

ENROLLED

HB 0473

2005 Legislature

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A bill to be entitled
 An act relating to water management district security;
 creating s. 373.6055, F.S.; requiring water management
 districts with structures or facilities identified as
 critical infrastructure to conduct criminal history checks
 of certain persons; authorizing water management districts
 with structures or facilities that are not identified as
 critical infrastructure to conduct criminal history checks
 of certain persons; providing requirements for criminal
 history checks; requiring submission of fingerprints to
 the Department of Law Enforcement and the Federal Bureau
 of Investigation; providing for payment of criminal
 history check costs; requiring the water management
 district security's plan to identify criminal history
 convictions or factors that disqualify applicants for
 employment and restricted area access; authorizing the use
 of such factors to disqualify certain employees and other
 persons; authorizing water management districts to
 establish appeal procedures; authorizing water management
 districts to grant temporary waivers; providing offenses
 that disqualify a person from employment or access to a
 restricted access area; providing an exception to
 disqualification; providing an effective date.

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

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

373.6055 Criminal history checks for certain water

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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

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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

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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
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.

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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.