



Florida Apartment Association Final Legislative Session Update

Monday, May 22, 2006

Issues are listed alphabetically, not by priority

Issue	FAA Position	Senate Bill	House Bill	Government Action	FAA Action	Results/Status
Affordable/ Workforce Housing	Supported full funding of the Affordable Housing Trust Fund	132	1363	n/a	FAA supported Sadowski Act Coalition/full funding of the Affordable Housing Trust Fund	While the Legislature did not adopt "full funding" they did increase funding significantly and passed numerous "affordable" and "workforce" housing measures that require further study to determine the full impacts on the apartment industry. The bill provides funding for Hurricane Housing Recovery and funds various programs for affordable housing. Additionally, the bill provides for use of surplus public lands for affordable housing; housing assistance for special district and school district employees; deferral of ad valorem taxes; changes in the DRI process; density incentives for land donations, changes to the State Housing Initiatives Partnership (SHIP) program; State Apartment Incentives Program (SAIL), changes in the Florida Homeownership Assistance Program
Domestic Violence	Took a neutral stance after supporting the bill last year	n/a	n/a	n/a	No action - The bill should have little impact on the apartment industry but provides an escape clause for victims to be released from lease with no penalty.	Did not pass
Early Lease Termination & Liquidated Damages	High priority support	636	673	Courts have ruled that early termination fees are not a legal remedy for breach of a lease in Florida	Lobbied as top FAA priority this session, will remain high priority for 2007	House version passed, but Senate version died in committee. Issue dead for 2006.

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Elevator Generator Retrofitting	Opposed effort to require retrofitting	1774	7121	n/a	Worked to have impact of bill minimized	Bill amended to require retrofitting of wiring and contract for emergency generator services in buildings over 75 feet for at least five days after a hurricane. Also requires an approved emergency management plan
Eminent Domain	FAA supports increased private property rights in regard to the use of eminent domain	n/a	1567	n/a	Monitored	Bill passed that places restrictions on the use of eminent domain (eliminates urban "removal" used to remove blight), prohibits delegation of eminent domain authority to a Community Redevelopment Agency, and places restrictions on the transfer of property taken through
Fire Alarm Systems - Monitoring Retrofitting	Researching appeals process and state rule-making to minimize or neutralize the requirements of the latest NFPA Life Safety Code that require retrofitting	n/a	n/a	n/a	Attempted to have an exemption for existing buildings or a cost threshold rule attached to legislation	Did not pass, FAA researching appeals process and potential for State Fire Marshal override
Fire Hydrant Testing	Researching to determine impact on apartment management operations	1774	n/a	n/a	No action	Requires all private and public fire hydrants to be inspected and tested annually per approved inspection and testing standards. Also establishes special rulemaking authority for State Fire Marshal under certain circumstances
Forced Telecommunications Access	Opposed to any effort to require forced access by telecommunication providers	n/a	n/a	No action this year	Monitored	Continue to monitor

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Insurance - Property & Casualty	Rapidly increasing insurance rates are causing difficulty for properties to maintain budgets/solvency	1980	n/a	n/a	Exploring efforts at the national level to help relieve the rate crisis. Discussing creation of a Federal Windstorm Insurance program similar to flood insurance program	In research to determine full impact of measures that passed; including \$715M bailout of Citizens Property Insurance Corporation, cash build-up for the Florida Catastrophe Fund, an insurance capital build-up incentive program, implementation of a hurricane loss mitigation program, various rules for establishing and changing insurance rates, and establishes standards for rule implementation during
Leasing Bonuses	Support legalizing leasing bonuses	n/a	n/a		Exploring future opportunities, working on relationships	Dialogue will continue
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Local Rental Regulations	Most local rental regulations are not in compliance with FS Chapter 509	n/a	n/a	DBPR has sent letters to all cities and counties that currently have ordinances that are not in compliance with FS 509 requesting that they rescind such ordinances or rules. DBPR unable to help with refunds to property owners	FAA considering legal options to help affect refunds to property owners who paid fees to local governments because of illegal regulations. FAA notifying cities & counties when they attempt to pass conflicting ordinances	Cities and counties received notices to rescind ordinances. Daytona Beach, Ft. Myers & Lauderhill have voluntarily complied with 509 at FAA's urging.
Maintenance Licensing	FAA supports exemption from contractor licensing for maintenance personnel performing work on sites	n/a	1367	n/a	Monitored	While this bill did not directly affect our concern with local licensing of apartment maintenance personnel, it was monitored as potentially having an impact on the issue. The bill passed that increases limit on cost of construction from \$25,000 to \$75,000 for property owner acting as
Mold Remediation	Support regulating the industry with condition that property owners & employees are exempt from performing services for their own	1046	n/a	n/a	Lobbied to keep apartment exemption in the bill	Did not pass
Property Valuation/ Taxation	Support legislation that requires government property appraisers to use income approach to valuation	1674	n/a	n/a	Supported bill passage	The concept FAA supported did not pass. Over 20 property taxation bills were referred to a study commission.

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Sexual Predator Regulations	FAA is opposed to regulations that create criminal liability for landlords for not policing offender residency restrictions.	n/a	91	n/a	Opposed the bill	The bill that would have created landlord responsibility for enforcement of residency zones did not pass.
Tort Reform	FAA supported reforms that would require proof of actual damage an abolishing joint and several liability	n/a	145 & 7259	n/a	Supported the bill	House Bills 145 and 7259 passed and, in large part, abolished the joint and several liability application in cases of negligence and class action lawsuits will require proof of actual damages.