressed in County Code (and not state law).	1. Determination that there is no evidence that a banned gift was provided or accepted. 2. Jurisdiction and probable cause found.	1. No violation found. Complainant informed by letter. 2. All other matters will be referred to the Special Master
Section 2-453 (d) – Failure of former employee to adhere to post-employment restrictions.	County Investigative Officer (Officer) (through the designated department, as determined by the County Administrator)	Applicable; addressed in County Code	1. Determination that code not applicable to the respondent identified in complaint. 2. Determine respondent named in the complaint did not engage in behavior identified in code. 3. Jurisdiction and probable cause found.	1. No violation found. Complainant informed by letter. 2. No violation found. Complainant informed by letter. 3. All other matters will be referred to the Special Master; reliance on advice provided in writing by County Ethics Officer is an affirmative defense.
Section 2-453(e) – Failure of former employee to adhere to post-employment restrictions.	County Investigative Officer (Officer) (through the designated department, as determined by the County Administrator)	Applicable; addressed in County Code	1. Determination that code not applicable to the respondent identified in complaint. 2. Determine respondent named in the complaint did not engage in behavior identified in code. 3. Jurisdiction and probable cause found.	1. No violation found. Complainant informed by letter. 2. No violation found. Complainant informed by letter. 3. Matter may be referred to BCC for termination of contract and/or matter may be referred to the Special Master for a hearing; reliance on advice provided in writing by County Ethics Officer is an affirmative defense.
Section 2-453(f) – Failure to disclose business relationship in previous two year period.	County Investigative Officer (Officer) (through the designated department, as determined by the County Administrator)	Applicable to the extent this is addressed in County Code (and not state law).	1. Determination that there is no evidence of violation. 2. Determine that disclosure was made within 5 business days of alleged violation learning of infraction. 3. Jurisdiction and probable cause found.	1. No violation found. Complainant informed by letter. 2. No violation found. Complainant informed by letter. 3. All other matters will be referred to the Special Master; reliance on advice provided in writing by County Ethics Officer is an affirmative defense.
Section 2-453 (g) – Failure to disclose business relationship in post one year period.	County Investigative Officer (Officer) (through the designated department, as determined by the County Administrator)	Applicable to the extent this is addressed in County Code (and not state law).	1. Determination that there is no evidence of violation. 2. Determine that disclosure was made within 5 business days after alleged violator learned of infraction. 3. Jurisdiction and probable cause found.	1. No violation found. Complainant informed by letter. 2. No violation found. Complainant informed by letter. 3. All other matters will be referred to the Special Master; reliance on advice provided in writing by County Ethics Officer is an affirmative defense.
Other Complaint	County Investigative Officer (Officer) (through the designated department, as determined by the County Administrator)	Not applicable because matter not addressed in Code (e.g. Florida Statutes apply or other ethics system applies).	Not applicable	Complainant sent letter of no jurisdiction; case is closed, no investigation started, no further action taken.

2.23 HIPAA STANDARDS FOR IMPLEMENTATION

I. POLICY

A. HIPAA Policies and Procedures. The County's HIPAA Committee (comprised of County staff under the authority of the Director of the Health Services Department) is directed to establish and amend policies and procedures and take all actions necessary to implement and comply with HIPAA. Policies and procedures regarding privacy and security of individually identifiable health information may be implemented by County departments and divisions and by contract as provided for herein.

B. County Hybrid Status under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Orange County's business activities include functions that are covered by HIPAA, as well as functions that are not covered by HIPAA. Therefore, Orange County hereby elects "hybrid entity status" for purposes of HIPAA implementation for the protection of individual health information.

C. Designated Health Care Components. The County Administrator and/or designee is authorized to designate the County's covered health care components, and to amend those designations as legal, organizational and functional changes occur.

D. Business Associate Agreements. The County's Purchasing and Contracts Division Manager and/or designee is hereby authorized to execute Business Associate Agreements and amendments to agreements with health services providers and contracts under control of the Orange County Board of County Commissioners, as necessary to implement HIPAA compliance.

FOR MORE INFORMATION CONTACT: Health Services Department

REFERENCE: HIPAA (45 CFR Parts 160, 162, 164)

APPROVED: 09/10/13

2.23.01 HEALTH INFORMATION PRIVACY POLICY AND PROCEDURES FOR HIPAA

I. POLICY

This policy applies to the individual members of the Board of County Commissioners, their staff, the County Administrator, staff of the County Administrator, any other officials of Orange County that may receive and respond to inquiries or complaints involving protected health information (hereinafter, "county officials"). It is the responsibility of the Privacy Officer and each county official to implement this policy and to adhere to these procedures.

For purposes of this policy, the following definitions shall apply:

HIPAA: The Health Insurance Portability and Accountability Act of 1996.

Protected Health Information (PHI): PHI is any information created or maintained by or on behalf of any Orange County HIPAA Program, in any form or medium (such as written, oral, or electronic), that relates to the health status, treatment, or condition of an identified or identifiable individual. PHI has two components: (1) Health information and (2) Information about a specific, identifiable person.

Covered Programs: Covered Programs are those programs designated by Orange County that must comply with the requirements of HIPAA, those units or functions within Orange County that handle significant amounts of PHI, and those units or functions within Orange County that handle PHI on behalf of Covered Programs and significantly impacted areas in the County.

Privacy Officer: The individual designated by the County who is responsible for the development and implementation of the County's policies and procedures as they relate to the HIPAA Privacy and Security Rules and HIPAA Programs.

