

STORAGE NAME: h1667a.lgva.doc

DATE: February 21, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS**

BILL #: HB 1667

RELATING TO: Florida Building Commission

SPONSOR(S): Representative Benson

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 7 NAYS 0
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

HB 1667 requires the Florida Building Commission (Commission) to develop building code provisions to facilitate the rehabilitation and use of existing structures. The bill requires the Commission to identify legislative changes required to implement such code provisions and to report to the Legislature.

The bill assigns new responsibilities to the Commission that will increase the Commission's workload. The bill has no direct fiscal impact on local governments.

On February 21, 2002, the Committee on Local Government & Veterans Affairs considered HB 1667, adopted two amendments, and passed the bill. The amendments, which are traveling with the bill, are explained in this bill analysis. (See section V. "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:").

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill assigns new responsibilities to the Florida Building Commission that will increase the Commission's workload.

B. PRESENT SITUATION:

The Florida Building Code (Background)

1998 Legislation

Chapter 98-287, L.O.F., provided for the creation of a unified Florida Building Code. Generally, ch. 98-287, L.O.F., provided that:

- The Board of Building Codes and Standards is reconstituted as the Florida Building Commission;
- The newly created Florida Building Commission is required to submit to the Legislature, before the 2000 regular session, for review and approval or rejection, the Florida Building Code as adopted by the Commission;
- The Commission is required to prepare a list of recommendations of revision to the Florida Statutes necessitated by the adoption of the Florida Building Code, if the code is approved by the Legislature;
- The Department of Insurance is required to adopt the Florida Fire Prevention Code and the Life Safety Code;
- Upon initial adoption, the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code are deemed adopted by all local jurisdictions; with some restrictions, local governments may adopt more stringent requirements to the codes;
- Beginning January 1, 2001, local governments shall assume expanded responsibilities for permitting, plans review and inspection of facilities that are currently reviewed by state agencies;
- The Florida Building Commission may create and administer a statewide product evaluation system;

- There will be a building code training program developed which will become part of current continuing education requirements for occupations related to construction and construction regulation;
- There will be disciplinary consequences related to material code violations for state-certified and registered contractors;
- The Department of Business and Professional Regulation is required to implement an automated information system which tracks disciplinary actions taken against construction-related occupations on a statewide basis;
- There will be new continuing education requirements for registered engineers and registered landscape architects;
- The powers of the Department of Insurance and the Office of the State Fire Marshal are conformed with the reconstituted powers of the Florida Building Commission; and
- Similar processes for code adoption, update and promulgation of the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code are provided.

2000 Legislation

The 2000 Legislature enacted ch. 2000-141, L.O.F, to, effective July 1, 2001, provide for the adoption of the Florida Building Code (Code), a unified building code for the State of Florida. The act directed the Florida Building Commission (Commission) to continue the process to adopt the Code as an administrative rule, subject to specific legislative direction. In addition, the act directed the Commission to recommend a statewide product approval system to the Legislature prior to the 2001 Legislative Session.

2001 Legislation

The 2001 Legislature enacted ch. 2001-186, L.O.F, to delay implementation of the Code and the Florida Fire Prevention Code from July 1, 2001, to January 1, 2002. In addition, the act provided for a state product approval system. In addition to other changes, the act directed the Commission to research the issue of adopting a rehabilitation code for the state and to report to the Legislature before the 2002 Regular Session regarding the feasibility of adopting such a code. The Commission was required to review the rehabilitation codes adopted by other states as part of its research.

2001 Special Session C Legislation

Chapter 2001-372, L.O.F., postponed the effective date of the Code from January 1, 2002, until March 1, 2002.

Rehabilitation Code: Report of the Florida Building Commission

As directed by ch. 2001-186, L.O.F., the Commission submitted its report to the Legislature regarding the adoption of a rehabilitation code for Florida. The following is taken from this report.

Identification and Research of Issues

The Rehabilitation Code Ad Hoc Committee, appointed by Chairman Rodriguez, was charged with identifying and researching issues critical to the feasibility of developing a rehabilitation code. The committee identified and researched other states' experience with rehabilitation

codes. The states included in the study were Maryland, Rhode Island, New Jersey, and Massachusetts. Other regulatory entities and documents were also included in the research: the U.S. Department of Housing and Urban Development; the International Existing Building Code; Chapter 34, Existing Buildings, of the Florida Building Code; and the Florida Fire Prevention code.

