

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 identified as critical
6 infrastructure by the Regional Security Task
7 Force to conduct fingerprint-based criminal
8 history checks of current or prospective
9 employees and other persons allowed regular
10 access to restricted access areas pursuant to
11 applicable security plans; authorizing water
12 management districts with structures or
13 facilities that are not identified as critical
14 infrastructure by the Regional Security Task
15 Force to conduct fingerprint-based criminal
16 history checks of current or prospective
17 employees and other persons allowed regular
18 access to restricted access areas pursuant to
19 applicable security plans; requiring additional
20 criminal history checks; requiring that
21 fingerprints of applicants and employees be
22 submitted to the Department of Law Enforcement
23 and the Federal Bureau of Investigation for
24 processing; providing for costs of criminal
25 history checks to be paid by water management
26 districts, other employing entities, or by the
27 individuals checked; requiring that a water
28 management district's security plan identify
29 criminal history convictions or criminal
30 history factors that disqualify applicants for
31 employment and restricted area access;

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

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

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

22 373.6055 Criminal history checks for certain water
23 management district employees and others.--

24 (1) A water management district that has structures or
25 facilities identified as critical infrastructure by the
26 Regional Security Task Force created pursuant to s. 943.0312,
27 shall conduct a fingerprint-based criminal history check for
28 any current or prospective employee and others designated
29 pursuant to the water management district's security plan for
30 buildings, facilities, and structures if those persons are
31 allowed regular access to those buildings, facilities, or

1 structures defined in the water management district's security
2 plan as restricted access areas.

3 (2) A water management district that has structures or
4 facilities that are not identified as critical infrastructure
5 by the Regional Security Task Force created pursuant to s.
6 943.0312, may conduct a fingerprint-based criminal history
7 check for any current or prospective employee and others
8 designated pursuant to the water management district's
9 security plan for buildings, facilities, and structures if
10 those persons are allowed regular access to critical
11 buildings, facilities, or structures defined in the water
12 management district's security plan as restricted access
13 areas.

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

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

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

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