Orange County recognizes the need to provide timely and useful responses to inquiries submitted to members of the Board of County Commissioners, the County Administrator, and their associated staff and to protect

the privacy of an individual's health information in the process of generating and recording the response. This policy explains certain administrative actions that Commissioners, Administrators and their staff shall take to protect the privacy of individual health information while responding to requests or inquiries with due care. It is the County's intent to implement greater protections of privacy in how the County handles health information than required by law, but only to the extent those protections do not conflict with other legal obligations.

A. County officials who receive inquiries from or regarding a person involving their individual or another person's PHI shall take due care to protect that information from use or disclosure to the degree it is required under HIPAA, other applicable privacy laws, and this administrative regulation.

B. PHI shall not be maintained in a system that is subject to general or public disclosure.

C. When practical, specific inquiries or complaints shall be referred to the HIPAA Program that regularly deals with the PHI involved, without recording the PHI itself and without recording any resolution that contains PHI.

D. When it is necessary for the county official to know or record PHI or to know or record PHI to assure that the inquiry or complaint has an appropriate response, the county official shall obtain an appropriate written permission to disclose from the individual (or other person to whom the PHI relates) permitting the use and disclosure of the PHI as necessary to investigate, respond to the inquiry, or to resolve the issue before the information is disclosed outside the HIPAA Program.

E. If any file containing inquiries or complaints includes any PHI, all PHI which is confidential and exempt from disclosure under the public records law must be redacted from the file before the file may be disclosed.

F. County officials will refrain from disclosure of PHI in any public forum or to the media.

G. County officials will comply with procedures for implementation of these policies.

II. PROCEDURES

A. Procedures to protect individual PHI of persons who inquire or complain:

1. Staff in the offices of county officials (within a HIPAA Program) shall be trained in HIPAA basic awareness, HIPAA general policies and procedures, the County's media policies, and these policies and procedures. Staff will sign acknowledgement statements indicating that they are aware of HIPAA requirements to protect the privacy of PHI.

2. Staff in the offices of county officials shall receive a copy of this policy, Orange County Notices of Privacy Practices, information regarding the point of contact for all HIPAA Programs, and master forms for the processing of client authorizations.

3. Staff in the offices of county officials shall receive contact information for the Orange County Privacy Officer.

B. Procedures to keep PHI from entering public information systems:

1. Staff in the offices of county officials shall refrain from entering PHI into shared databases in which the access to PHI is not controlled.

2. Staff in the offices of county officials shall refrain from adding PHI from Orange County files to any public file used in the resolution of an individual's inquiries or complaints.

3. Individuals shall be notified that any PHI they supply to county officials, other than through the established mechanisms of the HIPAA Programs and the Privacy Officer, may not be protected under HIPAA, and that the information may be subject to public disclosure.

4. Staff in the offices of county officials shall not place PHI in any publication or public document, or disclose PHI as part of a public record, except as follows:

i. If an issue involving PHI must appear in a public document, such as a meeting agenda or

meeting minutes, the PHI should be entered by reference only or should be redacted before entering it into the record. (Example: Rather than indicate that a client appeared at the meeting to discuss the County's program to deal with his/her substance abuse treatments, say that a client appeared to discuss county health programs, or a client appeared to discuss a health-related issue.)

ii. PHI may appear in a public document if it was disclosed by the client himself/herself in the public meeting or if Orange County has the permission of the client in writing.

C. Procedures to deal with inquiries or complaints by reference.

When Commission members or other county officials receive an inquiry or complaint from an individual regarding his/her PHI, it should usually be referred directly to the HIPAA Program that maintains the PHI.

1. When possible, refer the individual directly—that is, have the person contact the HIPAA Program, rather than gather information and transmit it to the unit.

2. If you cannot refer the individual directly, the issue should be referred to the HIPAA Program with as little reference to PHI as possible. The county official may request to be notified when the issue was handled and whether the issue was resolved to the satisfaction of the individual, without reference to PHI. (Example: A call from a person asking for help to get mental health counseling may be referred to the appropriate division with an e-mail requesting that the individual has asked for someone to call. The report back will indicate that the individual was contacted on a certain date and that the unit was able to satisfy the issue.)

3. If you do not know the correct HIPAA Program or if you believe the correct HIPAA Program cannot properly respond, refer the individual to the Orange County Privacy Officer either directly or indirectly.

D. Procedures to deal with inquiries or complaints with written permission.

If you must receive PHI from a HIPAA Program in order to be assured that the issue was properly resolved, you must obtain an appropriate written permission for disclosure from the individual before the PHI may be disclosed by the HIPAA Program.

1. The individual's written, signed permission must describe the information that must be used or disclosed to resolve the issue and give permission for the county official and others as necessary to use or disclose the information for the purpose of resolving the issue.

2. Provide the executed written permission form with the request for information or assistance to the HIPAA Privacy Officer and keep a copy for your records.

E. Procedures to redact PHI which is confidential and exempt under the public records law from data available to the public.

1. In any request for public records, if you suspect that PHI may be included as part of the record, enlist the assistance of the Privacy Officer from the Covered Program involved, to identify and redact confidential and exempt PHI prior to release. Note that not all health information fitting the definition of PHI in this policy is confidential and exempt.

2. Confidential and exempt PHI should be redacted by removing or striking through it so the information is not discernible in the released version.

3. If you have questions about whether the information may be released without redaction or whether the redaction is sufficient, contact the Orange County Privacy Officer before releasing the information.

FOR MORE INFORMATION CONTACT: Health Services Department

REFERENCE: HIPAA (45 CFR Parts 160, 162, 164)

APPROVED: 09/10/13

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