

Two Weeks Left in 2015 Legislative Session

Friday, April 17th, marks the end of the seventh week of the 60-day Florida Session. Only two weeks remain. Attached please find an updated tracking chart for your review.

This past week saw several bills important to FFEDA advance through the legislative process, as follows:

Building Codes (HB 915, SB 1232)

The building codes legislation is the product of discussions and negotiations between all the members of the “construction coalition” that includes FFEDA.

HB 915 passed the House Regulatory Affairs Committee on April 14th with a number of fire code and lifesafety provisions incorporated. Here is a link to the bill as it passed the committee.

[HB 915 as it passed the Committee](#)

In particular, please note the following:

- Beginning on line 1230, Section 29 that allows the use of “the home environment provisions in the most current edition of the codes... at the option of each facility.”
- Section 30, that permits the use of the fire safety evaluation systems in NFPA 101A to existing buildings.

Importantly, the bills also create local boards to address conflicts between the Florida Building Code and the Florida Fire Prevention Code, and contain funding for Florida Fire Code informal interpretations, as well as other fire code and lifesafety provisions.

SB 1232 similarly passed the Senate Fiscal Policy Committee on April 15th.

Please review this legislation carefully. To assist you, please refer to the most recent House staff analysis:

[HB 915 Staff Analysis](#)

HB 915 and SB 1232 now go to the House and Senate floors, respectively.

Construction Defect (HB 87, SB 418)

This issue looks likely to become law. HB 87 passed the House on April 16th, and now goes to the Senate. Meanwhile, the companion bill, SB 418, is scheduled to be heard on the Senate floor on April 22nd. The Senate will likely bring up SB 418, then “lay it on the table” and pass the House bill in its place, sending HB 87 to the Governor.

Here is a link to HB 87 as it passed the House, which is likely to be the final version.

[HB 87 as passed the House.](#)

Here is a House summary of the bill’s provisions:

The bill requires that the notice of claim identify the location of each construction defect, based upon at least a visual inspection, sufficiently to enable the responding party to locate the alleged defect without undue burden. A claimant is not required to perform destructive or other testing before providing a notice of claim.

The bill requires that the contractor's response to a notice of claim indicate whether he or she is willing to make repairs, settle the claim with a monetary offer, or both, whether the contractor disputes the claim and whether the contractor’s insurer will cover the claim.

The bill clarifies that providing a copy of the notice of claim to an insurance company does not constitute a claim for insurance purposes unless provided for under the terms of the contractor's insurance policy.

The bill adds “maintenance records” and other documents to those records to be exchanged by the claimant with the contractor related to the defect claim. However, a party does not have to disclose privileged documents or records.

Firesafety for Agricultural Buildings (HB 1025, SB 1148)

HB 1025 passed the House Regulatory Affairs Committee on April 14th, while SB 1148 passed the Senate Appropriations Committee on April 16th. These bills exempt certain agricultural buildings from the Fire Code. The FFMIA has worked closely with the sponsors and agricultural interests to develop a more narrowly drawn compromise.

In addition, the bills create a workgroup to study “the secondary use of nonresidential farm buildings as assembly, business, or mercantile occupancies with 100 persons or more in attendance and on the development of a fire safety evaluation system for nonresidential farm buildings used for those occupancies”

and then directs the State Fire Marshal's Office to begin rulemaking to implement those recommendations, if any, by December 1st.

HB 1025 and SB 1148 now go to the House and Senate floors, respectively.

[HB 1025 as it passed the Committee](#)

[HB 1025 Staff Analysis](#)

Agritourism / Code Enforcement (HB 569, SB 594)

HB 569 passed the House on April 9th by a vote of 112-0. The Senate companion SB 594 is available to the Senate floor. The Senate will likely take up and pass the House bill at the appropriate time.

These bills "prohibit a local government from enforcing a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land."

[HB 569 as passed the House](#)

Statute of Repose (HB 501, SB 1158)

These bills are dead. HB 501 received one committee hearing, but SB 1158 was never heard in the Senate Judiciary Committee, where the trial lawyers are especially strong.