

ORDINANCE 25-_____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY ADDING A SECTION TO BE NUMBERED 94-1; AUTHORIZING THE COUNTY TO REQUIRE STATE AND NATIONAL CRIMINAL HISTORY RECORD CHECKS FOR POSITIONS OF COUNTY EMPLOYMENT THAT ARE CRITICAL TO SECURITY OR PUBLIC SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County desires to receive state and national criminal history records from the Federal Bureau of Investigation and the Florida Department of Law Enforcement to determine eligibility for positions of County employment that are critical to security or public safety; and

WHEREAS, Public Law 92-544 and 28 C.F.R. 50.12 authorize the Federal Bureau of Investigation to provide criminal history records to state and local governments for the purposes of employment if permitted by state statute; and

WHEREAS, Florida Statutes Section 125.5801 authorizes a county to require, by ordinance, a state and national criminal history record check for any position of county employment or appointment, whether paid, unpaid, or contractual, which the governing body of the county finds is critical to security or public safety; and

WHEREAS, the Board of County Commissioners finds that the Chief Human Resources Officer of Pinellas County is the most appropriate official to determine whether a position of County employment is critical to security or public safety and requires a state and national criminal history record check to be conducted by the Federal Bureau of Investigation and Florida Department of Law Enforcement; and

WHEREAS, enactment of an ordinance is required to authorize the County to receive state and national criminal history records from the Federal Bureau of Investigation and the Florida Department of Law Enforcement for the purposes of County employment; and

WHEREAS, the Federal Bureau of Investigation and the Florida Department of Law Enforcement must receive fingerprint submissions to conduct such state and national criminal history record checks; and

WHEREAS, this ordinance is required for compliance with federal and state law and regulation; and

WHEREAS, the Pinellas County Board of County Commissioners has determined this ordinance to be appropriate;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

SECTION 1. Chapter 94, Article I of the Pinellas County Code is hereby amended by adding a section to be numbered 94-1, which section reads as follows:

Sec. 94-1. Criminal History Record Checks for Certain County Personnel

In accordance with section 125.5801, Florida Statutes, state and national criminal history record checks may be required for any position of County employment or appointment that is determined by the Chief Human Resources Officer of Pinellas County to be critical to security or public safety. Each person applying for, or continuing employment or appointment in, any such position must be fingerprinted. Fingerprints obtained pursuant to the authority of this section must be submitted to the Florida Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from the criminal history record checks conducted pursuant to this section may be used by the County to determine a person's eligibility for employment or appointment and to determine a person's eligibility for continued employment or appointment. This section is not intended to prevent any other background screening or criminal history record check that the County may otherwise lawfully require as a condition of employment or appointment, or as a condition of continued employment or appointment.

SECTION 2. Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3. Areas Embraced. Pursuant to Section 2.01 of the Pinellas County Charter, this ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

SECTION 4. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

APPROVED AS TO FORM

By: Marshall Brannon
Office of the County Attorney