

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Maintain public security: The bill creates another safety measure for emergency personnel.

B. EFFECT OF PROPOSED CHANGES:

Background:

Truss-type construction in commercial, industrial and residential structures is increasingly popular due to its cost effectiveness, versatility, and ease of construction. However, truss-type construction concerns the firefighting community since its structural collapse has caused many injuries and fatalities in the fire service.

Three other states already have similar public policies codified into law. New Jersey enacted legislation in 1991 requiring an identifying emblem to be affixed to the front of specified structures with truss construction. The stated purpose of the New Jersey law is to protect firefighters by alerting of the potential danger of the truss-type construction that is present. The New York legislature enacted similar language in 2004 requiring truss identification on all entrances of specified buildings. The Illinois law is similar to the New York, where both specifically define "truss" or "truss construction". Others states are also specific in the exact types of buildings captured by the law. There are also provisions included in these other state laws allowing local authorities to charge fees to building owners to offset the cost of implementation.¹

Effect of Proposed Changes:

Section 1: The bill requires owners of any commercial or industrial structure, or any multiunit residential structure, mark these buildings in a manner that identifies them as being constructed of truss-type assemblies. The sign or symbol marking is to serve as a warning to emergency personnel of the construction variety.

The State Fire Marshal shall adopt rules to implement the bill provisions, including the symbol or sign design, placement, and the timeframe allotted to owners for marking structures. Additionally, the State Fire Marshal shall enforce the provisions of this section.

Any owner who fails to comply with the requirements of this section is subject to penalties as provided in s. 633.161, F.S.²

Section 2: This act shall take effect July 1, 2008.

C. SECTION DIRECTORY:

Section 1: Markings for truss-type construction, rulemaking, violations.

Section 2: Effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

¹ SB 1522

² 633.161 Violations; orders to cease and desist, correct hazardous conditions, preclude occupancy, or vacate; enforcement; penalties.—

None

2. Expenditures:

The Department of Financial Services estimated a \$5,000 fiscal impact for rulemaking. In addition, a \$4,000 fiscal impact was estimated for the cost of providing an initial public notice to owners affected. These are one-time costs using Insurance Regulatory Trust Fund. The periodic enforcement will be incorporated into existing inspection procedures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Minimal costs related to marking any commercial or industrial structure, or any multiunit residential structure of three units or more, with a sign or symbol identifying the building as using truss-type construction. The costs of the required signs from other states that have passed similar legislation range from \$14 to \$18 per sign. The total fiscal impact per building owner depends on the dimensions, placement, and total number of signs required by each business owner as determined by the State Fire Marshal pursuant to its rule making process. The total number of buildings affected across the state is significant but indeterminate.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

Rule-making authority is granted to the State Fire Marshall to implement provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

As a former fire chief, I personally know of the dangers of fighting fires in buildings with lightweight truss construction. This bill will save firefighter's lives by alerting them to take the necessary precautions when responding to fires in structures with lightweight truss construction.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES