



708 S Andrews Ave., Fort Lauderdale, FL 33316  
**Phone:** (954) 764.1322 **Fax:** (954) 764-1631  
**Toll Free:** (800) 432.1959 **Fax:** (800) 226-1631  
Visit us online at: [www.BuildersNotice.net](http://www.BuildersNotice.net)



## Builders Notice Legislative Report

Day Thirty-two of Sixty-Day Session

April 2, 2010

### Legislature Reaches Halfway Point in Session

This is the Builders Notice Corporation Legislative Report. The update for this report appears in **red**. You will receive periodic updates during the Session. The Florida Legislature meets for 60 days each year. The purpose of this report is to give you a snapshot of issues impacting construction.

**With the Easter and Passover Holidays, the Legislature was only in Tallahassee Wednesday and Thursday this week. Each chamber passed its respective budget. The budget is the only bill that the Legislature has to pass each year. The house budget is \$67 Billion and the Senate budget is just over \$69 Billion. The differences will be resolved in Conference during the next few weeks. I anticipate an adjournment on time on April 30<sup>th</sup>. The good news is that there are no new taxes!**

### Snapshot of BNC State Issues

Fourteen bills are being monitored for **BNC**. The most significant bills are mentioned below. If you want an update on any other bills you may hear or read about, do not hesitate to contact me. The contact information for Rick Watson appears at the end of this Update. “+” indicates “support” and “-” indicates “oppose.” “M/NP” means “no position at this time.”

**(+) Local Government Prompt Pay (HB 1157/SB 1056):** Florida has a Local Government Prompt Pay Act. With the recession, local governments are delaying payment. The bill makes improvements to the act which will address the problem. **Both bills have passed their initial committees of reference and will be heard next week in their second committees. As expected, local government is opposing the both bills.**

**(+) Delay Unemployment Tax Increase (HB 7033/SB 1666):** **The bill passed and has been signed by the Governor!** The bill is necessary because the unemployment trust fund is bankrupt. Before the economic downturn, the trust fund was in the black. With the lingering unemployment, the fund was depleted. In fact, the federal government is lending Florida \$300 million dollars a month to pay unemployment benefits. State law provides that when the fund goes below a certain amount, unemployment taxes are increased. Had the increase gone into effect as mandated by law, it would be a \$750 million impact on Florida employers.



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The bill has four major provisions:

1. Reduces the amount of each employee's wages upon which the employer pays the UC tax from \$8,500 back down to \$7,000 for 2010 and 2011.
2. Establishes a quarterly payment plan for 2010 and 2011 that lets employers spread out their unemployment compensation payments over the whole year without normal application of penalties or interest.
3. Eliminates all elements of the rate calculations in current law that increases the tax for purposes of replenishing the trust fund balance for 2010 and 2011.
4. Allows unemployed Floridians to receive additional extended unemployment benefits funded by the federal government.

The increase is not eliminated, merely delayed.

**(M-NP) Construction Liens (HB 693/SB 1048):** These bills primarily deal with residential construction lien issues and notices which are provided to consumers. These bills will be monitored. **The senate bill has passed two of its three committees. Unfortunately, the house bill has not been heard by any committee and appears to be dead for this year.**

**(+) Slip and Fall Tort Reform (HB 689/SB 1224):** General Negligence: Provides that if person slips & falls on transitory foreign substance in business establishment, injured person must prove that establishment had actual or constructive knowledge of condition & should have taken action to remedy it; provides that constructive knowledge may be proven by circumstantial evidence; provides that such provisions do not affect any common-law duty of care owed by person or entity in possession or control of business premises; repeals provisions relating to duty to maintain premises & burden of proof in claims of negligence involving transitory foreign objects or substances. **The house bill passed the Senate on March 31 and will be headed to the Governor for his action soon.**

## CONCLUSION

If you hear of any bill that's not on the tagged bill list, do not hesitate to contact me. It's a pleasure representing BNC. With your help, I look forward to a successful Session. **Stay tuned...**

Rick Watson  
Legislative Counsel for Builders Notice Corporation  
Richard Watson & Associates, Inc.  
PO Box 10038  
Tallahassee, FL 32302  
850 222-0000  
850 222-9059 (FAX)  
850 591-4770 (CELL)  
[rick@rwatsonandassociates.com](mailto:rick@rwatsonandassociates.com) (email)  
[www.rwatsonandassociates.com](http://www.rwatsonandassociates.com) (web page)