

1989

Session Law 89-369

Florida Senate & House of Representatives

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H 1057 GENERAL BILL/CS/1ST ENG by Governmental Operations; Nergard and others (Similar CS/S 1189)

Building Codes/Updated Model Codes; specifies updated model codes as State Minimum Bldg. Codes; authorizes Building Codes & Standards Bd. of Community Affairs Dept. to designate, by rule, updated or revised model codes or parts thereof as State Minimum Building Codes; provides exception to specification standards developed by nationally recognized code promulgation organizations & sections of Standard Building Code, etc. Amends 553.73. Effective Date: 07/06/89.

03/20/89 HOUSE Prefiled
 03/24/89 HOUSE Referred to Governmental Operations
 04/04/89 HOUSE Introduced, referred to Governmental Operations -HJ 101; On Committee agenda—Governmental Operations, 04/06/89, 3:30 pm, 314-HOB—For ratification of referral to subcommittee
 04/21/89 HOUSE On subcommittee agenda—Governmental Operations, 04/25/89, 3:45 pm, 217-HOB
 04/25/89 HOUSE Subcommittee Recommendation: Favorable with 2 amendments; On Committee agenda, pending subcommittee action—Governmental Operations, 04/27/89, 8:30 am, 314-HOB
 04/27/89 HOUSE Preliminary Committee Action by Governmental Operations: Favorable as a CS
 05/02/89 HOUSE Comm. Report: CS by Governmental Operations, placed on Calendar -HJ 338; CS read first time -HJ 335
 05/11/89 HOUSE Placed on Special Order Calendar; Read second time -HJ 472
 05/18/89 HOUSE Read third time -HJ 528; CS passed; YEAS 117 NAYS 0 -HJ 529
 05/19/89 SENATE In Messages
 05/25/89 SENATE Received, referred to Community Affairs -SJ 458
 05/26/89 SENATE Extension of time granted Committee Community Affairs
 06/02/89 SENATE Withdrawn from Community Affairs; Substituted for CS/SB 1189 -SJ 1002; CS passed as amended; YEAS 23 NAYS 6 -SJ 1003
 06/02/89 HOUSE In Messages
 06/03/89 HOUSE Concurred; CS passed as amended; YEAS 108 NAYS 2 -HJ 1542
 06/03/89 Ordered engrossed, then enrolled
 06/20/89 Signed by Officers and presented to Governor
 07/06/89 Became Law without Governor's Signature; Chapter No. 89-369

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h1057-f.go
DATE: August 9, 1989

**HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENTAL OPERATIONS
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1057

RELATING TO: Building Codes Update

SPONSOR(S): Committee on Governmental Operations and Representative Nergard

EFFECTIVE DATE: July 1, 1989, or upon becoming law, whichever occurs later

DATE BECAME LAW: July 6, 1989

CHAPTER #: 89-369, Laws of Florida (without Governor's signature)

COMPANION BILL(S): SB 1189 (similar)

OTHER COMMITTEES OF REFERENCE: (1) None
(2)

I. SUMMARY:

A. SHORT SUMMARY:

This bill updates the references listed in s. 553.73, Florida Statutes, 1988 Supplement, with respect to the State Minimum Building Codes and provides exceptions for the application of the Standard Building Code, one of the four codes that make up the State Minimum Building Codes.

B. PRESENT SITUATION:

Section 553.70, Florida Statutes, relates to minimum building codes established by the State Board of Building Codes (Board) within the Department of Community Affairs and is known as the "Florida Building Codes Act." The intent of the Act as expressed in s. 553.72, Florida Statutes, "is to provide a mechanism for the promulgation, adoption, and enforcement of state minimum building codes which contain standards flexible enough to cover all phases of construction and which will allow reasonable protection for public safety, health, and general welfare for the people of Florida at the most reasonable cost to the consumer."

Under s. 553.77, Florida Statutes, the Board is charged with undertaking the continual study of the State Minimum Building Codes (Codes) and other laws relating to the construction of buildings to ascertain their effect upon the cost of construction and to determine their effectiveness. The Board is also charged with various other duties, including the promulgation of

administrative rules to govern its procedures and the issuance of advisory opinions relating to new technologies and local government interpretations of the Codes.

Section 553.73(2), Florida Statutes, 1988 Supplement, lists the State Minimum Building Codes and the nationally recognized model codes upon which they are based. Under this section, any state agency or local government charged with regulating building construction must adopt one of the four codes listed in the section as the code it will use to govern the construction, erection, alteration, repair, or demolition of any building. Section 553.73(7), Florida Statutes, 1988 Supplement, provides that the Board may periodically amend the codes in ways consistent with recommendations of the promulgating organizations through procedures set out in chapter 120, Florida Statutes. Section 120.54, Florida Statutes, sets out the procedures the Board must follow in amending the Codes.

The Department of Community Affairs supports this bill because it provides the State Board of Building Codes within the department with efficient means to update the Codes.

C. EFFECT OF PROPOSED CHANGES:

This bill updates references contained in s. 553.73(2), Florida Statutes, 1988 Supplement, with respect to the Codes. All four model codes have been updated. It also amends s. 553.73(3), Florida Statutes, 1988 Supplement, to provide that the Board may periodically designate updated versions and revisions to the Codes by administrative rule in accordance with chapter 120, Florida Statutes. The language of this new provision in subsection (3) essentially replaces the language in the current s. 553.73(7), Florida Statutes, 1988 Supplement, which is stricken in the bill. Thus the Board may adopt but not amend the Codes by administrative rule.

