

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation Committee

BILL: SB 1612

SPONSOR: Senator Atwater

SUBJECT: Water management district security

DATE: March 17, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kiger</u>	<u>Kiger</u>	<u>EP</u>	Favorable
2.	_____	_____	<u>DS</u>	_____
3.	_____	_____	<u>CJ</u>	_____
4.	_____	_____	<u>GA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 1612 authorizes the water management districts to conduct fingerprint based criminal history checks of current or prospective employees and others with regular access to restricted access areas. Water management districts with structures or facilities identified as critical infrastructure by the Regional Domestic Security Task Force are required to conduct the criminal history checks while water management districts without such infrastructures are authorized to conduct the checks.

Water management district security plans for buildings, facilities, and structures must identify criminal convictions or other criminal history factors that disqualify a person from either initial employment or restricted area access. Any person who has within the past 7 years been convicted of certain offenses does not qualify for employment or access to a restricted area. A person must remain conviction-free for a period of 7 years after release from incarceration before he or she may qualify for employment or restricted area access.

This bill substantially creates section 373.6055 of the Florida Statutes:

II. Present Situation:

Chapter 110, F.S.

Section 110.127, F.S., authorizes employing agencies to designate employee positions that, because of the special trust or responsibility or sensitive location of those positions, require that persons occupying those positions be subject to a security background check, including fingerprinting, as a condition of employment. For purposes of the chapter, "employing agencies" is defined as any agency authorized to employ personnel to carry out the responsibilities of the agency under the provisions of ch. 20, F.S., or other statutory authority.

Chapter 435, F.S.

Section 435.03, F.S., provides for Level 1 screening standards for employees required by law to be screened as a condition of employment. Level 1 screenings include employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE). An employment disqualification list is established for persons applying for Level 1 positions. These persons may not have been found guilty of offenses such as aggravated assault, vehicular homicide, elder abuse or neglect, aggravated battery, and kidnapping.

Section 435.04, F.S., provides for Level 2 screening standards for employment which includes fingerprinting, as well as employment history checks and statewide criminal correspondence checks. An employment disqualification list is also established for Level 2 positions and includes additional offenses such as negligent treatment of children, resisting arrest with violence, aiding in an escape, and depriving a law enforcement officer of means of protection.

Chapter 943, F.S.

Under ch. 943, F.S., the FDLE is the state's central repository for criminal record information and has the third largest computerized criminal history file in the nation which contains criminal history records on more than four million offenders. The FDLE maintains and provides access to criminal history information which is commonly used for security and background screening of individuals.

In addition, regional domestic security task forces are created within this chapter and are tasked by the Chief of Domestic Security Initiatives with assisting in the identification of critical infrastructure. According to the FDLE, no facilities of the water management districts are currently identified as critical infrastructure by the task forces.

Protection of Water Supplies and Water Facilities

The protection of water supplies and water supply facilities has gained significance since September, 2001. Because of water's importance to the public health and safety, increased security measures at water system components and infrastructure are necessary to ensure water quantity, water quality, and water delivery, and to prevent disruption of essential water services.

III. Effect of Proposed Changes:

Section 1 creates s. 373.6055, F.S., to provide that a water management district which has structures or facilities identified as critical infrastructure by the Regional Domestic Security Task Force is required to conduct fingerprint based criminal history checks of current or prospective employees and others with regular access to restricted access areas. Water management districts without such tier one infrastructures are authorized to conduct the checks.

Water management district security plans for buildings, facilities, and structures must identify criminal convictions or other criminal history factors that disqualify a person from either initial employment or restricted area access. Any person who has within the past 7 years been convicted of certain offenses does not qualify for employment or access to a restricted area. A person must

remain conviction-free for a period of 7 years after release from incarceration before he or she may qualify for employment or restricted area access.

Section 2 provides that the act takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to the water management districts, the private sector will bear the costs of screening or fingerprinting private contractors, employees of private contractors, vendors, repair persons, or delivery persons with access to facilities that the districts have designated as critical or secure facilities. Many of the private sector contractors doing business with the district also do business with local governments and have already been fingerprinted.

C. Government Sector Impact:

To date, the South Florida Water Management District is the only district anticipated to have facilities designated as critical infrastructure. According to the district approximately 550 of the 1700 employees will have access to facilities that could be identified as critical infrastructure. The district estimates that total expenditures would be approximately \$28,850, assuming a price of \$47 per employee.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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