



Broward County

Legislation Text

File #: 21-280, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution No. 2021-086 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, March 9, 2021, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed 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)

Why Action is Necessary

The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meeting of September 22, 2020.

What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider enacting the above-referenced Ordinance.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

On September 22, 2020, the Board directed the Office of the County Attorney to draft a proposed Ordinance to generally prohibit vendors that contract with the County from requesting that employment applicants disclose their criminal history information prior to being interviewed for the position.

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.

Source of Additional Information

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

Fiscal Impact

Fiscal Impact/Cost Summary

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.