

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4043 Florida Building Code

SPONSOR(S): Raulerson

TIED BILLS: **IDEN./SIM. BILLS:** SB 1702

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|-----------|---------|--|
| 1) Business & Professional Regulation Subcommittee | 10 Y, 0 N | Collins | Luczynski |
| 2) Regulatory Affairs Committee | 15 Y, 0 N | Collins | Hamon |

SUMMARY ANALYSIS

The bill repeals s. 161.56(2), F.S., which was promulgated in the mid-1980s to require the state land planning agency to develop and maintain a coastal building zone construction training program. The program was meant to help local governments implement and enforce the building requirements specified in s. 161.55, F.S.

The training program was not developed or implemented, and became obsolete upon the enactment of the Florida Building Code in 2002. As such, the program is no longer needed by the Department of Economic Opportunity.

The bill has no fiscal impact on state funds.

The bill is effective on July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 161.55, F.S., provides requirements for activities or construction that is conducted within coastal building zones.

Section 161.56(2), F.S., was created in the mid-1980's through section 4 of Ch. 86.191, L.O.F. The statute requires the state land planning agency to develop and maintain a biennial coastal building zone construction training program, in order to assist local governments with the implementation and enforcement of s. 161.55, F.S. Moreover, the statute requires that the state land planning provide an initial training program before April 1, 1987, and that it provides a continuing education program beginning on July 1, 1989.

The Department of Economic Opportunity (hereinafter "Department"), oversees offices previously housed in the Department of Community Affairs (hereinafter "DCA"), which was abolished by the Legislature in 2011. According to the Department, DCA never implemented any such training program. Moreover, when the Florida Building Code (hereinafter "Code") was adopted in 2002, the section became obsolete and no longer necessary, as all state coastal construction requirements were incorporated into the Code.¹ As a result, no training program exists or is needed by the Department.

Effect of Proposed Changes

The bill repeals s. 161.56(2), F.S., eliminating the requirement that the state land planning agency develops and maintains a biennial coastal building zone construction training program.

B. SECTION DIRECTORY:

Section 1: repeals s. 161.56(2), F.S., to eliminate the requirement that the state land planning agency develops and maintains a biennial coastal building zone construction training program.

Section 2: provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

¹ See, generally: s. 553.73(2), Florida Statutes.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.