

ORDINANCE NO. 25-_____

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY, FLORIDA, REQUIRING CRIMINAL HISTORY
SCREENING REQUIREMENTS; PROVIDING FOR FINDINGS;
PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING
FOR SEVERABILITY; PROVIDING FOR CUMULATIVE EFFECT;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it is intent of the Polk County Board of County Commissioners (hereafter, “the Board”) and this Ordinance to promote a safe community and environment in which to live; and

WHEREAS, Section 125.5801, Florida Statutes (2025), authorized the Board of County Commissioners to adopt an Ordinance to mandate state and federal criminal history records checks for applicants for employment and persons continuing employment, in positions deemed by the Board to be critical to security or to public safety regarding any facility owned or operated by Polk County, Florida; and

WHEREAS, the criminal history records checks can apply to private contractors, employees or other representatives of contractors including vendors, repair persons, or delivery persons, any of who are deemed by the Board to be critical with regard to security or to public safety, including concerns with regard to any such County owned or operated building or facility; and

WHEREAS, the criminal history records checks include having the applicant, private individual contractors, employees or other representatives of contractors, including vendors, repair persons, or delivery persons fingerprinted and submitting the individual’s fingerprints to the Florida Department of Law Enforcement for a state criminal background check and to the Federal Bureau of Investigation for a national criminal history record check; and

WHEREAS, the information obtained from the criminal history records checks will be used to determine the respective individual’s eligibility for employment, or continued employment, by the County, or by a contractor with whom the County might contract; and

WHEREAS, each individual applying for County employment, or who is employed by the County, in any position deemed by this Ordinance, or Board Resolution adopted pursuant to this Ordinance, to be critical to security or to public safety, can be denied employment, or terminated from employment, if that individual has been or is convicted of any felony or of any misdemeanor of the first degree, and the conviction need not be related to the respective position of employment or appointments; and

WHEREAS, the Board of County Commissioners finds that Polk County employs a multitude of positions, which, due to factors including, without limitation, access to sensitive areas or information; working with juveniles, the elderly, and other potentially vulnerable persons;

access to private homes and property; and the possibility of tampering with water, electricity, natural gas or other utility facilities or infrastructure; are critical to security or public safety.

WHEREAS, the Board of County Commissioners finds that, due to the various factors mentioned above, it is in the best interests of the public to require state and national criminal history screening for any persons employed or appointed for employment by Polk County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

Section 1. SHORT TITLE: This Ordinance shall be known as the “Polk County Employee Background Screening Ordinance.”

Section 2. Criminal History Screening Requirements:

- (a) As a condition of employment, all prospective employees of the Board of County Commissioners shall be required to authorize the county to conduct all appropriate background screening procedures.
- (b) In addition to the foregoing, the county may, in its sole discretion, require employment screening for any position of county employment or appointment which the county determines is critical to security or public safety, or for any private contractor, employee of a private contractor, vendor, repair person or delivery person who has access to any public facility or publicly operated facility that the county determines is critical to security or public safety. Each person applying for, or continuing employment in, any such position or having access to any such facility shall also be required to be fingerprinted. The fingerprints shall be submitted to the 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 the criminal history record checks conducted pursuant to this section may be used by the county to determine an applicant's eligibility for employment or appointment and to determine an employee's eligibility for continued employment. This section is not intended to preempt or prevent any other background screening, including, but not limited to, criminal history background checks, that the county may lawfully undertake.
- (c) The board of county commissioners may, by resolution duly adopted by the board, further delineate public facilities and positions of employment or appointment critical to security or public safety.

Section 3. Conflicting Provisions. In the event of any conflict between any provision of this Ordinance and any provision of another section of the County Code, the provisions of this Ordinance shall govern.

Section 4. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any provision, including any exception, part, phrase or term or the application thereof to any person or circumstance is held preempted or invalid by a Court of appropriate jurisdiction, the application to other persons or circumstances shall not be affected thereby, and the validity of this Ordinance in any and all other respects shall not be affected thereby. The Board of County Commissioners do not intend this Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional as constitutionally permitted construction is

intended and shall be given.

Section 5. Applicability. This Ordinance shall be applicable in the unincorporated area of Polk County, Florida.

Section 6. Ordinance Cumulative. This Ordinance shall be cumulative and in addition to any other laws or ordinances in force in Polk County.

Section 7. Filing with Secretary of State. A certified copy of this Ordinance shall be filed with the Secretary of State by the Clerk within ten (10) days after enactment by the Board of County Commissioners, as provided in Section 125.66(2)(b), Florida Statutes.

Section 8. Effective Date. This Ordinance shall become effective upon receipt of confirmation that it has been filed with the Office of the Secretary of State of the State of Florida.