

***FSPA Bill Tracking Report***  
***By Kari Hebrank***  
***March 23, 2009***

***Overview***

*Week three of the Legislative Session included discussion of a variety of issues, including property tax proposals, growth management, extended permits, renewable energy, affordable housing and budget talks. However, bills are moving slowly through the process as all committee substitutes go through a re-referral process once they have passed a committee, which is clogging up the committee agendas. Speaker Cretul has indicated that few bills will pass this session. Importantly for FSPA members, the Governor signed the corporate income tax glitch bill and workers' compensation legislation took another step towards passage in the House.*

***\*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."

***\* Corporate Income Tax Glitch Fix***

***SB 1112 by Altman (R-Melbourne)/HB 459 by Cannon (R-Winter Park)***

SB 1112 corrects the bonus depreciation and Section 179 expensing provisions that were inadvertently omitted from last year's corporate income tax "piggyback bill" to comply with federal law. As amended, the bill requires taxpayers to add back to taxable income their "bonus depreciation" and then amortize the amount added back over seven years of reductions to taxable income.

**STATUS:** Governor Crist signed SB 1112 on March 17 which will keep FSPA members from unnecessarily paying increased corporate income taxes.

***\* 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 due to ambiguity with the term "reasonable."

**STATUS:** A strike-all amendment was offered for HB 903 and the revised bill was reported favorable by a vote of 14-4 in H. General Government Policy Council. Rep. Waldman offered a detrimental substitute amendment that would have eliminated the limit on attorneys' fees, but the amendment was defeated. HB 903 is now on Second Reading on the House Calendar. SB 2072 is in S. Banking & Insurance on March 25.

***\*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 is now in S. Banking & Insurance. HB 15 passed H. Insurance, Business & Financial Affairs Policy Committee by a vote of 19-1 with Rep. Jenne dissenting, and moves to Civil Justice & Courts Policy Committee next.

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

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

An initiative spearheaded by FSPA and endorsed by the Construction Coalition to curb unlicensed contractor activity, 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:** No action on these bills last week. SB 1422 is ready for S. Regulated Industries and HB 1327 goes to Military & Local Affairs first in the House.

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

***SB 360 by Bennett (R-Bradenton)/ HB 7049 (formerly PCB MLA 09-01 by Dorworth (R-Heathrow) and Military & Local Affairs Committee)***

HB 7049, formerly PCB MLA -09-01 (PCB) would merge the Dept. of Community Affairs with the Dept. of State effective July 1, 2010, however the senate companion, SB 360 does not include moving the Dept. of Community Affairs. Both bills address growth management issues such as transportation concurrency, transportation concurrency exception areas, proportionate fair share, alternative review processes for local government comprehensive plans, and a streamlined plan amendment process. HB 7049 also includes a provision to extend construction, building permits, development orders and environmental permits for a period of 3 years.

**STATUS:** HB 7049 will be heard in H. Economic Development & Community Affairs. SB 360 passed S. Ways & Means on March 19 by a vote of 14-3 and is now on the Senate Special Order Calendar for March 24.

***\*Impact Fees***

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

These bills require that the challenger of an impact fee prove their case by a preponderance of the evidence rather than the current preferential standard of “fairly debatable,” hence, providing a level playing field for builders and developers when challenging local government and school boards impact fee calculations.

**STATUS:** SB 580 passed S. Community Affairs and is now in S. Judiciary; HB 227 passed H. Military & Local Affairs on March 4 and H. Civil Justice & Courts on March 17 and travels to H. Economic Development & Community Affairs next.

***\*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:** No action last week on these bills. HB 1011 will be heard in H. Health Care Regulation Policy Committee and the senate companion travels to S. Community Affairs.

***\*Swimming Pool Enclosures/Insurance***

***SB 2384 by Fasano (R-New Port Richey)/HB 1157 by Bogdanoff (R-Ft. Lauderdale)***

Creates the Florida Hurricane Protection Program within the Florida Hurricane Catastrophe Fund and specifically states that no coverage will be provided for swimming pool enclosures. These bills are intended to develop a “wind insurance pool” as a replacement for Citizens Insurance.

**STATUS:** FSPA members met with Sen. Fasano to discuss concerns and Sen. Fasano agreed to remove the prohibition for swimming pool enclosures. SB 2384 goes to S. Banking & Insurance first; HB 1157 gets a hearing in H. Insurance, Business & Financial Affairs on March 24.

***\*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 unanimously passed S. Environmental Preservation & Conservation on March 17. HB 707 was reported favorable by H. Natural Resources Appropriations on March 19. FSPA continues to monitor these bills.

***\*Cranes***

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

Both proposals preempt the regulation of “hoisting equipment” used in construction, demolition or excavation work to the state, thus avoiding a plethora of local ordinances regulating the use of construction cranes. State regulation is consistent with OSHA requirements.

**STATUS:** SB 1654 goes to S. Regulated Industries first; HB 923 will be heard in H. Insurance, Business & Financial Affairs on March 24.

***\*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:** No action last week on these bills. SB 560 and SB 466 will be heard in S. Regulated Industries first; HB 299 goes to H. Governmental Affairs Policy Committee.

***\*Construction Defects***

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

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:** No action yet on SB 2064. HB 709 unanimously passed H. Civil Justice & Courts on March 17 and moves to H. Insurance, Business & Financial Affairs.

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

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

These bills modify several programs under the Dept. of Business & Professional Regulation in an effort to eliminate unnecessary regulatory burdens for licensed individuals or those applying for licensure.

**STATUS:** HB 425 was amended in General Government Policy Committee on March 17 to eliminate the archaic building code core course requirement for contractors and to replace “occupational license” references to “business tax receipt.” The bill was also amended to eliminate the term “local” from specialty contractor to eliminate confusion. HB 425 passed unanimously and moves to Government Operations Appropriations. SB 2262 will be up first in S. Regulated Industries. FSPA has been working to amend the bills to include the homeowner warning notice (SB 1422).

***\*Sales Tax Exemptions/Constitutional Amendments***

***SB 2576 by Lynn (R-Daytona Beach)/HB 1163 by Hukill (R-Port Orange)***

These bills would require the Joint Legislative Sunset Committee to periodically review existing sales and use tax exemptions and would require consideration of a service tax on a myriad of service categories, including business and construction services.

**STATUS:** The senate bill has been referred to S. Finance & Tax; the House bill kicks off in H. Finance & Tax.

***\*Renewable Energy***

***SB 1380 by King (R-Jacksonville)***

SB 1380 was initially filed as a “shell bill” but was amended in committee to direct the Solar Energy Center to increase its fees for an amount that will cover its costs and deletes the requirement that solar systems offered for sale in Florida be certified as meeting Florida’s standards. **The bill was also amended to specify that the manufacture, sale, training and supervision of the installation of solar products and system components do not require a separate license if :** 1) the person who manufactures and sells solar products or solar systems clearly states to the consumers, in writing, that he or she is not acting as a licensed contractor for the purpose of installing such products or systems, and that all products, or system components meet the standards set forth in the national and state electrical code; and, 2.) the services of an electrical, plumbing, solar or pool contractor, appropriately licensed, certified or registered under chapter 489, is retained to install such products or systems and the contractor for the installation must obtain all required permits and building code inspections.

**STATUS:** SB 1380 passed S. Communications, Energy & Public Utilities and moves to S. Commerce. To date, there is not a House companion.