

Governor Signs Legislation Significant to the Industry

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Since the conclusion of the 2009 Legislative Session, Governor Crist has signed bills that significantly impact the swimming pool industry. What follows is information on FSPA supported legislative initiatives that were signed into law last month.

Department of Business & Professional Regulation: Governor Crist signed into law HB 425, by Rep. Plakon (R-Longwood), the business regulation streamlining legislation that eliminates unnecessary regulatory burdens for licensed individuals and applicants. **This legislation includes an FSPA top legislative priority--the homeowner warning bill crafted by FSPA to better inform the homeowner of their responsibilities and reduce unlicensed contractor activity.** This language strengthens the existing disclosure statement for any property owner who applies for a residential owner-builder building permit. Applicants are required 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. Building departments, aware of the pending changes, have already begun to revise their owner/builder disclosure statements, many plan on having the homeowner initial each statement. HB 425 goes into effect October 1, 2009 and includes numerous provisions to make licensure more efficient, notable provisions for the swimming pool industry include the following:

- Removes the notarized application requirement in order to facilities online form submission.
- Increases fee caps for construction contractor licenses to \$250.
- Removes the requirement that applicants for registered construction and electrical contractor licenses must provide a copy of a local occupational license.
- Corrects any remaining references to the occupational license with the business tax terminology.
- Removes the requirement that an applicant obtain a certificate of authority (QB license) for a business organization when the applicant proposes to engage in construction contracting under a business organization structure. However, it requires an applicant for a contractor's license to apply to the DBPR to act as the qualifying agent of the business organization as part of the licensure requirement for registration or certification as a contractor.

Read Rep. Plakon's press release on HB 425 at www.floridapoolpro.com. FSPA will be sure to send out any further information from DBPR on this significant piece of legislation.

Workers' Compensation: Governor Crist signed into law HB 903, by Rep. Flores (R-Miami), the workers' compensation legislation that FSPA worked on with others in the construction industry in order to keep your rates from increasing.

This legislation addresses 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 due to ambiguity with the term "reasonable." As a result of the governor's approval, regulators announced that a reduction in the workers' compensation rate is expected to save Florida employers \$172 million on their premiums after the bill goes into effect on July 1.

Growth Management: Governor Crist signed into law SB 360, by Sen. Bennett (R-Bradenton), the growth management bill that includes a provision to extend construction, building permits, development orders and environmental permits for a period of two years. The affordable housing bill was also amended onto SB 360, authorizing counties to use tax revenues to provide workforce, affordable and employee housing.

Impact Fees: Governor Crist signed into law HB 227, by Rep. Aubuchon (R-Cape Coral), the impact fee legislation that levels the playing field for the burden of proof standard when impact fees are challenged.

Property Insurance: Governor Crist signed into law HB 1495, by Rep. Nelson (R-Orlando), relating to property insurance. This bill makes reforms to property insurance provisions and specifically requires a 10% rate increase for Citizen's property insurance holders to move the company to more of an actuarially-sound entity.

Watch the e-newsletter and the August *Florida Pool Pro* (sm) for final action on the remaining legislation awaiting the governor's signature. This includes SB 2064, the construction defects bill and HB 707, the beach water contamination/public swimming and bathing facilities legislation.