



MEMORANDUM

To: Chip Tatum, Government Affairs Director
Florida Apartment Association

From: Ronald L. Book, Esq.
Kelly C. Mallette

Date: May 12, 2011

RE: 2011 Legislative Session – Final Session Report

The Florida Legislature ended the 2011 session in the wee hours of Saturday morning, after a short extension to address budget conforming bills. What began as a session of cooperation and admiration between the House and Senate came to a somewhat contentious end, after Senators became concerned about the large number of budget conforming bills, which included provisions that were not fully vetted by the large majority of Senators.

Despite the snag at the end, the overwhelming Republican majorities were able to pass some meaningful reforms that had been part of their agenda. Changes to education and teacher tenure, tort reform and Medicaid reform quickly come to mind. Additionally, they managed to balance the budget after tense negotiations which led to nearly \$4 billion in cuts.

SB 426 and HB 291 – Writ of Possession

Senator Latvala and Representative Artiles filed legislation on our behalf which would have allowed private process servers to serve the writ of possession. Although we were very successful in the Senate, we faced several challenges in the House, largely due to the opposition from the Florida Sherriff's Association. As we approached the end of session and it became apparent that the bill would not be approved in the House, Senator Latvala reached out to the Sheriff's Association leadership and made it clear that if the timeliness of posting writs did not improve, he would return and file a bill in the 2012 session.

We owe a great deal of thanks to our sponsors, Representative Artiles and Senator Latvlala, but particularly Senator Latvala who showed great leadership on behalf of our Association.

CS/CS/CS/HB 1195 – Condominiums, Cooperatives and Homeowner's Associations

HB 1195 was the 2011 Condominium package, which is a large bill making numerous changes to Florida's condo laws. We amended language into the bill which clarifies our fire alarm fix from last session. As you know, last session, two pieces of legislation passed related to manual fire alarms, one of which only exempted buildings with two stories or less with exterior corridors. Our legislation provided for an exemption for any building up to four stories. Since the two story language was approved after our language was approved, the four story language was added to the statutes as a footnote. We took the opportunity to correct that issue this session, and the law is

now clear that the exemption applies to condominiums/cooperative/multifamily buildings of four stories or less.

The bill has not reached the Governor's desk yet, but we will let you know when it does. We will be in touch with the Governor's staff on the issue as well.

Affordable Housing/45-day Rule

We were not successful in amending this language into any of the affordable housing bills this session, not because of the subject matter, but finding appropriate vehicles became challenging. We believe this is a good issue to pursue next session.

SB 2154 – Sadowski Act Trust Fund/Budget

SB 2154 began as a budget conforming bill in the Senate, and as originally proposed, would have eliminated the distribution of documentary stamp proceeds into the Housing Trust Fund. The legislation proposed by Senate Budget Chairman, JD Alexander who argued that the amount of revenues distributed into the fund should be an affirmative act by the Legislature annually, depending upon the affordable housing needs in that year. Furthermore, by eliminating the distribution of that portion of doc stamp funds into the trust fund, such funds would be recurring general revenue, rather than non-recurring revenues which come as a result of a trust fund sweep.

We voiced our concerns about this policy with the other interested stakeholders, and ultimately, the Legislature chose not to move forward with it this session. However, they did, once again, sweep the funds in the trust fund to use for other purposes throughout the budget.

HB 7003 – Affordable Housing

This bill reenacts portions of Florida's affordable housing law that were in question as a result of the court challenge to SB 360, the Growth Management bill. This bill was approved by the Legislature and was recently approved by the Governor.

SB 132 and HB 147 – Toxic Contamination Notification

These bills would have required the Department of Environmental Protection to directly notify apartment community residents in the event of a toxic contamination. We had concerns that the legislation was overly broad. The bills basically did not move throughout the session and died.

SB 346 and HB 361 – Prohibited Discrimination

These bills addressed discrimination of individuals based on a disability, sexual orientation, gender identity or gender expression. They would have created causes of action for housing discrimination against any individual in these classes. We had concerns with these bills, which were ultimately not heard in either the House or Senate.

HB 381 – Homestead and Non-Homesteaded Properties

This bill proposes an amendment to the constitution to provide additional property tax relief. More specifically, if approved, the amendment caps increases in tax assessments on commercial property at 5 percent per year. The amendment also provides additional relief to first-time homebuyers and limits assessments on properties with declining values.

The bill has not yet been sent to the Governor. If approved, the amendment will appear on the 2012 ballot.

SB 1308 and HB 957 – Fire Prevention and Control (includes truss marking revisions)

This bill proposed changes to signage requirements related to buildings with light-frame truss-type construction. The bills were not heard in any committee in the Senate or House and ultimately died.

CS/CS/CS/HB 849 – Building Code

HB 849 is the 2011 building code package. Initially, we had some concerns related to the base code and the ability to adopt amendments to the code. The bill was amended and our concerns in this regard were alleviated.

The bill was approved by the Legislature, but has not yet gone to the Governor.

SB 2040 – Immigration

Proposed immigration legislation became one of the most controversial issues of the session, attracting daily protests at Florida's Capital. Both the House and Senate had differing versions of the bill, while Governor Scott urged leaders to adopt reforms similar to the Arizona law. The Senate bill would have mandated private employers to use the "e-verify" system, but was rejected by the Senate on the floor. Ultimately, the proposal was watered down to only require state of Florida "one stop" career centers to e-verify. Ultimately the House did not bring their package to the floor and did not take up the Senate's package. The legislation died at the end of session.