

By Senator Atwater

25-717A-05

See HB 473

1 A bill to be entitled
2 An act relating to water management district
3 security; creating s. 373.6055, F.S.; requiring
4 water management districts with structures or
5 facilities identified as critical
6 infrastructure to conduct criminal history
7 checks of certain persons; authorizing water
8 management districts with structures or
9 facilities that are not identified as critical
10 infrastructure to conduct criminal history
11 checks of certain persons; providing
12 requirements for criminal history checks;
13 requiring submission of fingerprints to the
14 Department of Law Enforcement and the Federal
15 Bureau of Investigation; providing for payment
16 of criminal history check costs; requiring the
17 water management district's security plan to
18 identify criminal history convictions or
19 factors that disqualify applicants for
20 employment and restricted area access;
21 authorizing the use of such factors to
22 disqualify certain employees and other persons;
23 authorizing water management districts to
24 establish appeal procedures; authorizing water
25 management districts to grant temporary
26 waivers; providing offenses that disqualify a
27 person from employment or access to a
28 restricted access area; providing an exception
29 to disqualification; providing an effective
30 date.
31

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

2

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

5 373.6055 Criminal history checks for certain water
6 management district employees and others.--

7 (1) A water management district that has structures or
8 facilities identified as critical infrastructure by the
9 Regional Domestic Security Task Force created pursuant to s.
10 943.0312 shall conduct a fingerprint-based criminal history
11 check for any current or prospective employee and other
12 persons designated pursuant to the water management district's
13 security plan for buildings, facilities, and structures if
14 those persons are allowed regular access to those buildings,
15 facilities, or structures defined in the water management
16 district's security plan as restricted access areas.

17 (2) A water management district that has structures or
18 facilities that are not identified as critical infrastructure
19 by the Regional Domestic Security Task Force may conduct a
20 fingerprint-based criminal history check for any current or
21 prospective employee and others designated pursuant to the
22 water management district's security plan for buildings,
23 facilities, and structures if those persons are allowed
24 regular access to critical buildings, facilities, or
25 structures defined in the water management district's security
26 plan as restricted access areas.

27 (3)(a) The fingerprint-based criminal history check
28 shall be performed on any person described in subsection (1)
29 pursuant to the applicable water management district's
30 security plan for buildings, facilities, and structures. With
31 respect to employees or others with regular access, such

1 checks shall be performed at least once every 5 years or at
2 other more frequent intervals as provided by the water
3 management district's security plan for buildings, facilities,
4 and structures. Each individual subject to the criminal
5 history check shall file a complete set of fingerprints which
6 are taken in a manner required by the Department of Law
7 Enforcement and the water management district security plan.
8 Fingerprints shall be submitted to the Department of Law
9 Enforcement for state processing and to the Federal Bureau of
10 Investigation for federal processing. The results of each
11 fingerprint-based check shall be reported to the requesting
12 water management district. The costs of the checks, consistent
13 with s. 943.053(3), shall be paid by the water management
14 district or other employing entity or by the individual
15 checked.

16 (b) Each water management district's security plan for
17 buildings, facilities, and structures shall identify criminal
18 convictions or other criminal history factors consistent with
19 paragraph (c) which shall disqualify a person from initial
20 employment or authorization for regular access to buildings,
21 facilities, or structures defined in the water management
22 district's security plan as restricted access areas. Such
23 factors shall be used to disqualify all applicants for
24 employment or others seeking regular access to buildings,
25 facilities, or structures defined in the water management
26 district's security plan as restricted access areas on or
27 after the effective date of the water management district's
28 security plan for buildings, facilities, and structures, and
29 may be used to disqualify all those employed or authorized for
30 regular access as of that date. Each water management district
31 may establish a procedure to appeal a denial of employment or

1 access based upon procedural inaccuracies or discrepancies
2 regarding criminal history factors established pursuant to
3 this paragraph. A water management district may allow waivers
4 on a temporary basis to meet special or emergency needs of the
5 water management district or its users. Policies, procedures,
6 and criteria for implementation of this subsection shall be
7 included in the water management district's security plan for
8 buildings, facilities, and structures.

9 (c) In addition to other requirements for employment
10 or access established by any water management district
11 pursuant to its water management district's security plan for
12 buildings, facilities, and structures, each water management
13 district's security plan shall provide that:

14 1. Any person who has within the past 7 years been
15 convicted, regardless of whether adjudication was withheld,
16 for a forcible felony as defined in s. 776.08; an act of
17 terrorism as defined in s. 775.30; planting of a hoax bomb as
18 provided in s. 790.165; any violation involving the
19 manufacture, possession, sale, delivery, display, use, or
20 attempted or threatened use of a weapon of mass destruction or
21 hoax weapon of mass destruction as provided in s. 790.166;
22 dealing in stolen property; any violation of s. 893.135; any
23 violation involving the sale, manufacturing, delivery, or
24 possession with intent to sell, manufacture, or deliver a
25 controlled substance; burglary; robbery; any felony violation
26 of s. 812.014; any violation of s. 790.07; any crime an
27 element of which includes use or possession of a firearm; any
28 conviction for any similar offenses under the laws of another
29 jurisdiction; or conviction for conspiracy to commit any of
30 the listed offenses may not be qualified for initial
31 employment within or authorized regular access to buildings,

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

3 2. Any person who has at any time been convicted of
4 any of the offenses listed in subparagraph 1. may not be
5 qualified for initial employment within or authorized regular
6 access to buildings, facilities, or structures defined in the
7 water management district's security plan as restricted access
8 areas unless, after release from incarceration and any
9 supervision imposed as a sentence, the person has remained
10 free from a subsequent conviction, regardless of whether
11 adjudication was withheld, for any of the listed offenses for
12 a period of at least 7 years prior to the employment or access
13 date under consideration.

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