

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 52-C
 SPONSOR: Senator Clary
 SUBJECT: Florida Building Code
 DATE: November 27, 2001 REVISED: 11/28/01 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cooper</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/2 amendments</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill delays the effective date of the new Florida Building Code two months, from January 1, 2002 to March 1, 2002. In addition, the bill:

- delays the incorporation of the Uniform Code for Public Educational Facilities into the new Florida Building Code from January 1, 2002 to March 1, 2002;
- delays by two months the application of credits, discounts or other rate differentials insurance companies must make for properties built under the new Florida Building Code;
- requires local government to enact ordinances establishing wind speed zone boundaries by January 1, 2002, two months before the proposed effective date of the new Florida Building Code;
- clarifies that the updated codes approved since 1988 by the Florida Building Commission (commission) are in force until the new Florida Building Code becomes effective;
- clarifies that building permits applied for prior to the effective date of the new code are governed by the state minimum code in effect on the date of permit application; and
- specifies that the residential swimming pool safety requirement of the Florida Building Code will take effect January 1, 2002.

This bill amends sections 553.415 and 627.0629, Florida Statutes, and creates new unspecified sections of Florida Law.

II. Present Situation:

Building codes establish minimum safety standards for the design and construction of buildings by addressing such issues as structural integrity; mechanical, plumbing, electrical, lighting,

heating, air conditioning, ventilation, fireproofing, and exit systems; safe materials; energy efficiency; and accessibility by persons with physical disabilities. In doing so, these regulations protect lives and property, promotes innovation and new technology, and helps ensure economic viability through the availability of safe and affordable buildings and structures.

The reform of Florida's building codes system has been an issue within the construction industry for many years. It was not until Florida endured back-to-back natural disasters - Hurricane Andrew in August 1992, the "Storm of the Century" in March 1993, Tropical Storms Alberto and Beryl in the Summer of 1994, and Hurricanes Erin and Opal during the 1995 Hurricane Season - that the building code system's effectiveness took on statewide significance for the construction industry and all of the stakeholders in the building codes system, including local governments, the banking and real estate industries, the insurance industry, labor unions, state agencies, manufacturers, and Florida's citizens. While it was fortunate that these storms set no records with respect to loss of life, they (particularly Andrew) did break all records for insured losses. This was a direct cause of Florida's insurance crisis in the 1990's, which essentially affected every homeowner in the state.

In 1996, Governor Lawton Chiles established a Building Codes Study Commission to evaluate Florida's building codes system and develop recommendations to reform and improve it. The Governor appointed 28 members to the study commission, representing diverse stakeholders in the system, including building officials, local government officials, banking and real estate interests, the disabled, the design and construction industries, building owners, state agencies, and the general public.

In 1998, the study commission issued its findings and proposed a building codes system with the following characteristics:

- A single, statewide building code that would govern all technical requirements for Florida's public and private buildings and take into account appropriate local variations such as the following: climatic conditions, soil types, termites, weather-related events, and risks associated with coastal development;
- Local enforcement of the statewide building code, with updates and amendments accomplished by a newly constituted state-level entity;
- State review of decisions of local officials or boards of appeal, and state authority to issue binding interpretations to ensure statewide consistency;
- Strengthened enforcement and compliance to ensure accountability through expanded education and training of all participants involved in building construction, clear and precise definition of roles and responsibilities, and discipline; and
- A strong product evaluation and approval process which is responsible, streamlined, and affordable, and which promotes innovation and new technology.

The 1998 Legislature considered the findings and recommendations of the study commission and enacted major legislation reflecting a majority of its proposals. Chapter 98-287, L.O.F., implemented many of the study commission's recommendations, to include the development of a statewide unified building code.

On February 14, 2000 the commission adopted the Florida Building Code as an administrative rule and submitted it, together with proposed conforming amendments to the Florida Statutes, to the 2000 Legislature for consideration. The commission also adopted the South Florida Building Code for application in Miami-Dade and Broward Counties.

In response, the Legislature adopted many of the recommended statutory changes submitted by the commission, directed the commission to incorporate specific changes to the adopted Florida Building Code, and directed the commission to study the applicability of the Florida Building Code to utility buildings and to recommend a statewide product approval system to the Legislature by February, 2001. [Chapter 2000-141, L.O.F.]

In the 2001 session, the Legislature delayed implementation of the Florida Building Code from July 1, 2001, to January 1, 2002. In addition, it adopted recommendations of the commission providing for a state product approval system, the applicability of the Florida Building Code to storage sheds, plan review of prototype buildings, license fees to fund research and education relating to the construction industry, construction permits, Code Commentary on the Florida Building Code, exemptions from fire safety provisions, and other issues relating to the Florida Building Code. [Chapter 2001-186, L.O.F.] The law also contained provisions relating to water well contractors, inspection of factory-built school buildings, the Building Code Training Program, development of a rehabilitation code, a study of the necessity for universal elevator keys for emergency personnel, and appointments to the Education Technical Advisory Committee of the Florida Building Commission.

