



Second Wave of Bills Moving Forward – Week Four of the Florida Legislature

Workers Comp for First Responders

Because workers comp is of great interest to MAF members and even though HB 227 pertains to first responders, we thought you might like to know about these changes in light of how they might impact related changes in overall workers comp laws in the future. The bill has passed one committee in the House of Representatives and a similar bill, SB 376, has passed two committees in the Senate.

HB 227 revises workers' compensation standards to provide indemnity benefits for a mental or nervous injury of a law enforcement officer, a firefighter, an emergency medical technician, or a paramedic, whether or not such injury is accompanied by a physical injury requiring medical treatment. A law enforcement officer, firefighter, emergency medical technician, or paramedic who entered service before July 1, 2018, is entitled to receive such indemnity benefits if:

- The mental or nervous injury resulted from the individual acting within the course of his or her employment and such individual witnessed a murder, suicide, fatal injury, child death, or mass killing or treated or transported a deceased child or the victim of a murder, suicide, or fatal injury; and
- The mental or nervous injury is demonstrated by clear and convincing medical evidence by a licensed psychiatrist to meet the criteria for post-traumatic stress disorder (PTSD) as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association. The diagnosis must have been made within two years of when the individual witnessed the murder, suicide, fatal injury, child death, or mass killing or treated or transported the deceased child or the victim of a murder, suicide, or fatal injury.

A law enforcement officer, firefighter, emergency medical technician, or paramedic who enters service on or after July 1, 2018, is entitled to receive the indemnity benefits if the individual meets the above requirements and also passes a pre-employment mental health examination that fails to reveal any diagnosis of PTSD, if the prospective employer provided such examination. The bill also requires an employing agency of a first responder to provide educational training related to mental health awareness, prevention, mitigation, and treatment.

College Competitiveness Act of 2018

CS/CS/SB 540 restructures the governance of the Florida College System and modifies the mission. The bill is on the Senate Calendar waiting for action by the full Senate. It does not align perfectly with a House bill, one of which is still moving through the House committee process. More discussion will need to take place between the House and Senate before this bill can move forward.

CS/CS/SB 540:

- Establishes a State Board of Colleges (SBC) and transfers specified responsibilities from the State Board of Education to the SBC.
- Clarifies expectations and oversight of baccalaureate degree programs offered by colleges.
- Modifies the baccalaureate approval process for all colleges.
- Establishes a 20 percent cap on upper-level, undergraduate full-time equivalent (FTE) enrollment at each college, and a 10 percent cap on upper - level, undergraduate FTE enrollment for the FCS, and specifies conditions for planned and purposeful growth of baccalaureate degree programs.
- Establishes the “2+2” targeted pathway program to provide students guaranteed access to baccalaureate degree programs at state universities.
- Establishes the Supporting Students for Academic Success program to fund the efforts of colleges in assisting students enrolled in an associate in arts (AA) degree program to complete college-credit courses, graduate with an AA degree, and transfer to a baccalaureate degree program.
- Modifies the college performance accountability metrics and standards to promote on - time student graduation.
- Enhances transparency and accountability of college direct - support organizations.
- Appropriates \$10 million in recurring funds for distribution to colleges for students who earn industry certifications during the 2018 - 2019 academic year.

Drone Bill Expands to More Government Activities

Section 330.41, F.S., protects critical infrastructure facilities by prohibiting any person from knowingly or willfully:

- Operating a drone over a critical infrastructure facility, unless the drone is in transit for commercial purposes and is in compliance with Federal Aviation Administration (FAA) regulations;
- Allowing a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allowing a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

“Critical infrastructure facility” means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

- An electrical power generation or transmission facility, substation, switching station, or electrical control center.
- A chemical or rubber manufacturing or storage facility.
- A mining facility.
- A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
- A liquid natural gas or propane gas terminal or storage facility with a capacity of 4,000 gallons or more. Any portion of an aboveground oil or gas pipeline.
- A wireless communications facility, including tower, antennae, support structures, and all associated ground - based equipment.

CS/SB 624 amends the definition of “critical infrastructure facility” in s. 330.41, F.S., to include:

- A state correctional institution or a private correctional facility;
- A secure juvenile detention center or facility, a non-secure residential facility, a high-risk residential facility, or a maximum-risk residential facility; and
- A county detention facility.

The bill amends s.934.50, F.S., to include exceptions to the prohibitions against drone use currently found in the “Freedom from Unwarranted Surveillance Act.” The exceptions are created to:

- Facilitate the collection of evidence at a crime scene or traffic crash scene; and
- Allow drone use by a local or state agency in the assessment of damage, flood state, wildfire or land management, or the monitoring and collection of scientific or marketing data.

CS/SB 624 is on the Senate Judiciary Committee agenda for February 6. HB 471, the companion House bill, is on the House Calendar for consideration.

Strategic Fuel Reserves

CS/SB 700 creates the Florida Strategic Fuel Reserve Task Force (task force) within the Florida Division of Emergency Management (FDEM) to develop a recommended strategic fuel reserve plan for the state to respond to private and public fuel needs in the event of an emergency or disaster. The Governor, President of the Senate, and Speaker of the House of Representatives must each appoint three persons to sit on the nine-member task force. The task force must elect a chair and vice chair and submit a recommended strategic fuel reserve plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by April 30, 2019. The task force terminates on June 30, 2019.

The bill has passed one Senate committee, but it has no House companion at this time.

Aircraft Tax

CS/SB 766 exempts the sale or lease of all aircraft from the state sales and use tax. The bill has passed one Senate committee. The companion bill, HB 6045, has not been heard by a committee but has been discussed informally in House Ways & Means.

SB 856 High School Graduation

This bill passed the Senate Education Committee on January 29 and now goes to the Appropriations Committee. The companion House bill, HB 577, is on the House Calendar on 2nd Reading.

The bill authorizes students to use apprenticeship or Preapprenticeship program credit to meet specified credit requirements for high school graduation. Specifically, the bill:

- Authorizes a student who earns credit upon completion of an apprenticeship or Preapprenticeship program registered with the Department of Education to use such credit to meet the credit requirements for:
 - Fine or performing arts, speech and debate, or practical arts; or
 - Electives.
- Requires the State Board of Education to approve and identify in the Course Code Directory the apprenticeship and Preapprenticeship programs from which a student may use earned credit to meet the specified credit requirements for high school graduation

Omnibus Environmental Regulation

HB 1149 revises policies relating to Florida's environmental regulation by:

- Providing examples of reclaimed water use that may create an impact offset to include those that prevent or stop further saltwater intrusion; raise aquifer levels; improve the water quality of an aquifer; or augment surface water to increase the quantity of water available for water supply;
- Requiring the Department of Environmental Protection (DEP) to revise the water resource implementation rule to create criteria by which an impact offset or substitution credit may be applied to the issuance, renewal, or extension of a consumptive use permit (CUP) or may be used to address additional water resource constraints imposed by the adoption of a recovery or prevention strategy;
- Including the reuse of reclaimed water through aquifer recharge as a critical component of meeting the state's existing and future water supply needs while sustaining natural systems;
- Requiring DEP and water management districts (WMD) to develop and enter into a memorandum of agreement, no later than December 1, 2018, providing for coordinated review of any reclaimed water project requiring a reclaimed water facility permit, an underground injection control permit, and a CUP, to be used solely at the permit applicant's request;
- Requiring counties and municipalities to address the contamination of recyclable material in contracts with residential recycling collectors for collection or transportation of residential recyclable material;
- Defining "residential recycling collector;"
- Requiring counties and municipalities to address the contamination of recyclable material in contracts with material recovery facilities (MRF) for processing of residential recyclable material;
- Requiring local government contracts with a residential recycling collector or MRF to define "contaminated recyclable material" in a manner that is appropriate for the local community, based on available recyclable material markets;
- Requiring local government contracts with a residential recycling collector or MRF to include strategies and obligations of the parties to reduce the amount of contaminated recyclable material being collected or processed, procedures for identifying, documenting, managing, and rejecting contaminated recyclable materials, and remedies that will be used for contaminated recyclable material;
- Providing applicability of these contract requirements in any local government contract with a residential recycling collector or MRF executed or renewed after the effective date of the act;
- Prohibiting local governments from requiring verification from DEP or WMD that a particular activity meets a permit exception; and
- Revising the permit exception for the replacement or repair of existing docks and piers to allow for the repair or replacement if it is in approximately the same location, no larger in size than the existing dock or pier, and no additional aquatic resources are adversely and permanently impacted.

HB 1149 will be heard by its second committee in the House on February 6. The Senate companion, SB 1308, will be heard in its second committee on the same day.

Preapprenticeship and Apprenticeship Programs

SB 1388 establishes a Task Force to examine Preapprenticeship and Apprenticeship Programs in Florida. The bill is currently sitting in the Senate Rules Committee. The House companion, HB 711, has not been heard by MAF has been working on an amendment with the House sponsor that could be placed on the

Senate bill and on the House bill were it to move forward. The amendment revises the Task Force make up and its mission.

Supermajority Vote for State Taxes or Fees

HB 7001 is a joint resolution that proposes an amendment to the state Constitution that would provide that no state tax or fee may be imposed, authorized, or raised by the legislature, except through legislation approved by two-thirds of the membership of each house of the legislature. The joint resolution requires that any proposed state tax or fee imposition, authorization or increase must be contained in a separate bill that contains no other subject. The joint resolution also specifies that the proposed amendment does not authorize the imposition of any state tax or fee otherwise prohibited by the state Constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

The amendment proposed in the joint resolution would take effect on January 8, 2019, if approved by sixty percent of the voters during the 2018 general election or earlier special election. The joint resolution is not subject to the governor's veto powers.

HB 7001 passed the House of Representatives on January 25 and is now in the Senate waiting to be heard. The companion bill, SB 1742, is awaiting a hearing in its last Senate committee.

Silver Springs Water to Cost Taxpayers

HB 7035 is a bill that ratifies the action of the St. Johns River Water Management District on establishing minimum flows and levels for Silver Springs, near Ocala, FL. The bill passed the House on January 31. The companion bill, SB 670, is on the agenda for the Senate Rules Committee on February 7.

The St. Johns River Water Management District has proposed development of additional water Supplies and other regulatory action to prevent the existing flow or water level from falling below the established MFL at Silver Springs. The prevention strategy includes two water supply development projects, the Lower Floridan Aquifer (LFA) Conversion Project and the Wetland Recharge Park Project. The SJRWMD estimates the LFA Conversion Project will cost between \$23.82 million and \$44.97 million. The SJRWMD is required to pay at least 25 percent of the total project cost of the project. Water users will incur the remaining costs.

A statement of estimated regulatory costs (SERC) must be prepared if a proposed rule will have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 aggregated within one year after implementation. If the SERC shows that the adverse impact or regulatory costs of the proposed rule exceeds \$1 million in the aggregate within five years after implementation, then the proposed rule must be submitted to the Legislature for ratification. Due to the estimated regulatory costs, the SJRWMD was required to prepare a SERC for proposed rule 40C-2.101, F.A.C. The SJRWMD's SERC indicates that the proposed rule will exceed \$1 million aggregated within five years after implementation. Accordingly, proposed rule 40C-2.101, F.A.C., was submitted to the Legislature for ratification.

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