

MEMORANDUM

Agenda Item No. 7(H)
(Second Reading: 10-5-21)
July 8, 2021

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE:

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to criminal
history screening practices
for County employment
applications; exempting Miami-
Dade fire rescue dispatchers
from the employment screening
practices outlined in section
2-31(c) of the Code; amending
section 2-31 of the Code


The accompanying ordinance was prepared by the Fire Rescue Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.


Geri Bonzon-Keenan
County Attorney

GBK/smm

Date: October 5, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Ordinance Amending Section 2-31(C) of the Code of Miami-Dade County,
Exempting the Miami-Dade Fire Rescue Dispatchers

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Ordinance relating to criminal history screening practices for county employment applications exempting Miami-Dade Fire Rescue dispatchers from the employment screening practices outlined in Section 2-31(C) of the code of Miami-Dade County (Code).

Scope

This item has Countywide impact.

Delegation of Authority

This Ordinance does not delegate any authority to the Mayor or Mayor’s designee.

Fiscal Impact/Funding Source

The adoption of this Ordinance will not have a fiscal impact on the County.

Social Equity Statement

This ordinance benefits social equity because it provides a just and fair elimination of persons who have a prior criminal conviction and do not qualify to apply for the position of dispatcher. The ability to screen applications in the initial phase will spare the County from finding out the applicant is not eligible after an offer letter has been originated.

Track Record/Monitor

The Human Resource Department of Miami-Dade Fire Rescue (MDFR) 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.

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
Page No. 2

MDFR is requesting this exemption because MDFR dispatchers have access to the Criminal Justice Information Service (CJIS) which has criminal history, driver license, and other sensitive law enforcement information. Additionally, MDFR dispatchers have access to Health Insurance Portability and Accountability Act (HIPAA) information, which is sensitive medical information on County residents.

Therefore, it is recommended that the Board approve this amendment to the Ordinance to exempt MDFR dispatchers from the employment screening practices provided for by Section 2-31(C) of the Code.



JD Patterson, Chief Public Safety Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(H)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 7(H)
10-5-21

ORDINANCE NO. _____

ORDINANCE RELATING TO CRIMINAL HISTORY SCREENING PRACTICES FOR COUNTY EMPLOYMENT APPLICATIONS; EXEMPTING MIAMI-DADE FIRE RESCUE DISPATCHERS FROM THE EMPLOYMENT SCREENING PRACTICES OUTLINED IN SECTION 2-31(C) 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 rescue dispatchers,<< firefighters, correctional officers, correctional technicians, correctional labor supervisors, and any position in the Property Appraiser's Office that has access to taxpayer's 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 sections 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 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:

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:

MBV

Michael B. Valdes