The bill further provides that standards used to determine compliance with section 1205 of the Standard Building Code shall not apply to one- or two-family dwellings that are two stories or less in height--except when such dwellings are located within a coastal building zone--unless the specifications are approved by the Board or are expressly made subject to such dwellings by local ordinance. Section 1205 contains the specifications to be followed by engineers when designing certain structures for wind resistance.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Updates references with respect to the State Minimum Building Codes. Provides exceptions for standards used to determine compliance with section 1205 of the Standard Building Code.

Section 2 -- Provides an effective date.

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II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Not applicable.

2. Recurring or Annualized Continuation Effects:

Not applicable.

3. Long Run Effects Other Than Normal Growth:

Not applicable.

4. Appropriations Consequences:

Not applicable.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Not applicable.

2. Recurring or Annualized Continuation Effects:

Not applicable.

3. Long Run Effects Other Than Normal Growth:

Not applicable.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Not applicable.

2. Direct Private Sector Benefits:

Not applicable.

3. Effects on Competition, Private Enterprise, and Employment Markets:

Not applicable.

D. FISCAL COMMENTS:

None.

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III. LONG RANGE CONSEQUENCES:

This bill relates to the following portion(s) of the State Comprehensive Plan:

(5) HOUSING.--

(a) Goal.--The public and private sectors shall increase the affordability and availability of housing for low-income and moderate-income persons, including citizens in rural areas, while at the same time encouraging self-sufficiency of the individual and assuring environmental and structural quality and cost-effective operations.

(b) Policies.--

4. Reduce the cost of housing construction by eliminating unnecessary regulatory practices which add to the cost of housing.

IV. COMMENTS:

This bill is consistent with the Governmental Operations Committee's Mission Statement, which directs the Committee to "[i]nitiate ways to achieve better productivity and efficiency by state agencies."

This bill is supported by the Florida Home Builders Association and the Florida Concrete & Products Association because it provides the Board with an efficient and effective mechanism with which to update the building codes that the members of these associations rely on in performance of their jobs.

V. END-OF-SESSION UPDATE:

This bill was made a committee substitute when it was heard by the full House Committee on Governmental Operations where a minor amendment was adopted to provide the Board with standards for promulgating administrative rules that update the Codes. The bill passed the House without further amendment and was referred to the Committee on Community Affairs when received by the Senate. The bill was subsequently withdrawn from that committee and referred to the Senate Calendar where it was taken up on 6-2-89, the last day of the Regular Session. On the Senate floor, CS/HB 1057 was substituted for CS/SB 1189, and an amendment to strike everything after the enacting clause was adopted. The Senate amendment deleted the language added by the House amendment and added a new subsection (15) to s. 573, Florida Statutes. This new subsection provides exceptions to the wind resistance specifications in the Standard Building Code. The House subsequently concurred in the Senate amendment and the bill became law on July 6, 1989 without the Governor's signature.

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VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Diane Carr
Diane Carr

Staff Director:

Barry Kling
Barry Kling

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Bradley</u>	<u>Buck</u>	1. <u>CA</u>	<u>Fav/CS</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT: Building Construction Requirements

BILL NO. AND SPONSOR: CS/SB 1189 by CA and Senator Thurman

I. SUMMARY:

A. Present Situation:

Part VI of chapter 553, F.S., the Florida Building Codes Act, relates to minimum building codes established by the Board of Building Codes and Standards within the Department of Community Affairs. The intent of the act as expressed in s.553.72, F.S. "is to provide a mechanism for the promulgation, adoption, and enforcement of state minimum building codes which contain standards flexible enough to cover all phases of construction and which will allow reasonable protection for public safety, health, and general welfare for the people of Florida at the most reasonable cost to the consumer."

Pursuant to s.553.77, F.S., the board is charged with undertaking the continual study of the State Minimum Building Codes and other laws relating to the construction of buildings to ascertain their effect upon the cost of construction and to determine their effectiveness. The board is also charged with various other duties, including the promulgation of administrative rules to govern its procedures and the issuance of advisory opinions relating to new technologies and local government interpretations of the codes.

Section 553.73(2), F.S., establishes four nationally recognized model codes as the State Minimum Building Codes: the Standard Building Codes, the EPCOT Code, the One and Two Family Dwelling Code, and the South Florida Building Code. Under this section, any state agency or local government charged with regulating building construction must adopt one of these four codes as the code it will use to govern the construction, erection, alteration, repair, or demolition of any building. Section 553.73(7), F.S., authorizes the board to periodically amend the codes in ways consistent with recommendations of the promulgating organizations through procedures set out in ch.120, F.S. Under s.120.54, F.S., sets out the procedures the board must follow in amending the codes.

B. Effect of Proposed Changes:

The bill amends subsection (2) of s.553.73, F.S., to update references to nationally recognized model codes which serve as the State Minimum Building Codes. All four of the codes included in the section have been revised, so current references are obsolete. A new subsection (3) is created to authorize the Board of Building Codes and Standards to designate all or a part of an updated or revised version of any currently adopted model code as a State Minimum Building Code. Subsection (7), which has been interpreted as conferring upon the board the lesser authority to adopt amendments to codes, is deleted.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

To the extent that up-to-date building codes promote more efficient construction, builders will benefit from savings.

B. Government:

By delegating to the Board of Building Codes and Standards the authority to adopt new editions of model codes, the Legislature would avoid the necessity of updating codes through the legislative process. The exact cost savings is indeterminate.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1189

The CS makes a technical change and provides that the bill takes effect July 1, 1989 or upon becoming a law, whichever occurs later.

Committee on Community Affairs


Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)