

*FSPA Bills of Interest*  
*April 17, 2009*  
*By Kari Hebrank*

**Overview**—The Senate passed their \$65.6 billion version of the budget by a vote of 39-0 on April 16. The House debated their budget on April 16 with final passage slated for April 17 and the conference process scheduled to begin on April 20. The two proposals are miles apart, not only in allocations to specific programs, but also with respect to how the programs are to be funded in an effort to address the \$6 billion deficit. The Senate budget utilizes a \$1 cigarette tax and expanded gaming revenue while the House proposal focuses on part of the stimulus money and raising all types of fees—car tags, license fees, court costs, etc., to meet the state’s needs. Importantly for FSPA, the homeowner warning legislation to cut down on unlicensed contractor activity moved forward as did impact fees and building codes. As for energy bills, there was no movement and unless the House decides they want an energy bill that keeps the carve-out for solar energy, the issue will be dead for this Session.

**\*Swimming Pool Resolution**

**SR 1334 by Detert (R-Venice)/HR by Nehr (R-Tarpon Springs)**

These resolutions recognize the importance of FSPA in educating pool contractors, building officials and consumers on swimming pool safety measures and designate April as “Swimming Pool Safety Month.”

**STATUS:** Both the House and Senate resolutions and FSPA members were recognized on the floor of their respective chambers on April 16. Many thanks to Dino Muggeo, Tom Bush and Theo Salvo for making time to attend the recognition.

**\*Affordable Housing**

**SB 1040 by Bennett (R-Bradenton)/HB 161 by Aubuchon (R-Cape Coral)**

These proposals are aimed at stimulating affordable housing by authorizing counties to use tax revenues to provide workforce, affordable and employee housing.

**STATUS:** HB 161 by Aubuchon was temporarily postponed on Second Reading in the House on April 15. The companions, SB 1040 and 1042 are in S. Judiciary and S. Finance & Tax on April 21 and April 20 respectively. Bills filed to remove the \$243 million cap on the Sadowski Housing Trust Fund have not yet had a hearing in either chamber. The Senate budget includes utilizing some housing funds as down payment assistance for first-time homebuyers.

**\*Impact Fees**

**SB 580 by Haridopolos (R-Melbourne)/HB 227 by Aubuchon (R-Cape Coral)**

Legislation that began as an initiative to level the playing field for the burden of proof standard when impact fees are challenged, was favorably amended to place a two-year freeze on all impact fees.

**STATUS:** HB 227 rolled to Third Reading on April 14 after being amended to hold-harmless projects already in the pipeline, and after limited debate, the bill passed the full House on April 15 by a vote of 92-26. SB 580 passed S. Finance & Tax on April 14 and moves to S. Transportation & Economic Development Appropriations on April 20.

**\* Workers' Compensation**

***SB 2072 by Richter (R-Fort Myers)/HB 903 by Flores (R-Miami)***

These must-pass bills address the limitation on attorney fees to correct a Supreme Court ruling in *Murray vs. Mariner* that overturned the 2003 workers compensation reform measures relative to "reasonable" attorney fees. .

**STATUS:** HB 903 passed the full House 84-35. On April 15, SB 2072 was unfavorably amended in S. Judiciary to allow injured workers to sign an agreement with their attorney to exceed the cap on lawyer's fees and to prevent insurance companies from passing along the costs of fee awards when they wrongfully deny claims. Another unfavorable provision pushed by firefighters and policemen was initially included in the amendment but following a vote to reconsider the measure, the strike-all amendment passed minus the first responder provision. SB 2072 passed S. Judiciary 8-1 and moves to S. General Government Appropriations on April 20, a more favorable committee to the business community, where the bill must be amended to restore the cap on attorneys' fees.

**CALL TO ACTION: Contact your senator and urge him/her to revise SB 2072 to restore the cap on attorneys' fees in workers' compensation cases.**

**\*Homeowner Warning Notice/Unlicensed Contractor Activity**

***SB 674 by Constantine (R-Altamonte Springs)/SB 1422 by Baker (R-Eustis)/ HB 1327 by Gonzalez (R-Hialeah Gardens)***

An initiative designed to curb unlicensed contractor activity as part of the FSPA legislative agenda, these bills strengthen the existing disclosure statement for any property owner who applies for a residential owner-builder building permit. They require applicants to read and sign off on a multi-page form warning homeowners of the serious legal and financial liabilities they face when acting as their own home-improvement contractor.

**STATUS:** The bill was added to the DBPR bill (HB 425 by Plakon) in H. Government Operations Appropriations on April 13 and to the senate companion (SB 2262 by Gaetz) on April 14 in S. Regulated Industries. Additionally, the stand-alone bill, SB 674/1422 by Constantine and Baker passed S. Community Affairs on April 14 and will be heard in S. Judiciary on April 21. SB 2262 will be heard in S. Community Affairs on April 20.

**\*Beach Water Contamination—Public Swimming Pool Definition**

***SB 1296 by Bennett (R-Bradenton)/ HB 707 by Rep. Aubuchon (R-Cape Coral)***

These bills require the Dept. of Health to notify the local government and the local office of the Dept. of Environmental Protection when it issues a health advisory against swimming in beach waters due to elevated levels of bacteria. By adding a definition for beach water under chapter 514, F.S., it also corrects a cross-reference for the public swimming pool definition under chapter 515, F.S.

**STATUS:** SB 1296 was amended to include SB 1910 in General Government Appropriations on April 15 and passed. HB 707 is now on Second Reading on the H. Calendar. FSPA continues to monitor these bills.

