

**ORDINANCE NO. 2025-03**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, AMENDING CHAPTER 14, ARTICLE I, OF THE CITY OF WINTER SPRINGS CODE OF ORDINANCES TO REVISE SECTION 14-3 REGARDING CRIMINAL HISTORY BACKGROUND SCREENING; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes except when expressly prohibited by law; and

**WHEREAS**, the City Commission previously adopted Ordinance 2023-10 which amended Chapter 14, Article I, of the City of Winter Springs Code of Ordinances to add a new section 14-3 regarding background screening, finding that the creation of Section 14-3 would enhance the City's ability to ensure that personnel are appropriately qualified for positions which may involve security or public safety; and

**WHEREAS**, Florida Statutes § 166.0442 permits the City to designate, via ordinance, positions which the City finds critical to security or public safety and for which fingerprint-based, state and national criminal history record checks will be required; and

**WHEREAS**, pursuant to Florida Statutes §166.0442, the City Commission finds that it is critical for the security of the City and its residents to be able to conduct thorough background screenings of potential employees, appointees, or private contractors for criminal offenses nationwide; and

**WHEREAS**, Section 14-3 provides the City with the ability to conduct fingerprint-based, state and national criminal history record checks for certain positions of public importance; and

**WHEREAS**, since the passage of Ordinance 2023-10, the Federal Bureau of Investigations and Florida Department of Law Enforcement have completed their review the City's Ordinance 2023-10 and have requested that the City make minor revisions to the new Section 14-3 in order to ensure compliance with Federal Bureau of Investigation Public Law 92-544; and

**WHEREAS**, the City Commission therefore desires to amend Section 14-3, as provided herein, pursuant to comments from the Federal Bureau of Investigations and Florida Department of Law Enforcement; and

**WHEREAS**, the City Commission of the City of Winter Springs, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Winter Springs.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:**

**Section 1.**     **Recitals.**     The foregoing recitals are hereby fully incorporated herein by this reference.

**Section 2.**     **Amendment to Chapter 14, Personnel.**     The City of Winter Springs Code of Ordinances, Chapter 14, *Personnel*, Article I, *In General*, is hereby amended as follows: (underlined type indicates additions to the City Code and ~~strikeout~~ type indicates deletions, while asterisks (\*\*\*) indicate a deletion from the Ordinance of text existing in Chapter 14. It is intended that the text in Chapter 14 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance):

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**Chapter 14 – PERSONNEL**

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**Article I. – IN GENERAL**

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Sec. 14-3. – Background Screening.

- (a) As provided by Florida Statutes § 166.0442, the City may require criminal history background screening for any positions of City employment or appointment, whether paid, unpaid, or contractual, which are considered critical to security or public safety; or for any private contractor, employee of a private contractor, vendor, repair person, or delivery person who has direct contact with individual members of the public or access to any public facility in such a manner or to such an extent that ~~the City Manager or his or her designee~~ the City Manager, or another assigned City employee, finds that preventing unsuitable persons from having such contract or access is critical to security or public safety.
  
- (b) Each person applying for, or continuing employment in, any position or appointment or having contact or access described in subsection (a) shall be fingerprinted if the position, appointment, contractor, vendor, repair person, or delivery person is designated for a criminal history background screening by ~~the City Manager or his or her designee~~ the City Manager, or another assigned City employee. Fingerprints shall be submitted to the Florida Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from criminal history record checks conducted pursuant to this section may be used by the City to determine an applicant's eligibility

for employment or appointment and to determine an employee's eligibility for continued employment.

- (c) Any other background screening which the City may lawfully undertake is not prohibited by this supplemental grant and implementation of authority.
- (d) ~~The City Manager, or another assigned City employee, The City Manager or his or her designee~~ shall determine, in his or her discretion, the positions and appointments that are deemed to be critical to security or public safety under this section.

**Secs. 14-4 – 14-25.- Reserved.**

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**Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 4. Incorporation Into Code.** This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to City Charter.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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**KEVIN McCANN, Mayor**

**ATTEST:**

**CHRISTIAN GOWAN, City Clerk**

**Approved as to legal form and sufficiency for  
the City of Winter Springs only:**

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**ANTHONY A. GARGANESE, City Attorney**

First Reading: \_\_\_\_\_  
Legal Ad: \_\_\_\_\_  
Second Reading: \_\_\_\_\_