The committee then identified and considered in the research, other issues involved in the development of a rehabilitation code. Those areas considered included:

- Commercial and residential structures;
- Technical scope of a rehabilitation code;
- Affordable housing;
- Urban blight;
- Aging Infrastructure;
- Redevelopment;
- Cost versus benefits;
- Historic preservation;
- Insurance;
- Code enforcement.

The research showed that numerous other states and local jurisdictions have realized the benefits of developing and adopting a rehabilitation code. It was discovered that rehabilitation codes encourage the use and reuse of existing buildings, as well as offset the negative effects of urban blight. Rehabilitation codes promote community redevelopment and promote the rehabilitation of affordable housing.

Rationale for Feasibility of Developing a Rehabilitation Code

The Ad Hoc committee's rationale for feasibility of developing a rehabilitation code is based on the predictability and proportionality of the alteration projects; defining scopes of work more concisely including renovation, alteration, and reconstruction by levels of alteration, using the percentage of the altered area as criteria. Egress and hazardous levels were also considered. It was determined that low-income housing and urban blight are critical elements in the need for a rehabilitation code. A code should facilitate the ability to rehabilitate existing buildings.

Recommendations

The Florida Building Commission concluded that development of a rehabilitation code is feasible and considers the benefits warrant developing such a code.

The Commission recommends:

- That the new Florida Building Code and building rehabilitation related issues be evaluated for one year.
- That a summary be provided to the Legislature regarding the effectiveness of appropriate sections of the Florida Building Code and that changes be made as needed based on the evaluation.
- That the Legislature endorse the development and implementation of a one and two family dwelling code immediately, separate from a rehabilitation code, in order to preserve and enhance homestead properties.

- That it investigate rehabilitation thresholds and compare the Florida Building Code to the International Residential Code and other appropriate model codes as part of the evaluation and development of a rehabilitation code.

C. EFFECT OF PROPOSED CHANGES:

This bill requires the Florida Building Commission (Commission) to develop building code provisions to facilitate the rehabilitation and use of existing structures. The bill requires the Commission to identify legislative changes required to implement such code provisions and to report to the Legislature.

Rehabilitation codes in other jurisdictions have encouraged the use and reuse of existing buildings, as well as offset the negative effects of urban blight. To the extent the development and implementation of a rehabilitation code in Florida achieves similar results, the bill will assist in the redevelopment of blighted areas. In addition, the bill may assist in making housing affordable to Floridians.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. This section directs the Commission to develop building code provisions that may be added to the Florida Building Code to facilitate the rehabilitation and use of existing structures. The Commission is directed to select from available national or international model codes or the codes or code provisions adopted by another state to form the foundation for the code provisions required by this section.

The Commission is directed to seek consensus with fire safety professionals, advocates for persons with disabilities, representatives of the construction industry, land-use planners, building officials, and others identified by the Commission as having an interest in building code provisions.

The Commission is authorized to modify the selected model codes and standards as needed to accommodate the specific needs of Florida.

In conjunction with its code development activities, the Commission is required to identify legislative changes required to implement the code provisions developed under this act, and is required to report the activities undertaken in response to the requirements of this act to the Legislature on or before January 1, 2003, as a part of the required annual report. The section provides for recommended code provisions and the legislative changes required for implementation to be attached as appendices to the annual report.

Section 2. An effective date of upon becoming a law is provided.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill assigns new responsibilities to the Florida Building Commission that will increase the Commission's workload.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

As is discussed in the "Present Situation" section, the Florida Building Commission concluded that implementation of rehabilitation codes in other jurisdictions has encouraged the use and reuse of existing buildings, as well as offset the negative effects of urban blight. To the extent a rehabilitation code reduces the cost of rehabilitating existing structures, the owners of such structures will benefit from this bill.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill will not reduce the authority of countries and municipalities to raise total aggregate revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the total aggregate percent of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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PAGE: 7

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Amendment #1

Effective May 1, 2003, the amendment revises two statutory provisions governing the composition of the Florida Building Commission. The amendment revises s. 553.74(1)(c), F.S., which requires one member of the Commission to be a mechanical contractor, to require that one member be an air-conditioning or mechanical contractor. The amendment revises s. 553(1)h), F.S., which requires one member of the Commission to be a roofing, sheet metal, or air-conditioning contractor, to require one member to be a roofing or sheet metal contractor.

Amendment #2

This is a conforming amendment to revise the effective date of the bill.

VII. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Thomas L. Hamby, Jr.

Joan Highsmith-Smith