

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

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

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

29           373.6055 Criminal history checks for certain water  
30 management district employees and others.--

31           (1) A water management district that has structures or  
32 facilities identified as critical infrastructure by the Regional  
33 Domestic Security Task Force created pursuant to s. 943.0312  
34 shall conduct a fingerprint-based criminal history check for any  
35 current or prospective employee and other persons designated  
36 pursuant to the water management district's security plan for  
37 buildings, facilities, and structures if those persons are  
38 allowed regular access to those buildings, facilities, or  
39 structures defined in the water management district's security  
40 plan as restricted access areas.

41           (2) A water management district that has structures or  
42 facilities that are not identified as critical infrastructure by  
43 the Regional Domestic Security Task Force may conduct a  
44 fingerprint-based criminal history check for any current or  
45 prospective employee and others designated pursuant to the water  
46 management district's security plan for buildings, facilities,  
47 and structures if those persons are allowed regular access to  
48 critical buildings, facilities, or structures defined in the  
49 water management district's security plan as restricted access  
50 areas.

51           (3)(a) The fingerprint-based criminal history check shall  
52 be performed on any person described in subsection (1) pursuant  
53 to the applicable water management district's security plan for  
54 buildings, facilities, and structures. With respect to employees  
55 or others with regular access, such checks shall be performed at  
56 least once every 5 years or at other more frequent intervals as

57 provided by the water management district's security plan for  
58 buildings, facilities, and structures. Each individual subject  
59 to the criminal history check shall file a complete set of  
60 fingerprints which are taken in a manner required by the  
61 Department of Law Enforcement and the water management district  
62 security plan. Fingerprints shall be submitted to the Department  
63 of Law Enforcement for state processing and to the Federal  
64 Bureau of Investigation for federal processing. The results of  
65 each fingerprint-based check shall be reported to the requesting  
66 water management district. The costs of the checks, consistent  
67 with s. 943.053(3), shall be paid by the water management  
68 district or other employing entity or by the individual checked.

69 (b) Each water management district's security plan for  
70 buildings, facilities, and structures shall identify criminal  
71 convictions or other criminal history factors consistent with  
72 paragraph (c) which shall disqualify a person from initial  
73 employment or authorization for regular access to buildings,  
74 facilities, or structures defined in the water management  
75 district's security plan as restricted access areas. Such  
76 factors shall be used to disqualify all applicants for  
77 employment or others seeking regular access to buildings,  
78 facilities or structures defined in the water management  
79 district's security plan as restricted access areas on or after  
80 the effective date of the water management district's security  
81 plan for buildings, facilities, and structures, and may be used  
82 to disqualify all those employed or authorized for regular  
83 access as of that date. Each water management district may  
84 establish a procedure to appeal a denial of employment or access

85 based upon procedural inaccuracies or discrepancies regarding  
86 criminal history factors established pursuant to this paragraph.  
87 A water management district may allow waivers on a temporary  
88 basis to meet special or emergency needs of the water management  
89 district or its users. Policies, procedures, and criteria for  
90 implementation of this subsection shall be included in the water  
91 management district's security plan for buildings, facilities,  
92 and structures.

93 (c) In addition to other requirements for employment or  
94 access established by any water management district pursuant to  
95 its water management district's security plan for buildings,  
96 facilities, and structures, each water management district's  
97 security plan shall provide that:

98 1. Any person who has within the past 7 years been  
99 convicted, regardless of whether adjudication was withheld, for  
100 a forcible felony as defined in s. 776.08; an act of terrorism  
101 as defined in s. 775.30; planting of a hoax bomb as provided in  
102 s. 790.165; any violation involving the manufacture, possession,  
103 sale, delivery, display, use, or attempted or threatened use of  
104 a weapon of mass destruction or hoax weapon of mass destruction  
105 as provided in s. 790.166; dealing in stolen property; any  
106 violation of s. 893.135; any violation involving the sale,  
107 manufacturing, delivery, or possession with intent to sell,  
108 manufacture, or deliver a controlled substance; burglary;  
109 robbery; any felony violation of s. 812.014; any violation of s.  
110 790.07; any crime an element of which includes use or possession  
111 of a firearm; any conviction for any similar offenses under the  
112 laws of another jurisdiction; or conviction for conspiracy to

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113 commit any of the listed offenses may not be qualified for  
114 initial employment within or authorized regular access to  
115 buildings, facilities, or structures defined in the water  
116 management district's security plan as restricted access areas.

117 2. Any person who has at any time been convicted of any of  
118 the offenses listed in subparagraph 1. may not be qualified for  
119 initial employment within or authorized regular access to  
120 buildings, facilities, or structures defined in the water  
121 management district's security plan as restricted access areas  
122 unless, after release from incarceration and any supervision  
123 imposed as a sentence, the person remained free from a  
124 subsequent conviction, regardless of whether adjudication was  
125 withheld, for any of the listed offenses for a period of at  
126 least 7 years prior to the employment or access date under  
127 consideration.

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