

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 4-D

INTRODUCER: Senator Boyd

SUBJECT: Roof Repair, Replacement, and Recovering Requirements

DATE: May 21, 2022

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Johnson/Knudson	Shettle	AP	Favorable

I. Summary:

SB 4-D requires the Florida Building Code to provide that when 25 percent or more of a roofing system or roof section is being repaired, replaced, or recovered, only the portion of the roofing system or roof section undergoing such work must be constructed in accordance with the current Florida Building Code in effect at that time. Currently, the Florida Building Code requires that not more than 25 percent of the total roof area or roof section of any existing building or structure shall be repaired, replaced or recovered in any 12-month period unless the entire existing roofing system or roof section is replaced to conform to requirements of the code. The bill creates an exception to this provision. The exception applies to roof systems and roof sections built, repaired, or replaced in accordance with the requirements of the 2007 Florida Building Code or subsequent editions.

II. Present Situation:

The Florida Building Code

The intent of the Florida Building Code is to establish unified and consistent minimum standards in the design, construction and compliance processes, and regulations for the safety, health, and general welfare of building occupants. The Florida Building Code also protects property investments and saves governmental entities the mitigation costs linked to natural disasters, including hurricanes.

Background

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code.¹ The system provided four separate model codes that local governments could consider and adopt to establish minimum standards of health and life safety for the public. In that system, the state's role was limited to adopting all or relevant parts of new

¹ The Florida Building Code Act of 1974 (ch. 74-167, L.O.F.).

editions of the four model codes. The law authorized local governments to amend and enforce their local codes.²

In 1992, Hurricane Andrew demonstrated that this system of local codes did not provide the level of public protection that was necessary. The South Florida Building Code, which was the local code universally acknowledged as the strongest standard for hurricane protection, essentially failed. The resulting problems had impacts well beyond southern Miami-Dade County. The state filled the property insurer void left by failed and fleeing private insurance companies, and the federal government provided billions of dollars of aid into the disaster area.³ It became apparent the state had a significant interest in the effectiveness of building codes. After Hurricane Andrew, Miami-Dade County conducted a review of its building code and made significant changes to both the code and support systems for code enforcement. In other areas of the state the Florida Board of Building Codes and Standards (the predecessor to the Florida Building Commission) adopted significant upgrades to the wind resistance standards of the model state minimum code that was used by the majority of other local governments. The state also began licensing local governments' code enforcement personnel.⁴ These steps proved critical in leading to the building codes that produced improved building performance in the 2004 hurricane season.

In 1996, a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system.⁵ The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The same legislation created the Florida Building Commission (commission) to develop and maintain the Florida Building Code and related programs and processes.⁶ The 2000 Legislature authorized implementation of the Florida Building Code, and the first edition replaced all local codes on March 1, 2002.⁷ There have been seven editions to date, and the commission is in the process of developing the 8th Edition (2023) of the Florida Building Code.⁸

Florida Building Code Standards Relating to Roof Replacement

In regards to roof replacement, the Florida Building Code provides:

Not more than 25 percent of the total roof area or roof section of any existing building or structure shall be repaired, replaced or recovered in

² See The Florida Building Commission, *Annual Report FY 2019-2020*, available at [FBC FY 2019-2020 Annual Report \(floridabuilding.org\)](https://www.floridabuilding.org) (last visited May 11, 2022).

³ Final Report and Recommendations of the Governor's Property and Casualty Insurance Reform Committee (Nov. 2006) (on file with Senate Banking and Insurance Committee).

⁴ *Id.*

⁵ *Id.*

⁶ *Supra* at 2.

⁷ *Id.*

⁸ Florida Building Commission, Florida Building Codes and Effective Dates, [Microsoft PowerPoint - currentdates05-2-18 \(floridabuilding.org\)](https://www.floridabuilding.org) (last visited May 14, 2022).

any 12-month period unless the entire existing roofing system or roof section is replaced to conform to requirements of this code.⁹

The Florida Building Code defines the term, “roof section,” as a separation or division of a roof area by existing joints, parapet walls, flashing (excluding valleys), difference of elevation (excluding hips and ridges), roof type or legal description; not including the roof area required for a proper tie-off with an existing system.¹⁰

Local Government Amendments to the Florida Building Code

The Florida Building Code authorizes local governments to adopt additional administrative requirements that are more stringent. Local technical amendments are subject to criteria established by s. 553.73(4), F.S. All local building codes that contain more stringent requirements in effect when the state minimum codes were adopted are expressly preserved by the 1974 Act.¹¹

In October 1957, the Board of County Commissioners of Dade County adopted the South Florida Building Code, and it was made effective December 31, 1957, as the building code for both the incorporated and unincorporated areas of Dade County, Florida.¹² The Board of County Commissioners of Broward County adopted the South Florida Building Code.¹³ While Miami-Dade County was the first to adopt the South Florida Building Code on December 31, 1957, Broward County was close behind, adopting a slightly modified version of the South Florida Building Code, Dade County Edition, applicable to the unincorporated portions of the county in 1961.¹⁴ It was not until 1976, however, that the South Florida Building Code was adopted as a mandatory standard for all municipalities in Broward County.¹⁵ The South Florida Building Code, originally adopted by Miami-Dade County and later by Broward County, contains the

⁹ 2020 Florida Building Code, 7th Edition, s. 1511.1.1, CHAPTER 15 ROOF ASSEMBLIES AND ROOFTOP STRUCTURES, [CHAPTER 15 ROOF ASSEMBLIES AND ROOFTOP STRUCTURES, 2020 Florida Building Code, Building, 7th Edition | ICC Digital Codes \(iccsafe.org\)](#) (last visited May 15, 2022).

¹⁰ Section 1502 of the Florida Building Code.

¹¹ See AGO 75-232 (Aug. 27, 1975), State Building Codes—Relation to South Florida Building Code, [http://myfloridalegal.com/ago.nsf/Opinions/58ED017B3E7A20F0852566B800520953](#) and AGO-96-37 (May 23, 1996) (last visited May 14, 2022) Counties--Charter Counties--Building Codes, The language of section 553.73, F.S., clearly recognizes the authority of local governments to regulate in this area, thus, legislation relating to building codes is not preempted to the State....Dade County and other charter counties have the authority to adopt more stringent regulations than those set forth in the State Minimum Building Codes as authorized by section 553.73, F.S. Regulations adopted by a charter county that are not more stringent than those set forth in the codes would be invalid.

[http://www.myfloridalegal.com/ago.nsf/Opinions/1FB613D88A7125138525633400614B36](#) (last visited May 14, 2022).

¹² See *THE SOUTH FLORIDA BUILDING CODE as adopted for BROWARD COUNTY, FLORIDA* [https://www.broward.org/CodeAppeals/Documents/Library/1957-SFBC.pdf](#) (last visited May 14, 2022).

¹³ *Id.* Due to certain statutory limitations, the Board of County Commissioners of Broward County was precluded from adopting some administrative, organizational, and enforcement sections contained in the South Florida Building Code.

¹⁴ Florida Public Hurricane Loss Model, The issue of code enforcement has also evolved [https://fphlm.cs.fiu.edu/files/wind_certification/v6.3Submission/Docs/pages_revised_in_reponse_to_deficiencies/FPHLM_2_017_RevJanuary2019_Submission_Document_page-58.pdf](#) (last visited May 15, 2022).

¹⁵ Broward County Code Appeals, History of South Florida Building Code, [https://www.broward.org/CodeAppeals/Pages/HistorySouthFloridaBuildingCode.aspx#:~:text=March%209%2C%201996%2C%20marked%20the,%2C%20a%20county%2Dwide%20standard](#) (last visited May 15, 2022). Chapter 71-575, L.O.F. This special act was incorporated in the Broward County Charter by public referendum (March 9, 1976).

following roof replacement standard that was later substantially adopted in the Florida Building Code:

ROOFING: Not more than 25 percent of the roof covering of any building or structure shall be replaced in any 12 month period unless the entire roof covering is made to conform to the requirements of this Code.¹⁶

The Florida Building Commission

The commission, which is housed within the Florida Department of Business and Professional Regulation, is a 19-member technical body responsible for the development, maintenance, and interpretation of the Florida Building Code. The commission also approves products for statewide acceptance. Members are appointed by the Governor and confirmed by the Senate and include design professionals, contractors, and government experts in the various disciplines covered by the Florida Building Code.¹⁷ The commission must update the Florida Building Code every three years.¹⁸

III. Effect of Proposed Changes:

Section 1. Amends s. 553.844, F.S. to require the Florida Building Code to provide that when 25 percent or more of a roofing system or roof section is being repaired, replaced, or recovered, only the portion of the roofing system or roof section undergoing such work must be constructed in accordance with the current Florida Building Code in effect at that time.

Currently, the Florida Building Code provides that not more than 25 percent of the total roof area or roof section of any existing building or structure shall be repaired, replaced or recovered in any 12-month period unless the entire existing roofing system or roof section is replaced to conform to requirements of this code. The bill creates an exception to this provision. The exception applies to roof systems and roof sections built, repaired, or replaced in accordance with the requirements of the 2007 Florida Building Code or subsequent editions.

The bill also prohibits a local government from adopting by ordinance an administrative or technical amendment to the exception created by the bill.

Section 2. This act takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁶ *Supra* at 12.

¹⁷ Section 553.74, F.S.

¹⁸ Section 553.73(7)(a), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The implementation of the change in the Florida Building Code may result in a reduction in the number of roofs being replaced rather than repaired by insurers in Florida, thereby reducing the total claims attributable to roof replacements.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 553.844 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
