



THE MAYFIELD MINUTE

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Florida's Old and New Capitols

Tomorrow starts the first day of the 2010 Legislative Session. This week starts our 60 days countdown to consider the legislative agenda for the state of Florida. We will be working on many different issues, including the budget.

I will be sending out this newsletter weekly throughout session to give you an update on legislations and issues that I feel are important to our district.

-Rep. Debbie Mayfield

TEXTING WHILE DRIVING BAN

On February 17th, the House Roads, Bridges and Ports Committee held an informational workshop on texting while driving issues. There were six bills that were used to determine the overall agenda for this issue for the up and coming 2010 Legislative Session.

As a cosponsor of **HB 41**, introduced by Rep. Doug Holder, I fully support the implementation of legislation that will: improve the safety of motorists, pedestrians, and others; prevent crashes; reduce the financial impact of injuries, death, and property damage caused by texting while driving; and authorize law enforcement to issue 'texting' citations as a secondary offense.

"Texting and driving is very common on our roads and I am even guilty of this. Texting is an unnecessary distraction in an automobile that causes a driver to be more impaired than someone under the influence of alcohol. Therefore we need to put a stop to this to keep our roads safe," stated Rep. Mayfield

I will continue to monitor this issue and keep you apprised of legislation during the 2010 Legislative Session.

HB 701 DESIGN PROFESSIONALS LIABILITY

Design professionals, who include engineers, surveyors, architects, interior designers, and landscape architects typically, earn only a small fee relative to the cost of a large construction project. Similar to other professionals like doctors and attorneys, design professionals are personally subject to claims of malpractice. Although, their contracts often contain limitations of liability clauses, recent court decisions have rendered these clauses useless or unenforceable, leaving these professionals exposed to risk.

The economic loss rule is a common law concept that provides that contract law, not tort law, applies where one party to a contract suffers a purely economic loss occasioned by another party to the contract. The theory supporting the rule is that the parties to a contract are free to negotiate remedies, and to price their goods and services based in part on the potential remedies. I was happy to sign on as a cosponsor to **HB 701** which would require the court to correctly apply the economic loss rule, thus reducing the risk to design professionals.

Should you have any state constituent issues, please do not hesitate to contact Sandi Harpring in my Vero Beach office at (772) 778-5077.

CONSTITUENT MILESTONES

Ivan M. Ford received an appointment to the State of Florida Commission on Ethics from Governor Charlie Crist for a term beginning January 27, 2010, and ending June 30, 2011.

Dr. Robert Rappel was re-elected as Chairman of the Senior Lawyers Division of the Federal Bar Association and also elected co-chair to the Committee on Health Law of the Business Law Section of the American Bar Association.



For more detailed information on legislative issues, please check out the Florida Legislature's website! www.myfloridahouse.gov

CLASS SIZE AMENDMENT

Legislation giving Florida voters the opportunity to support a common-sense revision to the Class Size Amendment that will keep class sizes small in Florida and give principals and teachers needed flexibility was approved on February 17th by the House Education Policy Council. Under House Joint Resolution (**HJR**) 7039, sponsored by Representative Will Weatherford, current limits on maximum number of students assigned to each teacher in public school classrooms would become limits on average number of students assigned per class to each teacher, by specified grade grouping, in each public school.

"Over the last few years, class sizes in Florida have decreased dramatically," said Representative Weatherford. "But if we want to continue to make small classes a priority, we have to provide a common-sense fix so that our children can continue to benefit from smaller classes while at the same time giving our principals and teachers the flexibility they need to keep our education focus on the classroom."

I was happy to sign onto this legislation as a cosponsor and look forward to debating this issue in the up and coming 2010 Legislative Session.

CONDOMINIUM LEGISLATION

The proposed **House Bill 561** will not only lessen the financial burden of current condominium owners, it will make it more appealing for investors to buy distressed properties from developers resulting in increased property values for all involved. For individual condo owners and associations, this Bill would repeal the requirement to purchase individual unit owner coverage, allow condo associations to negotiate bulk contracts for items such as internet and cable, saving individual condo owners money and require director certification. Lastly, a court can mandate that a developer retain control if it is in the best interest of the association.

For developers, investors and associations, the Bill exempts and extends the time frame in which fire alarm systems and life safety systems must be retrofitted. Additionally, building will no longer be required to provide alternative power supplies during emergencies. Furthermore, investors would now be able to purchase multiple distressed properties from a financially troubled developer without assuming the liabilities of the developer to encourage and promote investment in our communities.

In combination, these proposed changes will make condominium life more attractive and affordable from both the perspective of the individual, the developer and the investor.