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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 5(B)
(Public Hearing 4-5-16)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: March 8, 2016

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

Christopher Agrippa, Director
Clerk of the Board Division

SUBJECT: Ordinance exempting any classification in the Property Appraiser's Office with access to taxpayer's confidential information from the Employment Screening Practices outlined in Section 2-31(B) of the Code of Miami-Dade County, Florida; amending Section 2-31 of the Code of Miami-Dade County, Florida; providing severability, inclusion in the Code, and an effective date

Ordinance No. 16-32

Ordinance 08-62 adopted by the Miami-Dade County Board of County Commissioners provides that the Property Appraiser may submit resolutions, ordinances, or reports related to his duties to the Clerk of the Board Division for placement on the next available agenda of the Miami-Dade County Board of County Commissioners.

Attached for placement on the February 17, 2016, Board of County Commissioners' agenda, is a proposed Ordinance exempting any classification in the Property Appraiser's Office with access to taxpayer's confidential information from the Employment Screening Practices outlined in Section 2-31(B) of the Code of Miami-Dade County, Florida; amending Section 2-31 of the Code of Miami-Dade County Florida; providing severability, inclusion in the Code, and an effective date.

CA/fcd
Attachment

MIAMI-DADE COUNTY
PROPERTY APPRAISER
ADMINISTRATIVE DIVISION

PEDRO J. GARCIA
PROPERTY APPRAISER

MEMORANDUM

DATE: February 17, 2016

TO: Honorable Chairman Jean Monestime
And Members, Board of County Commissioners

FROM: Pedro J. Garcia, MNAA
Property Appraiser

SUBJECT: Ordinance Amending Section 2-31 of the Code of Miami-Dade County, Exempting any Classification in the Property Appraiser's Office with Access to Taxpayer's Confidential Information

It is recommended that the Board of County Commissioners ("Board") approve the attached Ordinance amending Section 2-31 of the Code of Miami-Dade County ("Code") relating to the consideration of criminal records in the recruitment process prior to a conditional offer of employment being extended to prospective employees. This amendment would exempt any position in the Property Appraiser's (PA) Office with access to taxpayers' confidential information from the employment screening practices defined in Section 2-31 of the Code.

Scope
N/A

Fiscal Impact/Funding Source
Amendment of this Ordinance will not have a fiscal impact on the County.

Track Record/Monitor
The PA's Office will implement the provisions of this Ordinance.

Background
On June 2, 2015, the Board adopted Ordinance 15-118, which eliminated questions regarding criminal history from applications for County employment and required that an applicant's arrest record not be considered in the hiring process unless there is an actual prior criminal conviction. Section 2-31(c) of the Ordinance, *Limiting provisions*, included language that exempted the hiring of law enforcement officers, police complaint officers, police dispatchers, fire fighters, correctional officers, correctional technicians, and correctional labor supervisors from these requirements.

The PA's Office is required to maintain the confidentiality of certain property owner information pursuant to Florida law (*see* Section 192.0105, Florida Statutes). PA staff has access to over 600,000 property owner social security numbers and annually reviews over 325,000 tax returns and 2,000 personal trusts. Because certain positions within the PA's Office have access to such confidential information, it is important for the PA's Office to conduct a criminal background check when hiring new employees and consider a prospective candidate's criminal record prior to offering him or her a position.

Therefore, it is recommended that the Board approve this amendment to the Ordinance to exempt any classification in the PA's Office with access to property owners' confidential information from the employment screening practices provided for by Section 2-31 of the Code.

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(B)

Please note any items checked.

_____ "3-Day Rule" for committees applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Statement of social equity required

_____ Ordinance creating a new board requires detailed County Mayor's report for public hearing

✓ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(B)
4-5-16

ORDINANCE NO. 16-32

ORDINANCE EXEMPTING ANY CLASSIFICATION IN THE PROPERTY APPRAISER'S OFFICE WITH ACCESS TO TAXPAYER'S CONFIDENTIAL INFORMATION FROM THE EMPLOYMENT SCREENING PRACTICES OUTLINED IN SECTION 2-31(B) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 2-31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-31 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:[1]

Sec. 2-31. Criminal history screening practices.

* * *

(c) *Limiting provisions.*

(1) Any of the practices outlined in subsection (b) shall not apply if additional or conflicting screening practices or requirements regarding criminal history are required by state or federal law.

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(2) Any of the practices outlined in subsection (b) shall not apply to the hiring of law enforcement officers, police complaint officers, police dispatchers, fire fighters, correctional officers, correctional technicians, [[~~and~~]] correctional labor supervisors>>, and any position in the Property Appraiser's Office that has access to taxpayers' confidential information, as defined by Florida Law<<.

(3) Nothing in this section requires Miami-Dade County to hire an applicant with a criminal record, nor limits Miami-Dade County's ability to select the most qualified applicant for a position.

(4) Nothing in this section prohibits Miami-Dade County from denying employment based on a criminal conviction determined in accordance with the practices outlined in this section to be relevant to the position sought.

(5) Nothing in this section creates a cause of action for any applicant with regard to hiring or selection for employment.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The section of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall be become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: April 5, 2016

Approved by County Attorney as
to form and legal sufficiency: APW

Prepared by: JME / MBV

Jorge Martinez-Esteve
Michael B. Valdes