

CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the
2 following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to water management district security;
8 creating s. 373.6055, F.S.; authorizing water management
9 districts to conduct criminal history checks of certain
10 persons with regular access to restricted access areas;
11 requiring such checks to be done according to a water
12 management district security plan; requiring checks to be
13 conducted at specified intervals; providing procedure for
14 filing fingerprints with the Department of Law Enforcement
15 and the Federal Bureau of Investigation; providing for
16 payment of costs of fingerprinting; requiring the water
17 management district security plan to list certain
18 convictions which will disqualify certain persons from
19 access to restricted access areas; providing that
20 procedures for appeals be included in the water management
21 district security plan; authorizing access to restricted
22 areas under certain circumstances by persons who have been
23 convicted of specified offenses; authorizing water

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24 management districts to develop and implement security
25 plans; requiring governing board approval of such plans;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Section 373.6055, Florida Statutes, is created
31 to read:

32 373.6055 Criminal history checks for certain water
33 management district employees and others.--

34 (1) A water management district is authorized to conduct a
35 fingerprint-based criminal history check for any current or
36 prospective employee and other persons designated pursuant to
37 the water management district security plan if those persons are
38 allowed regular access to critical facilities or structures
39 defined in the water management district security plan as
40 restricted access areas.

41 (2)(a) The fingerprint-based criminal history check shall
42 be performed on any person described in subsection (1) pursuant
43 to the applicable water management district security plan. The
44 criminal history check shall be performed at least once every 5
45 years or at other more frequent intervals as provided by the
46 water management district security plan. Each person subject to
47 the criminal history check shall file a complete set of
48 fingerprints taken in a manner required by the Department of Law
49 Enforcement and the water management district security plan.
50 Fingerprints shall be submitted to the Department of Law
51 Enforcement for state processing and to the Federal Bureau of

52 Investigation for federal processing. The results of each
53 fingerprint-based check shall be reported to the requesting
54 water management district. The costs of the checks, consistent
55 with s. 943.053(3), shall be paid by the water management
56 district or other employing entity or by the person checked.

57 (b) Each water management district security plan shall
58 identify criminal convictions or other criminal history factors
59 consistent with paragraph (c) which shall disqualify a person
60 from either initial employment or authorization for regular
61 access to facilities or structures defined in the water
62 management district security plan as restricted access areas.
63 Such factors shall be used to disqualify all applicants for
64 employment or others seeking regular access to facilities or
65 structures defined in the water management district security
66 plan as restricted access areas on or after the effective date
67 of the water management district security plan, and may be used
68 to disqualify all those employed or authorized for regular
69 access on that date. Each water management district security
70 plan may establish a procedure to appeal a denial of employment
71 or access based upon procedural inaccuracies or discrepancies
72 regarding criminal history factors established pursuant to this
73 paragraph. A water management district may allow waivers on a
74 temporary basis to meet special or emergency needs of the water
75 management district or its users. Policies, procedures, and
76 criteria for implementation of this subsection shall be included
77 in the water management district security plan.

78 (c) In addition to other requirements for employment or
79 access established by any water management district pursuant to

80 its water management district security plan, each water
 81 management district security plan shall provide that:

82 1. Any person who has within the past 7 years been
 83 convicted, regardless of whether adjudication was withheld, for
 84 a forcible felony as defined in s. 776.08; an act of terrorism
 85 as defined in s. 775.30; planting of a hoax bomb as provided in
 86 s. 790.165; any violation involving the manufacture, possession,
 87 sale, delivery, display, use, or attempted or threatened use of
 88 a weapon of mass destruction or hoax weapon of mass destruction
 89 as provided in s. 790.166; dealing in stolen property; burglary;
 90 robbery; any felony violation of s. 812.014; any violation of s.
 91 790.07; any crime an element of which includes use or possession
 92 of a firearm; any conviction for any similar offenses under the
 93 laws of another jurisdiction; or conviction for conspiracy to
 94 commit any of the listed offenses shall not be qualified for
 95 initial employment within or regular access to facilities or
 96 structures defined in the water management district security
 97 plan as restricted access areas.

98 2. Any person who has at any time been convicted for any
 99 of the listed offenses shall not be qualified for initial
 100 employment within or authorized regular access to facilities or
 101 structures defined in the water management districts security
 102 plan as restricted access areas unless, after release from
 103 incarceration and any supervision imposed as a sentence, the
 104 person remained free from a subsequent conviction, regardless of
 105 whether adjudication was withheld, for any of the listed
 106 offenses for a period of at least 7 years prior to the
 107 employment or access date under consideration.

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108 (3) Each water management district is authorized to
109 develop and implement a security plan to protect facilities and
110 structures under the jurisdiction of the water management
111 district and deemed critical to the public safety and security.
112 Water management district security plans must be reviewed and
113 approved by the applicable water management district governing
114 board.

115 Section 2. This act shall take effect upon becoming a law.