

2010 Florida Legislative Update

1. IRC Residential fire sprinkler requirement. Bill passed both houses that would prohibit the Florida Building Code Commission from adopting the fire sprinkler requirement for new townhouses and one- and two-family homes. The state prohibition also partially extends to local government adoption except that communities that conduct an economic feasibility study may adopt these fire sprinkler requirements. The provisions of Chapter 633.025(9) and (10) are still in place. In other bills the right of local government to require rental properties from retrofitting sprinklers was also passed. Economic conditions was the main selling point as the Florida Homebuilders, Realtors and other groups fought to allow new homes to be built in non-compliance with the national model building codes. We are developing a document to assist local government in meeting the economic impact requirements of the existing law. I wonder how many homebuilders and realtors will inform the new home buyer that the property was built in non-compliance with the national model codes?
2. High-rise condominium owners have been placed in to a greater liability condition as a result of misguided lobbying from lawyer driven advocacy groups. The existing law allowed condominium associations by 2/3rd vote to opt out of sprinklering their living unit; the place where over 80% of all condominium fires start. The new law now allows opt out of sprinklers in the exit egress passageways that would be used by those wishing to flee the fire and responding firefighters intending to control the fire and save lives. Again, the current economic conditions coupled with the alleged foreclosure rate on these older properties and the cost of maintaining partially vacant condominiums was the main selling factors espoused by the lawyers representing the condominium association. This is a major fire safety shift from some-what reasonable with exit passageway sprinkler protection to totally unacceptable fire safety conditions for the occupants and responding firefighters. The only one winning with this legislation are the attorneys who will gain extra hours of work fighting off the inevitable litigation that will follow a tragedy. When condominium owners are persuaded to opt out of fire sprinklers when given costs that are 600-900% higher than actual costs there is a huge litigation door opened – particularly when there was a state study that reflects cost significantly lower than the falsehoods given to condo owners. But the arrogance of the condo advocacy groups has not only opened the door for litigation, they have now shifted from a property that could be argued as in reasonable compliance with the national fire safety standards to one that is clearly not. This exacerbates the liability exposure for the condo owners. More to come on this issue as the flames from the legislative session cool down.
3. The long fought for “Glitch Bill” passed both houses.
 - a. The **Informal Interpretation Process** has been streamlined by specifying procedures and interrupters qualifications along with timelines for issuing a response. This will place the fire code in a very similar situation as the Florida Building Code Interpretation process.
 - b. If the informal interpretation process does not resolve the issue, then a new law was passed that provides for an **Expedited Declaratory Statement**. More to come on this expedited Dec statement process but one point is the questions have to be phrased

such that the answer can be a simple yes or no. The expedited process will not respond to questions that require detailed technical responses.

- c. A CEU reciprocity provisions passed which requires the SFM and DBPR to coordinate CEU requirements. For example, if one is dual licensed by the SFM and DBPR, taking one class on workers' compensation is intended to meet both agency CEU requirements.
 - d. An experience fire sprinkler installer can no longer simply file for a license to be a contractor. The problem is many out of work fitters have applied for a license with the intent of doing small jobs and NFPA 25 work. The provisions of each fire sprinkler contractor licensure classification require layout experience. The current laws allow for a qualified engineer to establish the "design concepts" then the licensed contractor applies this engineering direction by developing layout documents that are in compliance with the applicable design standards. The new law makes it clear that fitter experience alone does not meet the standards of experience required for Florida contractor licensure; experience history must include layout experience.
 - e. Current law allows a master certified plumber to take the Contractor IV class to be licensed to install NFPA 13D systems. The law simply says the plumber must meet training and education criteria as established by the SFM. The new law will require this experience to be at least 40 contact hours of training on NFPA 13D type systems.
 - f. While the NICET program for ITM permit holders is an excellent step towards raising the bar on industry best practices, the cost and timelines established by NICET is not conducive to good economical business practices. The new law allows the SFM to allow alternatives that are deemed equivalent to NICET. The key issue will be ensuring the curriculum is ITM job related topics.
4. The unemployment Tax increase was delayed. There were estimates of a 170% increase in unemployment taxes that could not have come at a worst time. Stimulus money was used to offset the greatly escalated unemployment costs and the issue will be revisited hopefully when economic conditions improve.
 5. Automatic renewal of service contracts passed both houses, was signed by the Governor and will become law July 1, 2010. The new law requires:
 - a. Automatic renewal provisions must be conspicuously disclosed in the contract by larger font size and bold type or other means of highlighting the requirement.
 - b. The owner shall be notified no less than 30 days or more than 60 days before the renewal date of the automatic renewal provisions.
 6. A bad bill passed that limits the liability exposure of design professionals – bad in the sense that the cost of correcting construction defects will most likely be shifted to the contractor. There are significant efforts to repeal this bad law with these efforts mounting.
 7. Efforts to change the Lien Law statute died in committee. The changes were not too onerous but built yet another action to take to ensure lien rights.
 8. The government or public works sales tax exemption process was streamlined. Many have had problems with the audits of government projects because sales tax for materials was not paid. The new process will minimize these aggressive and unnecessary oversight actions.