



Legislative Update



Bill Information

April 24, 2009

Workers' Compensation - The Rook.



The faith of Workers' Compensation costs are now in the hands of the Legislators - no more committee hearings before which we can share our views. We can knock on their door but they will not be there - they will be on the floor voting on issues. We are now at the mercy of those whom we elect to represent us.

The vote count right now shows 18 Senators confirmed to vote in support of the very good language in House Bill 903 that has passed the House and is in the hands of the Senate. There are 8 confirmed against the bill leaving 14 undecided. We need three of the 14 undecided to vote for HB 903 as 21 votes are needed to pass the bill in the Senate.

The process is simple. Bring SB 2072 up on the floor, amend the bill to conform with HB 903, table SB 2072 after it is amended then bring up and pass HB 903. But *simple* is not the legislative way.

Resolving the workers' compensation is a leadership priority of the House. It should also be a leadership priority for the Senate. But because the WC issue is a high priority of the House, the Senate is holding back the bill which is being used as a bargaining tool - you vote for our priority issue and we will vote for yours. So in this game of chess, the WC bill is much more important than a pawn, it is at least a rook, maybe even a bishop. To play the hand even stronger, the WC bill was further amended in the last Senate committee making it worst!

Working with ABC, we have sent to our members an e-mail asking them to contact their Senator - it is extremely important to let our Senator know that business owners will not accept an increase in WC rates because the attorney's want to make more money. They are more responsive to local voting constituents than lobby forces.

I am hoping for a check - mate.

Glitch Bill - Plan B Implemented and Working

We are down to our final week. Our Glitch "stuff" has been amended on to a number of bills and hopes are high that one will pass each house of the Legislature.

SB 2100 is our main mover in the Senate and it still has a committee assignment. There are no more committee meetings and we are working to get it withdrawn from the remaining committees and placed on the calendar for final passage.

HB 7143 has the most traction in the House as the 186 page bill passed on second reading this morning - meaning it will be up for final vote or third reading Monday.

The plan is to have SB 2100 ready for final passage. Amendments will be offered on the bill to make it identical to HB 7143. Then HB 7143 will be substituted and held for final vote.

The only hiccup in the process is that of scheduling. All are fighting to get their bill heard ASAP causing some bills to be kicked down the priority list. The final word on the budget is yet to be determined and the fear is the Legislature will divert to time-consuming budget discussions.

I am optimistic the Glitch bill will pass. Problem now is blocking controversial amendments as others seek bills on which to amend their bad issue.

A Chapter of
NFSA



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“Working Together”

The Construction Coalition is one of the most powerful and successful lobbies in Tallahassee. Founded in the mid 1990s, the CC is a coalition of all the lobbyists for the construction industry.

Buddy Dewar was one of the founding members and served as Chair of the CC during the 2003-2005 Legislative Sessions.

Lobby or political power comes from numbers - the more constituents you represent the stronger



your presence. The coalition can have as many as 75 lobbyists attend a meeting in support of an issue.

It is through the Construction Coalition that we, as well as all of the construction trades, can keep track of the hundreds of legislative issues that impact construction during Legislative Sessions. Working together to help all!

High-Rise Retrofit

High-rise retrofit remains a top priority of our Legislative initiatives. Much effort has been placed attempting to save the 2014 compliance date. It is very unlikely we will save the date and the new compliance date will be 2025. All efforts to seek a compromise have led back to the key House sponsor Ellyn Bogdanoff. We have met with many Senators and Representatives and none were willing to take on Bogdanoff as she is in a major leadership role on the Rules Committee. The Rules Committee sets the agenda for bills to be heard. Many Representatives have said, I would love to help you but fear my bills will be blocked by the Rules Committee as Bogdanoff has made it clear her bill will pass. Even more disheartening is when a Senator defers to Bogdanoff. We offered tax credit language, we offered a compromise date, all to no avail as it is only Bogdanoff who has been self-anointed to determine who dies in high-rise fires.

