

By the Committees on Criminal Justice; Natural Resources; and
Senator Atwater

307-2667-04

1 A bill to be entitled

2 An act relating to water management district

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

4 requiring water management districts with

5 structure or facilities designated as "tier

6 one" critical infrastructures by the Federal

7 Bureau of Investigation to conduct

8 fingerprint-based criminal history checks of

9 current or prospective employees and other

10 persons allowed regular access to restricted

11 access areas pursuant to applicable security

12 plans; authorizing water management districts

13 with structures or facilities that are not

14 designated as "tier one" critical

15 infrastructure by the Federal Bureau of

16 Investigation to conduct fingerprint-based

17 criminal history checks of current or

18 prospective employees and other persons allowed

19 regular access to restricted access areas

20 pursuant to applicable security plans;

21 requiring additional criminal history checks;

22 requiring that fingerprints of applicants and

23 employees be submitted to the Department of Law

24 Enforcement and the Federal Bureau of

25 Investigation for processing; providing for

26 costs of criminal history checks to be paid by

27 water management districts, other employing

28 entities, or by the individuals checked;

29 requiring that a water management district's

30 security plan identify criminal history

31 convictions or criminal history factors that

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

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20 Be It Enacted by the Legislature of the State of Florida:

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

24 373.6055 Criminal history checks for certain water
25 management district employees and others.--

26 (1) A water management district that has structures or
27 facilities designated as "tier one" critical infrastructure by
28 the Federal Bureau of Investigation shall conduct a
29 fingerprint-based criminal history check for any current or
30 prospective employee and others designated pursuant to the
31 water management district's security plan for buildings,

1 facilities, and structures if those persons are allowed
2 regular access to those buildings, facilities, or structures
3 defined in the water management district's security plan as
4 restricted access areas.

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

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

1 the requesting water management district. The costs of the
2 checks, consistent with s. 943.053(3), shall be paid by the
3 water management district or other employing entity or by the
4 individual checked.

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

29 (c) In addition to other requirements for employment
30 or access established by any water management district
31 pursuant to its water management district security plan for

1 buildings, facilities, and structures, each water management
2 district's security plan shall provide that:

3 1. Any person who has within the past 7 years been
4 convicted, regardless of whether adjudication was withheld, of
5 a forcible felony as defined in s. 776.08; an act of terrorism
6 as defined in s. 775.30; planting of a hoax bomb as provided
7 in s. 790.165; any violation involving the manufacture,
8 possession, sale, delivery, display, use, or attempted or
9 threatened use of a weapon of mass destruction or hoax weapon
10 of mass destruction as provided in s. 790.166; dealing in
11 stolen property; any violation of s. 893.135; any violation
12 involving the sale, manufacturing, delivery, or possession
13 with intent to sell, manufacture, or deliver a controlled
14 substance; burglary; robbery; any felony violation of s.
15 812.014; any violation of s. 790.07; any crime an element of
16 which includes use or possession of a firearm; any conviction
17 for any similar offenses under the laws of another
18 jurisdiction; or conviction for conspiracy to commit any of
19 the listed offenses may not be qualified for initial
20 employment within or regular access to buildings, facilities,
21 or structures defined in the water management district's
22 security plan as restricted access areas; and

23 2. Any person who has at any time been convicted of
24 any of the offenses listed in subparagraph 1. may not be
25 qualified for initial employment within or authorized regular
26 access to buildings, facilities, or structures defined in the
27 water management district's security plan as restricted access
28 areas unless, after release from incarceration and any
29 supervision imposed as a sentence, the person remained free
30 from a subsequent conviction, regardless of whether
31 adjudication was withheld, for any of the listed offenses for

1 a period of at least 7 years prior to the employment or access
2 date under consideration.

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 CS/SB 2616

9 Provides that water management districts with structures or
10 facilities designated as "tier one" critical infrastructure by
11 the Federal Bureau of Investigation are required to conduct
12 criminal history checks of current or prospective employees
13 and others with regular access to restricted access areas,
14 while water management districts without such tier one
15 infrastructures are authorized to conduct the checks.

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