



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 6709, **Version:** 1

Subject:

Grant Requirements Pertaining to Background Screening Procedures and Disqualification of Sexual Predators and Sexual Offenders

Fiscal Impact:

None

Dept/Office:

District 3 Commission Office

Requested Action:

It is requested that the Board of County Commissioners direct that recipients of County grants be required to certify having appropriate background screening procedures in place for any employee, contractor, or volunteer expected to have unsupervised access to or direct substantial contact with at-risk individuals.

Summary Explanation and Background:

In awarding grants, it is imperative that the County take steps to prevent the victimization of young and otherwise vulnerable individuals participating in County-sponsored programs and events. The following special condition would place the burden of safeguarding at-risk individuals on the grant recipients. At the same time, the special condition affords grant recipients sufficient flexibility to determine appropriate screening policies and procedures for their unique projects, programs, and events in accordance with state and federal law. The District 3 Commissioner recommends that this special condition be included in all grants initiated by the County (i.e., where the County is the paramount grantor, and not a grant recipient administering sub-grants):

As a condition for receiving this grant, the Grantee certifies that it has appropriate criminal background screening procedures in place to evaluate any employee, contractor, subcontractor, agent, representative or volunteer working under this grant who is expected to have unsupervised access to or direct substantial contact with at-risk populations. The Grantee certifies that it shall disqualify any employee, contractor, subcontractor, agent, representative or volunteer who is a sexual predator (as defined in section 775.21, Florida Statutes) or sexual offender (as defined in section 944.606, Florida Statutes) from working on projects, programs, or events funded, in whole or in part, by this grant award, if such employee, contractor, or volunteer is expected to have unsupervised access to or direct substantial contact with at-risk populations.

“At-risk populations” means children, the elderly, the disabled, and those who cannot defend themselves. “Unsupervised access” means any in person contact with one or more members of an at-risk population outside of the direct, line-of-sight supervision of a supervisor who has

passed the appropriate criminal background screening. "Direct substantial contact" means contact that is regular, continuous, and personal in nature.

Compliance with the terms of this section is made an express condition of this grant and the Grantor may treat the Grantee's failure or refusal to perform the requirements herein as grounds for immediate termination of this grant. Such termination is effective upon the Grantee's receipt of a Notice of Termination from the Grantor. Upon termination, Grantor has no further obligations to Grantee.

If the Grantee knowingly or recklessly allows a sexual predator or sexual offender to work or volunteer on projects, programs, or events funded, in whole or in part, by this grant award, in a position having unsupervised access to or direct substantial contact with at-risk populations, then in addition to the immediate termination of this grant, the Grantee will be barred from receiving future County-sponsored grants.

The Grantee may challenge termination or debarment under this section by timely resort to the dispute resolution procedures provided in this grant.

This grant condition places the burden on grant recipients to safeguard at-risk individuals participating in County-sponsored programs and events. It provides flexibility for grant recipients to determine appropriate screening policies and procedures for their unique programs and events in accordance with state and federal law.

The proposed special grant condition has been vetted by the County Attorney's Office.

As an alternative, the Board may wish to consider prescribing specific background screening requirements for grant recipients like the background investigation check required of Parks and Recreation Department recreation partners (e.g., little league sports). However, such a one-size-fits-all approach may be ill-suited for the broad variety of projects, programs, and events eligible for County grant awards.

Clerk to the Board Instructions:

Please provide a copy of the Clerk to the Board's Memorandum to the County Manager and the County Attorney.