

Bill No. CS for SB 2616

Amendment No. 1 Barcode 075140

CHAMBER ACTION

Senate

House

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The Committee on Home Defense, Public Security, and Ports recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(1) A water management district which has structures or facilities designated as "tier one" critical infrastructure by the Federal Bureau of Investigation shall be required to conduct a fingerprint based criminal history check for any current or prospective employee and others designated pursuant to the water management district's security plan for buildings, facilities, and structures if those persons are allowed regular access to those buildings, facilities, or structures defined in the water management district's security plan as restricted access areas.

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1 (2) A water management district which has structures
2 or facilities which are not designated as "tier one" critical
3 infrastructure by the Federal Bureau of Investigation is
4 authorized to to conduct a fingerprint based criminal history
5 check for any current or prospective employee and others
6 designated pursuant to the water management district's
7 security plan for buildings, facilities, and structures if
8 those persons are allowed regular access to critical
9 buildings, facilities, or structures defined in the water
10 management district's security plan as restricted access
11 areas.

12 (3)(a) The fingerprint based criminal history check
13 shall be performed on any individual described in subsection
14 (1) pursuant to the applicable water management district
15 security plan for buildings, facilities, and structures. With
16 respect to employees or others with regular access, such
17 checks shall be performed at least once every 5 years or at
18 other more frequent intervals as provided by the water
19 management district security plan for buildings, facilities,
20 and structures. Each individual subject to the criminal
21 history check shall file a complete set of fingerprints with
22 the Department of Law Enforcement taken in a manner required
23 by the Department of Law Enforcement and the water management
24 district security plan for buildings, facilities, and
25 structures. Fingerprints shall be submitted to the Department
26 of Law Enforcement for state processing and to the Federal
27 Bureau of Investigation for federal processing. The results of
28 each fingerprint based check shall be reported to the
29 requesting water management district. The costs of the checks,
30 consistent with s. 943.053(3), shall be paid by the water
31 management district or other employing entity or by the

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1 individual checked.

2 (b) Each water management district security plan for
3 buildings, facilities, and structures shall identify criminal
4 convictions or other criminal history factors consistent with
5 paragraph (c) which shall disqualify a person from either
6 initial employment or authorization for regular access to
7 buildings, facilities, or structures defined in the water
8 management district's security plan as restricted access
9 areas. Such factors shall be used to disqualify all applicants
10 or employment or others seeking regular access to buildings,
11 facilities, or structures defined in the water management
12 district's security plan as restricted access areas on or
13 after the effective date of the water management district
14 security plan for buildings, facilities, and structures and
15 may be used to disqualify all those employed or authorized for
16 regular access as of that date. Each water management district
17 may establish a procedure to appeal a denial of employment or
18 access based upon procedural inaccuracies or discrepancies
19 regarding criminal history factors established pursuant to
20 this paragraph. A water management district may allow waivers
21 on a temporary basis to meet special or emergency needs of the
22 water management district or its users. Policies, procedures,
23 and criteria for implementation of this subsection shall be
24 included in the water management district security plan for
25 buildings, facilities, and structures.

26 (c) In addition to other requirements for employment
27 or access established by any water management district
28 pursuant to its water management district security plan for
29 buildings, facilities, and structures, each water management
30 district security plan shall provide that: (1) Any person who
31 has within the past 7 years been convicted, regardless of

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1 whether adjudication was withheld, for a forcible felony as
2 defined in s. 776.08; an act of terrorism as defined in s.
3 775.30; planting of a hoax bomb as provided in s. 790.165; any
4 violation involving the manufacture, possession, sale,
5 delivery, display, use, or attempted or threatened use of a
6 weapon of mass destruction or hoax weapon of mass destruction
7 as provided in s. 790.166; dealing in stolen property; any
8 violation of s. 893.135; any violation involving the sale,
9 manufacturing, delivery, or possession with intent to sell,
10 manufacture, or deliver a controlled substance; burglary;
11 robbery; any felony violation of s. 812.014; any violation of
12 s. 790.07; any crime an element of which includes use or
13 possession of a firearm; any conviction for any similar
14 offenses under the laws of another jurisdiction; or conviction
15 for conspiracy to commit any of the listed offenses shall not
16 be qualified for initial employment within or regular access
17 to buildings, facilities, or structures defined in the water
18 management district's security plan as restricted access
19 areas; and (2) Any person who has at any time been convicted
20 for any of the listed offenses shall not be qualified for
21 initial employment within or authorized regular access to
22 buildings, facilities, or structures defined in the water
23 management district's security plan as restricted access
24 areas, unless after release from incarceration and any
25 supervision imposed as a sentence, the person remained free
26 from a subsequent conviction, regardless of whether
27 adjudication was withheld, for any of the listed offenses for
28 a period of at least 7 years prior to the employment or access
29 date under consideration.

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

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2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to water management district

8 employees; creating s. 373.6055, F.S.;

9 requiring water management districts with

10 structure or facilities designated as "tier

11 one" critical infrastructures by the Federal

12 Bureau of Investigation to conduct fingerprint

13 based criminal history checks of current or

14 prospective employees and other persons allowed

15 regular access to restricted access areas

16 pursuant to applicable security plans;

17 authorizing water management districts with

18 structures or facilities which are not

19 designated as "tier one" critical

20 infrastructure by the Federal Bureau of

21 Investigation to conduct fingerprint based

22 criminal history checks of current or

23 prospective employees and other persons allowed

24 regular access to restricted access areas

25 pursuant to applicable security plans;

26 requiring additional criminal history checks;

27 requiring that fingerprints of applicants and

28 employees be submitted to the Department of Law

29 Enforcement and the Federal Bureau of

30 Investigation for processing; providing for

31 costs of criminal history checks to be paid by

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1 water management districts, other employing
2 entities; or by individuals checked; requiring
3 that water management district security plans
4 identify criminal history convictions or
5 criminal history factors which disqualify
6 applicants for employment and restricted area
7 access and authorizing the use of such factors
8 to disqualify certain employees; authorizing
9 water management districts to establish
10 procedures to appeal a denial of employment or
11 access under certain circumstances and
12 authorizing each water management district to
13 grant temporary waivers to meet special or
14 emergency needs of the water management
15 district; providing offenses that disqualify a
16 person from employment or access to a
17 restricted access area; providing that an
18 individual remain free from subsequent
19 convictions for 7 years before seeking
20 employment or access to a restricted access
21 area; authorizing each water management
22 district to develop security plans; providing
23 an effective date.

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