We are still working to reach a compromise date of 2018. We are hoping that Governor Crist will send a message to Bogdanoff that he wishes not to be placed in the position of deciding who to upset, the condo industry or the fire service. But Governor veto is our next plan of action.

Great assistance has come from TYCO Products lobbyist Dave Ramba. Also great assistance has come from the FFMIA lobbyist Kari Hebrank. This was a strong team effort. We surely have amended our campaign donation list. It is not over yet, but close.

The Workers' Comp Battle Plan

The battles in this WC war are fierce and far-reaching. We are winning most of them but the biggest battle will take place probably Monday on the floor of the Senate as our elected Senators attempt to get the most from the photo-op.

The game plan is an amendment that is identical to the already passed House bill. While this will be received by the expected majority in the end, debate on the need for a significant increase in attorney's fees will become an issue. I expect injured workers to have filled the gallery. We expect a favorable vote by a 26-14.

Then there will be another amendment that will expand attorney's fees for first responders. They are trying to gain increased attorney's fees for chemical exposure injury. This falls back on the World Trade Center incident where many first responders to the WTC incident became ill with the same type of cancer. But the City of New York failed to recognize the illness as a WC claim. Florida first responders are arguing they cannot find a lawyer willing to litigate this type of case because the success rate is very low.

It is expected that a modified version of the first responders language will find its way onto the WC bill. There will be other amendments, mostly bad amendments coming from the trial bar - none are expected to stick but all will lead to interesting debate.

A favorable WC bill is expected to pass.

Check Bill Status—Go To:

<http://www.leg.state.fl.us/Welcome/index.cfm>



Fun in Tallahassee—The High-Rise Retrofit Debacle

Yes, those elected to office should have some desire to be responsive to their constituents. This is critical if the elected official seeks reelection.

But the line is crossed when elected officials react to constituents in total disregard to their safety. Many Florida Legislators are reacting to exaggerated cost claims from condo owners, retrofit figures we all wish we could get. I heard one legislator before a committee argue the costs could be \$20 million.

But the reaction to false claims from condo owners have reached many ears. There are amendments filed to the bill that extends the fire sprinkler retrofit compliance date to 2025 that:

1. Repeals a requirement for emergency power of at least one elevator in a high-rise for emergency operations.
2. Adds fire alarm and detection systems to the opt out clause meaning by 2/3 rd vote the condo association can opt out from alarm systems in their living units.

3. Adds fire alarm and detection to the 2025 date meaning they do not have to comply with any system upgrade requirement until 2025 and the why the wording could be interpreted, the condo will not be required to have an alarm system until 2025.

What are they thinking? The attitude by some of these legislators is the fire sprinkler and alarm industry is forcing all these added costs on to the consumer. They will not listen when you explain the building and fire code system.

Legislators need to **respond** to constituents concerns, not react. Legislators should:

1. Understand that no sprinklers, no alarms, no detection, no emergency power for elevators all lead to no insurance.
2. Understand the true costs of fire safety retrofit. We have share with them some numbers we received from the Dolphin Cove retrofit project, a condo that retrofitted after multiple fire deaths. These figures show the assessment at \$50 per

month for 9 years. But they get a \$360 annual reduction in their insurance, 430 a month or their net cost is \$20 per month - not overwhelming. But condo associations often present assessment figures that include many other renovation projects.

3. Condo owners are liability for unsafe conditions regardless what government does or does not do.

A good mindset for all legislators is simply - I must respond - not react. If they say this to themselves a couple times an hour maybe fire safety issues will be viewed in a positive light.

Bill Bites:

When is it over? Well nothing is safe while the Legislature is still in session. The last committee meetings are scheduled to end Thursday. The Rules say that any bill or language not heard before at least one committee cannot be passed by the Legislature. Well that is unless they waive the Rules. It is hard to get the 2/3 vote to waive the Rules to hear something on the floor that has not been heard in a committee because that opens the door for numerous motions to open the door for their issues that have not been heard by a committee. The list of bills to be discussed the last week of the Legislative Session known as the calendar is finalized Friday - if you issue is not on the calendar it will not be heard the last week of the session. Well again, unless they waive the Rules. Again, nothing is safe while the Legislature is in session - May 1, 2009 is the last day. If they have to come back for a Special Session it will be only for a specific item - it is unlikely our issues will meet the criteria.

