



Broward County

Legislation Details (With Text)

File #: 21-358 **Version:** 1

Status: Agenda Ready

In control: PUBLIC HEARING

On agenda: 3/9/2021 **Final action:** 3/9/2021

Title: MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO CRIMINAL HISTORY SCREENING PRACTICES FOR VENDORS SEEKING CONTRACTS WITH BROWARD COUNTY; AMENDING SECTION 26-125 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); GENERALLY PROHIBITING VENDORS FROM REQUESTING THAT EMPLOYMENT APPLICANTS DISCLOSE CRIMINAL HISTORY BEFORE BEING INTERVIEWED FOR A POSITION; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Dale V.C. Holness, and Cosponsored by Mayor Steve Geller, Vice-Mayor Michael Udine, Senator Nan H. Rich, and Commissioners Mark D. Bogen, Lamar P. Fisher, Beam Furr, Tim Ryan, and Barbara Sharief)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Copy of Proposed Ordinance, 2. Exhibit 2 - Copy of Mayor Geller's Amendment (Additional Material 56(3) to February 23 meeting), 3. Exhibit 3 - Copy of Commissioner Holness's Amendment

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

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Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of February 23, 2021.

What Action Accomplishes

Enables the Board to consider enacting the above-referenced Ordinance.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

The proposed Ordinance, if enacted, would require vendors seeking a County contract in the amount of \$100,000 or more to certify that their policies, practices, and procedures regarding an employment applicant's criminal history background check preclude inquiry into an employment applicant's criminal history until the applicant is selected as a finalist and has interviewed for the position. The failure to provide such certification would result in a vendor being found not responsive to the procurement solicitation. The proposed Ordinance would require that the applicable contract contain language that obligates the vendor to comply with the applicable provisions of the Ordinance, or be subject to contract termination, suspension, or debarment.

The proposed Ordinance requirements would not be applicable if specific criminal screening practices are required by state or federal law, if the contract is exempt from the Broward County Procurement Code or is standardized, if the vendor is a governmental entity, or if the Board determines that it is in the best interest of the County to waive the requirements.

An amendment proposed by Mayor Geller in advance of the Board meeting of February 23, 2021, is attached as Exhibit 2. Based on discussion of Mayor Geller's amendment on February 23, Commissioner Holness has submitted for the Board's consideration the proposed amendment shown on Exhibit 3.

Source of Additional Information

Adam M. Katzman, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Per the Office of Management and Budget, the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.