



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.18.

10/10/2023

Subject:

Legislative Intent and Permission to Advertise an Ordinance Amending Chapter 82, Brevard County Code of Ordinances, to Mandate Criminal History Record Checks for Specified Positions of Employment.

Fiscal Impact:

There are no expected costs to apply for a FL9 Originating Agency Identifier ("ORI") number. The costs associated with performing background checks on applicants for County positions are currently paid by the respective County Department hiring the individual.

Dept/Office:

Human Resources

Requested Action:

It is requested that the Board of County Commissioners approve advertisement of the Board's intent to consider an ordinance amending Chapter 82, Personnel, of the Brevard County Code of Ordinances, to create a new section 82-17 mandating state and federal criminal history record checks for specified positions of employment.

Summary Explanation and Background:

The County currently holds a Volunteer and Employee Criminal History System (VECHS) number which allows Human Resources to obtain Florida and national criminal history records through FDLE and the FBI for applicants applying for positions that require a "High-Level Security Check" in accordance with County procedures. The VECHS system is intended to allow access to criminal history records for persons who provide services to vulnerable populations (children, elderly and the disabled) "exclusively". As a result of an audit of FDLE by the FBI, the County has been advised that it can no longer use its VECHS number to obtain criminal history checks beyond the scope of the VECHS system.

To continue to obtain state and federal criminal history records for persons who hold positions of employment that do not meet the requirements of VECHS but have some interaction with vulnerable populations and/or are in a position of public trust that warrants the criminal history check, the County may submit a request to obtain an ORI number from the FBI. FDLE refers to this as the "FL9" system.

To obtain an ORI number from the FBI for the FL9 system, the County must enact an ordinance pursuant to section 125.5801, Florida Statutes that mandates a state and federal criminal history records check when it is critical to security or public safety. The ordinance will specify the positions of employment for which a criminal record check is necessary.

Business Impact Estimate: A business impact estimate pursuant to section 125.66(3), Florida Statutes, is not

required because the proposed ordinance is required for compliance with federal or state law or regulation, and/or the proposed ordinance is required to implement a contract or an agreement.

Clerk to the Board Instructions:



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

October 11, 2023

M E M O R A N D U M

TO: Jerry Visco, Human Resources Director

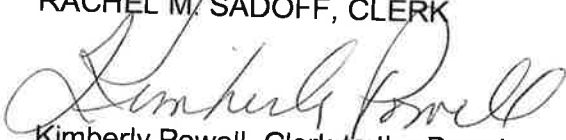
RE: Item F.18., Legislative Intent and Permission to Advertise an Ordinance Amending Chapter 82, Brevard County Code of Ordinances, to Mandate Criminal History Record Checks for Specified Positions of Employment

The Board of County Commissioners, in regular session on October 10, 2023, approved legislative intent and permission to advertise an ordinance amending Chapter 82, Personnel, of the Brevard County Code of Ordinances, to create a new section 82-17, mandating State and Federal criminal history record checks for specified positions of employment.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

cc: County Manager