US Senate Seat Race

I had lunch with Marco Rubio Thursday. Marco is immediate past Speaker of the House. Well, not really, the 2009 Legislative Session was to be the first of the two year rein of Speaker Sansom, but he resigned when he was indicted. Speaker Crutel took his place.

Marco gave a very impressive talk before our Thursday Group, a Center/Right Coalition. In a poll released last week in ranking potential US Senate candidates, Governor Crist garnered 54 percent in a hypothetical primary with former House Speaker Marco Rubio who received 11 percent. It was obvious these pollsters had not heard Marco.

I was impressed with Marco's vision for the future; his disdain for hard core politics taking precedent over the needs of the public; the failure

by many to aggressively and credibly resolve our economic crisis.

He is living the American Dream—family history to Cuba; came to America poor; and decided to work hard towards success. He says many have failed to recognize America as the home of the free and that one can become successful through THEIR own efforts - that some think America is a place for a free ride.

I was impressed with the lunch presentation by Marco. While I have heard him speak in the past, his comments hit home, particularly when he discussed the budget discord between the Senate and the House. He is still on my list of acceptable candidates to represent Florida in DC.



Prime Focus Bills

1. **Protect High-Rise Retrofit (HB419/SB880/SB998/SB2302) SB998 DEAD**
Extends compliance date from 2014 to 2025. HB 419 is scheduled for a floor vote - we are working on a floor amendment to change the date to 2016. Date change has not yet surfaced in the Senate. Four potential bills were bypassed this last week in the Senate and the date change language must pass a committee by next Friday or it is unlikely to pass. A "White Paper" is being distributed in hopes of generating support for retaining the 2014 date.
2. **Glitch Bill (HB693/SB1606) Language added to multiple bills—hoping it will stick on one bill that passes.**
HB 639 died, companion bill stalled because no action on the House Bill. We have attached most of the good "stuff" on SB 2100. There is a strong effort to add this same language to the DBPR Bill in the House. Too early to tell, probably will not know until mid-week next week. Still active in this legislation is: an expedited Declaratory Statement; improved non-binding interpretation program; provides clarity on Contractor IV classification; requires any plumber seeking Contractor IV classification to pass a test following a minimum of 40 hours of NFPA 13D training prior to setting for the licensure examination; requires applicants for Contractor I or II to have experience in system layout as defined in law; and establishes an equivalent program to NICET for ITM inspectors.
3. **Workers' Compensation (HB903/SB2702) HB 903 Good—SB 2072 Bad**
The 2003 WC law placed caps on attorney's fees. The result has been over a 60% reduction in WC costs. In October the Florida Supreme Court ruled the attorney fee cap was unconstitutional. Bills have been filed in both houses to return the cap. Update article on the front page.
4. **Automatic Renewal of Contracts (HB15/SB660) DEAD**
These bad bills would prohibit automatic renewal of service contracts. Last year we were successful in amending the bill in the Senate exempting fire alarm and sprinkler systems from the prohibited renewal and are hoping to have this same amendment attached this year. Time is running out - HB 15 has three more committees to pass and SB 660 two. SB 660 is scheduled to be heard next week and we have an amendment prepared.

