

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1297 Palm Beach County  
**SPONSOR(S):** Abruzzo  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	11 Y, 0 N	Renner	Miller
2) Government Accountability Committee	23 Y, 0 N	Renner	Williamson

### SUMMARY ANALYSIS

The Building Code Advisory Board of Palm Beach County (Board) was created by ch. 74-565, Laws of Florida. The mission of the Board is to promote uniformity in the area of building regulations and inspection techniques. The Board of County Commissioners may adopt the Board's recommendations for Palm Beach County.

Currently, the Board is required to have 16 members composed of seven district building officials; seven members appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; one member who must be a registered architect appointed from nominees submitted by the Palm Beach Chapter of the American Institute of Architects; and one member who must be a professional engineer appointed from nominees submitted by the Palm Beach Chapter of the Florida Engineering Society.

The bill revises the nominating process for appointees to the Board by removing the requirement that seven members be appointed by the Construction Industry Management Council of Palm Beach County and instead, requires they be appointed from nominees submitted by the following industry associations:

- Associated General Contractors, Florida East Coast Chapter;
- Gold Coast Builders Association;
- Associated Builders and Contractors, Florida East Coast Chapter;
- Electrical Council of Florida, Palm Beach Chapter;
- Palm Beach County Roofing and Sheet Metal Contractors Association;
- Air Conditioning Contractors of America, Palm Beach Chapter;
- Plumbing Heating Cooling Contractors Association of Florida, Palm Beach Chapter; or
- From any other recognized regional industry trade association.

The Economic Impact Statement submitted with the bill states that it is projected to have no fiscal impact.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Florida Building Code

The Florida Building Code<sup>1</sup> is a single statewide code based on national model codes and consensus standards, amended for Florida specific needs for the design and construction of buildings.<sup>2</sup> The Code, among other matters, is designed to make the local building process more efficient and increase accountability.<sup>3</sup>

Local governments may adopt amendments to the technical provisions of the Florida Building Code, which will only apply within the local government jurisdiction and may provide for more stringent requirements than those specified in the Florida Building Code.<sup>4</sup> Each local government wanting to make a local technical amendment to the Florida Building Code must, by interlocal agreement, establish a countywide compliance review board to review any amendment to the Florida Building Code, adopted by a local government within the county.<sup>5</sup>

##### Palm Beach County Building Code Advisory Board

The Building Code Advisory Board of Palm Beach County (Board) was created by ch. 74-565, Laws of Florida. The mission of the Board is to promote uniformity in the area of building regulations and inspection techniques. The Board of County Commissioners may adopt the Board's recommendations for Palm Beach County.<sup>6</sup>

The Board is authorized to advise local governments regarding:<sup>7</sup>

- Adoption of administrative or technical amendments to the Florida Building Code based on local conditions;
- How construction code enforcement can be improved and standardized;
- How to prevent the recurrence of disputes; and
- On evaluation of new and innovative materials, products, systems, or methods of construction for compliance with the Florida Building Code and any amendments or revisions to it.

It is also authorized to act as the countywide compliance review board, notwithstanding the requirements contained in s. 553.73(4)(b)7., F.S., to establish a review board by interlocal agreement.<sup>8</sup>

Currently, the Board is required to have 16 members composed of:<sup>9</sup>

- Seven district building officials;
- Seven members appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County;

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<sup>1</sup> See section 553.73, F.S.

<sup>2</sup> Florida Department of Business & Professional Regulation website, *Florida Building Codes and Standards*, available at <http://www.myfloridalicense.com/dbpr/bcs/buildingcode.html> (last visited March 8, 2017)

<sup>3</sup> *Id.*

<sup>4</sup> Section 553.73(4)(b), F.S.

<sup>5</sup> Section 553.73(4)(b)7., F.S.

<sup>6</sup> Palm Beach County, *Building Code Advisory Board*, available at <http://discover.pbcbgov.org/pzb/building/Pages/BCAB.aspx> (last visited March 6, 2018).

<sup>7</sup> Ch. 2001-323, s. 7, Laws of Fla.

<sup>8</sup> *Id.*

<sup>9</sup> Ch. 2001-323, s. 6, Laws of Fla.

- One member who must be a registered architect appointed from nominees submitted by the Palm Beach Chapter of the American Institute of Architects; and
- One member who must be a professional engineer appointed from nominees submitted by the Palm Beach Chapter of the Florida Engineering Society.

**Effect of Proposed Changes**

The bill revises the nominating process for appointees to the Board by removing the requirement that seven members be appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County and instead, requires these nominees be submitted by the following industry associations:

- Associated General Contractors, Florida East Coast Chapter;
- Gold Coast Builders Association;
- Associated Builders and Contractors, Florida East Coast Chapter;
- Electrical Council of Florida, Palm Beach Chapter;
- Palm Beach County Roofing and Sheet Metal Contractors Association;
- Air Conditioning Contractors of America, Palm Beach Chapter;
- Plumbing Heating Cooling Contractors Association of Florida, Palm Beach Chapter; or
- From any other recognized regional industry trade association.

The Economic Impact Statement submitted with the bill states that it is projected to have no fiscal impact.

**B. SECTION DIRECTORY:**

- Section 1** Amends ch. 74-565, Laws of Florida, as amended, revising the nomination process for appointees to the Building Code Advisory Board of Palm Beach County.
- Section 2** Provides an effective date of upon becoming a law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 1, 2017

WHERE? *The Palm Beach Post* in Palm Beach County, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

**B. RULE-MAKING AUTHORITY:**

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.