

Legislative Update

By Kari Hebrank

Governor Signs FSPA Priority Legislation

Governor Crist has been busy the past two weeks wielding his pen to sign several major pieces of legislation, including a top priority bill for FSPA relating to energy efficiency and building codes.

HB 663 by Rep. Aubuchon (Sen. Bennett)---Building Codes/Building Safety

HB 663 includes revisions to the energy efficiency requirements for swimming pool appliances and streamlines building code and product approval functions, eliminates duplicative regulations, and brings “common sense” to various building safety regulations. **Specifically, HB 663 includes FSPA’s legislative initiatives to:**

- **Amend the temporary period that a pool pump motor’s default circulation speed is allowed to be on high speed override from the current 120 minutes to a 24-hour standard;**
- **Clarify the energy efficiency provisions that apply to commercial and residential swimming pool heaters, and residential pool pumps and pool pump motors;**
- **Add “manufactured on or after July 1, 2011,” rather than the current “sold after July 1, 2011” as to the effective date for the new efficiency standards.**

Other highlights of the bill include:

- Creates a streamlined product approval process, reducing the timeline from four months to 10 business days;
- Provides an expedited process for fire code interpretations;
- Provides for equivalency code standards to be incorporated expeditiously rather than delayed for the three-year code cycle;
- Provides that heat sensors and electronic sensor updates for existing elevators may not be enforced on elevators in condominiums until such time as the elevator is replaced;
- Allows for uniform lock box that contains the keys to all elevators in a building which allow public access in lieu of re-keying the elevators;
- Grants rule authority for commission relative to establishing voting requirements, such as super majority, for commission actions;
- Provides for alternative plan review and inspection process for certain inspections;
- Allows for payment of fees for product approval to be made directly to the program administrator and specifies that fees paid by product manufacturers only fund product approval system;
- Adds the International Association of Plumbing & Mechanical Officials to the statutory list of approved evaluation services;
- Clarifies the carbon monoxide alarm requirements;

- Eliminates the five-year inspection by engineers of condominium improvements;
- Authorizes the commission to charge a fee for accessibility waivers, non-binding interpretations and declaratory statements;
- Includes additional options for energy efficiency of buildings and swimming pool appliances;
- Includes provisions relating to the regulation of home inspectors, mold assessors and mold remediators;
- Specifies the code does not apply to temporary housing for prisoners; and,
- Authorizes local governments to implement flood resistance regulations.
- Revises the building permit surcharge calculation which funds the Building Code Administrators & Inspectors Board and the Florida Building Commission

Governor Crist signed HB 663 into law on June 1st.

SB 846 by Sen. Bennett (Rep. Schenck)—Residential Fire Sprinklers

SB 846 bans the Florida Building Commission from adopting the provisions of the International Residential Code that would mandate fire sprinklers in all one and two-family dwellings and prevents local governments from imposing sprinkler requirements on residential resort rentals.

Governor Crist signed SB 846 into law on May 26th.

Governor Vetoes Bad Design Professional Liability Bill

SB 1964 by Negrón (Rep. Precourt)

SB 1964 would have provided that malpractice or negligence for which licensed engineers, architects, surveyors and mappers, interior designers and landscape architects must cause personal injury or damage to property other than property that is subject to professional services. SB 1964 was designed to address two court decisions that found that even when there is a contract, you are not limited to contractual liability. The bill was amended to state that there is no cause of action in tort, that there are no claims outside breach of contract and that a design professional is still liable for economic damages. **Governor Crist vetoed SB 1964 on June 1st.**

HB 713 by Workman (Sen. Fasano)—Home Inspectors/DBPR Legislative package

HB 713 includes provisions for the regulation and licensing of home inspectors, mold assessor and mold remediators and includes the Dept. of Business & Professional Regulation's legislative priorities. **Governor Crist signed HB 713 into law on May 26th.**

HB 7179 by Precourt (Sen. Bennett)—Property Assessment Clean Energy (“PACE”)

The PACE bill authorizes local governments to finance energy efficiency, renewable energy or wind-resistance property improvements with non-ad valorem tax assessments and create energy improvement districts funded by non-ad valorem tax assessments or bonds. **Governor Crist approved HB 7179 on May 27th.**

HB 7243 by Williams (Sen. Constantine)—Recycling/Construction & Demolition Debris

HB 7243 creates the Recycling Business Assistance Center to coordinate between state agencies and the private sector to facilitate new markets for recyclables. Businesses are encouraged to report their recycling rates and counties must implement programs for recycling of construction and demolition (C & D) debris, reporting of processed C & D, and if economically feasible, all C & D is to be processed prior to disposal. The Florida Building Commission is also directed to encourage recycling, composting and the use of recyclable materials. **The governor signed HB 7243 into law on May 27th.**

SB 1752 by Gaetz (Rep. Weatherford) --Economic Development-Jobs Bill

This legislation is aimed at creating jobs for Floridians. Specifically, SB 1752 amends several business tax exemptions, tax credits, the Qualified Target Industry incentive program and several other economic development statutes in order to stimulate the state's economy. SB 1752 provides tax credits for employers who hire unemployed Floridians; a matching grant program for new research and development companies to draw down federal funds to assist with commercializing their discoveries; and, reduce regulatory impediments on businesses seeking permits or extensions of development orders, including extending building permits for another two-year period. **Governor Crist signed SB 1752 into law on May 28th.**

HB 965 by Rep. McKeel (Sen. Storms)---Chinese Drywall

HB 965 requires the property appraiser to adjust the assessed value of affected single-family residential property by taking into consideration the presence of imported drywall and the impact it has on the assessed value. If the building cannot be used for its intended purpose without remediation or repair, the value of the building shall be \$0. If the affected property is homestead property, it will not be considered abandoned if the owner vacates the property during repairs and does not establish a new homestead. HB 965 contains a provision that the law will be repealed on July 1, 2017, unless reviewed and re-enacted by the Legislature before that date. **Governor Crist signed HB 965 into law on June 1st.**