Active Lobby Bills

1. **Sales Tax Exemption. (HB 1163/SB2576)**
The Legislature is looking at construction related sales tax exemptions for possible revenue sources. Our focus is to eliminate double taxation. Both bills dead.
2. **Protect Apprenticeship Funding.**
Funding for apprenticeship training is under the microscope of finance committees. We will be working to keep this funding stream. Education funding cut but not as badly as we expected.
3. **Anti-Geographic Preference (HB611/SB616)**
Often during economic downturns local government pass ordinances giving price preferences to "local" contractors, ones domiciled within their jurisdiction. This effort is to keep the door open. HB611 on floor for final vote; SB 616 one more committee)
4. **Secondary Metals Thief (SB478/HB339)**
These bills preempt any local regulation that may establish less than desired oversight on metal recyclers. HB on floor for final vote; SB has one more committee.
5. **Card Check (HJR1013/SJR1908)**
These Joint Resolutions will have the force and effect of placing for vote a Constitutional Amendment that would retain secret ballots for union creation. Both bills passed final committee and should be scheduled for final floor vote next week.



Monitor:

1. Electric Journeyman (SB256/HB519) **DEAD**
These bills favor journeyman electricians and may lead to staffing quotas which may also move to other trades.
2. California Emissions (SB1994) **DEAD**
There is a movement to establish stringent emission standards copying those of California.
3. Immigration (Oppose HB915, Monitor 7 Bills filed) **DEAD**
Requires contractors doing public work to E-Verify employees.
4. Lien Law (SB466/SB560 & HB299) **DEAD**
Every year changes to the lien law appear and these will be monitored.
5. Growth Management (SB360/HB1019) **Passed Senate - Ready for floor vote in House.**
There are interests to streamline the growth management process by modifying growth management laws.
6. Cranes (HB923 & SB1654) **DEAD**
Adopts for statewide use the OSHA crane safety regulations and preempts local government from establishing differing standards.
7. Vehicle License Fee increase. **Passed Senate - Ready for floor vote in House.**
Bills are being considered that will double the fees we currently pay for license plate renewals and vehicle registration.

Service Contract Bill Near Death

It is dead. The issue will not pass this year unless some very underhanded act takes place, not unthinkable in this legislative environment. We loved the bill to death - a term to describe loading the bill up with so many amendments that it no longer was passable. I can understand the need for some controls over automatic renewal of contracts EXCEPT fire safety system contracts. To my surprise the bill sponsor allowed Health Clubs, those notorious for greedy renewal contracts, in the bill as an exemption but failed to allow fire safety systems.

The Senate bill came up and there we a number of amendments including ours up for consideration. I think the final straw as the pool contractor exemption - the Senate sponsor tabled the bill - there are no more committee meetings so the bill is dead.

HOUSE TO PASS BUDGET

The only legislation the Legislature must pass is the budget. After about 12 hours of questions and debate on amendments Thursday the House budget is ready for expected passage today. The \$65.1 billion spending plan is currently contained in two budget bills, but the House on Friday is expected to take up a Senate budget bill (SB 2600) passed Thursday and amend it to make it the House plan. The Senate bill contains about a half billion more in spending than the House proposal. Once the House passes its budget, it's conference time, with negotiators expected to take a weekend off and come back fresh on Monday morning to begin haggling over the differences. Lawmakers have about two weeks to work those differences out if they want to end the spring legislative session on time. May 1 is the scheduled ending date for the session, but actually the true deadline for hammering out a budget is June 30, the end of the fiscal year. The Senate budget includes money from a cigarette tax increase and increased gambling revenue not considered yet by the House. The House contains increased "Fees" no tax increases - see front page article in the last Update. The more they hassle over the budget, the less time they have passing laws that will hurt our industry. It is looking more like a Special Session will be required to resolve budget differences.

Bill Bites

Term limits has caused a great turn-over in the Legislature. While there have been many innovative and dedicated Legislators entering the system, there has also been some who - well they are a problem. Some have the attitude that ALL lobbyists are bottom-crawling Madoff like in all transactions. Wait a minute—I am a lobbyist! I consider myself I have always presented a highly truthful and ethical response to issues in the process. I feel there are two types of lobbyists, those with great influence \$\$\$\$\$ and those who provide superior technical expertise to aid in the decision making process. I must say that I am not very happy with some arrogant Legislators who feel they are too good to talk to a lobbyist - especially when life safety is involved.