

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 10.05

CRIMINAL HISTORY RECORD CHECK

In order to provide updated procedures for criminal history record checks of Eighth Judicial Circuit personnel, in compliance with (i) section 1.03(4) of the Personnel Regulations of the Florida State Courts System requiring the court to conduct a criminal history record check on successful applicants and (ii) E-verify program requirements for federally-funded positions,

IT IS ORDERED:

1. All notices for employment within the Eighth Judicial Circuit shall include the following statement: “The successful applicant will be subject to a criminal background check.”

2. Employment Positions: An applicant who accepts an offer of employment shall submit to fingerprinting by the Alachua County Sheriff’s Office no later than one (1) business day prior to commencing employment.

3. Non-Employment Positions: Additionally, unless unfeasible, each of the following persons is required to submit to a criminal history record check, including fingerprinting, no later than one (1) business day prior to first commencing duties at the Eighth Judicial Circuit, unless the person’s duties began before this Circuit instituted the criminal history record check requirement:

- a. Volunteers
- b. Interns
- c. Externs
- d. Contract mediators
- e. Contract court interpreters
- f. Contract court reporters
- g. Grant employees or contractors
- h. Any other persons, as determined by the Chief Judge

4. Judges are exempt from the criminal history record check.
5. When used in this order, the term “successful candidate” includes each person listed in paragraphs 2 and 3 above.
6. The Human Resources Manager shall be responsible for ensuring that the criminal history record check is timely completed for all successful candidates.
7. A “criminal history record check” may be satisfied via the Human Resource Department’s internal criminal history record check procedures or other comparable procedures, which include, but are not limited to, the Federal Court background check required for court reporters who work in a Federal Court, the State of Florida background check conducted as part of the certification process for mediators, or the State of Florida background check conducted as part of the certification and renewal process for court interpreters. The Human Resources Manager, after consultation with the Trial Court Administrator, shall determine if a particular form of background check is considered “comparable.”
8. The Human Resources Manager shall review the results of each criminal history record check and if any criminal history is indicated, shall immediately present the results to the Trial Court Administrator.
9. The Chief Judge and the Trial Court Administrator shall decide whether the successful candidate’s criminal history record should result in withdrawal of an offer of employment or other position (e.g., volunteer position) or in the termination of employment or other position. The Trial Court Administrator shall inform the Human Resources Manager of the decision, who in turn shall communicate it to the successful candidate. Prior to making a decision, the Trial Court Administrator and Chief Judge may, but are not required to, allow the successful candidate to submit a written explanation or other information concerning the criminal history record.
10. In addition to the foregoing requirements and procedures, an applicant who accepts an offer of an employment or other position which is federally funded shall be subject to the

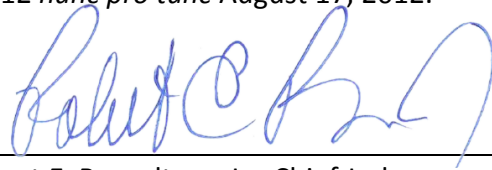
federal government's E-verify program. The Human Resources Manager shall be responsible for ensuring that the Eighth Judicial Circuit complies with all applicable E-verify timeframes and procedures currently in effect.

11. All criminal history and E-verify records shall be securely stored in a locked, fire-proof, filing cabinet in the Court Administration office and kept in accordance with applicable records retention requirements. Only the Human Resources Manager and such other appropriate personnel designated by the Trial Court Administrator shall maintain a key to the filing cabinet.

12. This order supersedes and rescinds prior Administrative Order No. 8.465 (b) entitled "Criminal History Record Check" dated June 17, 2005.

This order renumbers and reformats prior Administrative Order No. 8.465(C) entitled "Criminal History Record Check."

ORDERED ON this 5th day of October, 2012 *nunc pro tunc* August 17, 2012.



Robert E. Roundtree, Jr., Chief Judge