The law also required the Florida Building Code to provide for uniform implementation of the standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required by chapter 515, F.S., the Residential Swimming Pool Safety Act, consistent with the intent of s. 525.23, F.S.

The Florida Building Code is scheduled to be effective on January 1, 2002.

III. Effect of Proposed Changes:

This bill delays the effective date of the new Florida Building Code three months, from January 1, 2002 to March 1, 2002, and makes additional statutory changes or requirements related to the delay of this effective date.

Section 1 amends s. 553.415, F.S., s. 22 of ch. 2001-186, L.O.F., which provided for the incorporation of the Uniform Code for Public Educational Facilities into the new Florida Building Code. This provision changes the incorporation date from January 1, 2002 to March 1, 2002.

Section 2 delays the effective date, from January 1, 2002 to March 1, 2002, of changes to statutory provisions that implement portions of the new Florida Building Code made in the 2001 Legislative Session.

Section 3 delays the effective date, from January 1, 2002 to March 1, 2002, of changes to statutory provisions that implement portions of the new Florida Building Code made in the 2000 and 2001 Legislative Sessions.

Section 4 delays the effective date, from January 1, 2002 to March 1, 2002, of changes to statutory provisions that implement portions of the new Florida Building Code made in the 1998, 2000, and 2001 Legislative Sessions.

Section 5 delays the effective date, from January 1, 2002 to March 1, 2002, of changes to section 61 of Chapter 98-419, Laws of Florida, that implements a portion of the new Florida Building Code.

Section 6 delays the effective date, from January 1, 2002 to March 1, 2002, of changes to section 135 of Chapter 2000-141, Laws of Florida, that implements a portion of the new Florida Building Code.

Section 7 delays the effective date, from January 1, 2002 to March 1, 2002, of changes to section 62 of Chapter 98-287, Laws of Florida, that implements a portion of the new Florida Building Code.

Section 8 delays the effective date, from January 1, 2002 to March 1, 2002, of changes to section 68 of Chapter 98-287, Laws of Florida, that implements a portion of the new Florida Building Code.

Section 9 amends s. 627.0629(1), F.S., to delay by two months the application of credits, discounts or other rate differentials insurance companies must make for properties built under the new Florida Building Code. This delay is consistent with the two-month delay of implementation of the new Florida Building Code.

The current statute requires, by December 31, 2002, insurance companies make a rate filing for residential property insurance that includes actuarially reasonable discounts, credits, or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The fixtures or construction techniques include, but are not limited to, fixtures or techniques that enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength. Credits, discounts, or other rate differentials for fixtures and construction techniques that meet the minimum requirements of the Florida Building Code must be included in the rate filing.

Section 10 creates a new unspecified section of Florida law to address a glitch in the state minimum building code currently in effect. This provision clarifies that the updated codes approved since 1988 by the commission and adopted by local governments are in force until the new Florida Building Code becomes effective.

Section 11 creates a new unspecified section of Florida law to clarify that building permits applied for prior to the effective date of the new code are governed by the state minimum code in

effect on the date of permit application. This same provision is specified in section 25 of ch. 2001-186, L.O.F. However, delaying the effective date of the new code will also delay the effective date of this provision.

Section 12 creates a new unspecified section of Florida law to require “local jurisdictions bisected or otherwise divided by a line separating wind speed zones” to enact ordinances establishing wind speed zone boundaries by January 1, 2002, two months before the effective date of the new Florida Building Code. Section 109 of Chapter 2000-141, L.O.F., requires local governments to establish this boundary by ordinance, but did not specify a deadline. The Legislative Committee on Intergovernmental Relations reports that as of November 2001, 53 of the 85 cities and counties affected by this requirement have started the ordinance process, with 7 actually adopting an ordinance.

Section 13 authorizes the Florida Building Commission to include the standards and criteria for residential swimming pool safety features required in chapter 515, F.S., in the Florida Building Code. This part of the code (section 424.2 of Rule 9B-3.047, F.A.C.) is to take effect January 1, 2002.

Section 14 provides that this act will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that suppliers have invested in products required by the new Florida Building Code, they may be negatively impacted by the two-month delay of the code as specified in this bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Comprehensive Planning, Local and Military Affairs:

Technical amendment – References section 10 of the bill, which provides that the current building code is in effect until the new Florida Building Code takes effect March 1, 2002.

#2 by Comprehensive Planning Local and Military Affairs:

This amendment extends the deadline for educational facilities building code administrators, plans examiners, or inspectors to apply for a limited certificate, thereby allowing them to continue working in their present capacity, and clarifies the category of persons eligible to apply.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