**\*Public Swimming & Bathing Facilities**

***SB 1910 by Gardiner (R-Orlando) /HB 1011 by Precourt (R-Winter Garden)***

These bills direct the Dept. of Health to assign specific functions relating to the

regulation of public swimming facilities to certain special districts that have qualified engineering personnel, a.k.a., Reedy Creek at Disney World.

**STATUS:** SB 1910 was amended onto SB 1296 in S. General Government Appropriations Committee on April 15.

***\*Building Codes/Product Approval***

***SB 2100 by Bennett***

SB 2100 is a comprehensive bill that deals with several building code and product approval issues. Among other provisions, the bill will reduce the time period for product approvals from the current 4 month process down to 10 days; will add equivalency of standards to the criteria for determining glitch amendments; and, adds the International Association of Plumbing & Mechanical Officials to the list of approved product evaluation entities. SB 2100 also grants rule authority for the commission to establish voting requirements, such as super majority, for commission actions, authorizes the commission to charge a fee for non-binding interpretations, and eliminates the archaic building code core course requirement for all licensees.

**STATUS:** SB 2100 passed S. Regulated Industries on April 14 and moves to S. Banking & Insurance next. With 3 committee stops remaining, FSPA is also seeking other vehicles on which to amend SB 2100.

***\*Construction Bonds/Lien Law***

***SB 560 by Bennett (R-Bradenton)/HB 299 by Tobia (R-Melbourne)/SB 466 by Wise***

These proposals make significant changes to construction bonds and lien law provisions, including payment bond, notice of commencement, warning to owner and lien process.

**STATUS:** Although SB 560 passed S. Community Affairs, it appears these bills are dead for the session as the House bill has not yet had a hearing.

***\*Growth Management/Dept. of Community Affairs***

***SB 360, SB 362, and SB 1306 by Bennett (R-Bradenton)***

***HB 7127 by Hukill (R-Port Orange) and Economic Development & Community Affairs Committee***

These growth management bills address transportation concurrency, transportation concurrency exception areas, proportionate fair share, alternative review processes for local government comprehensive plans, and a streamlined plan amendment process. HB 7127 also includes a provision to extend construction, building permits, development orders and environmental permits for a period of 2 years.

**STATUS:** A new proposal was released this week, SB 1306, which makes determining which growth management bill is the REAL bill more difficult! SB 1306 passed S. Environmental Preservation and S. Transportation on April 14 and travels to S. Finance & Tax on April 20. HB 7127 was placed on the H. Calendar on April 15. SB 360 already passed the Senate and is in H. Messages.

***\*Construction Defects***

***SB 2064 by Altman (R-Melbourne)/HB 709 by Aubuchon (R-Cape Coral)***

SB 2064 and its companion revise the construction defects law to clarify notice procedures and opportunity to repair construction defects and specify there are no construction lien rights for destructive testing.

**STATUS:** HB 709 is on the House Calendar and SB 2064 is in S. Judiciary on April 21.

***\*Department of Business & Professional Regulation (DBPR)***

***SB 2262 by Gaetz (R-Ft. Walton Beach)/HB 425 by Plakon (R-Longwood)***

These bills revamp the Dept. of Business & Professional Regulation in an effort to eliminate unnecessary regulatory burdens for licensed individuals and applicants.

**STATUS:** SB 2262 passed S. Regulated Industries on April 14 with the homeowner warning language/unlicensed activity included. HB 425 was also amended to include the homeowner warning/unlicensed activity bill in Government Operations Appropriations Committee on April 13. SB 2262 will be heard in S. Community Affairs on April 20.

***\*Automatic Service Contracts***

***SB 660 by Justice (D-St. Petersburg)/HB 15 by McBurney (R-Jacksonville)***

SB 660 and its companion requires anyone who sells services to consumers to clearly disclose automatic renewal provisions contained in service contracts for services sold or leased to consumers.

**STATUS:** SB 660 passed S. Banking & Insurance on April 1 and moves to Judiciary on April 21. HB 15 is still awaiting action in Civil Justice & Courts Policy Committee.

***\*Renewable Portfolio Standard-Energy***

***SB 1154 by Sen. King (R-Jacksonville)***

SB 1154 is intended to implement the Public Service Commission's (PSC) Renewable Portfolio Standard (RPS) which came out of the Governor's executive order for 20% renewable energy by the year 2020. SB 1154 strays from the PSC's recommended rule by including nuclear energy in the mix of "renewables," allowing for a 25% allocation for nuclear, and reducing solar and wind energy allocations from 75% to 50%. SB 1154 also includes many of the provisions from the House energy bill.

**STATUS:** SB 1154 is scheduled for S. Policy & Steering Committee on Ways & Means for April 21. FSPA is working to include our solar permitting language into the bill as we now have agreement with the League of Cities and BOAF on our language. Unfortunately, the House doesn't seem to have the energy for passing a bill this year.

***\*Cranes***

***SB 1654 by Altman (R-Melbourne)/HB 923 by Evers (R-Milton)***

These bills preempt the regulation of "hoisting equipment" used in construction, demolition or excavation work to the state, consistent with OSHA requirements.

**STATUS:** These bills appear dead for Session as the senate bill has not been heard.

***\*Arbitration***

***SB 2192 by Ring (D-Margate) / HB 1135 by Poppell (R-Titusville)***

These unfriendly bills provide that mandatory arbitration is void and unenforceable except as provided by federal law.

**STATUS:** These bills are dead for the Session.