

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Lee, Chair
Senator Clemens, Vice Chair

MEETING DATE: Tuesday, January 24, 2017

TIME: 10:00 a.m.—12:00 noon

PLACE: 301 Senate Office Building

MEMBERS: Senator Lee, Chair; Senator Clemens, Vice Chair; Senators Bean, Brandes, Campbell, Perry, Rodriguez, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Florida Growth Management Presentations: What's Working - Not Working Department of Economic Opportunity 1000 Friends of Florida Florida Association of Community Developers Florida League of Cities Florida Association of Counties		Discussed
Consideration of proposed bill:			
2	SPB 7000	Florida Building Commission; Requiring the commission to use the most recent published edition of the Florida Building Code as the foundation code; requiring the commission to review, rather than update, the Florida Building Code every 3 years; deleting a provision that specifies how long amendments or modifications to the foundation code remain effective, etc.	Submitted as Committee Bill Yeas 8 Nays 0
Consideration of proposed bill:			
3	SPB 7002	OGSR/Donor Information/Publicly Owned Performing Arts Center; Amending provisions which provide an exemption from public records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center if the donor desires to remain anonymous; removing the scheduled repeal of the exemption, etc.	Not Considered
4	Other Related Meeting Documents		



Community Planning Act Update

Cissy Proctor, DEO Executive Director

January 24, 2017

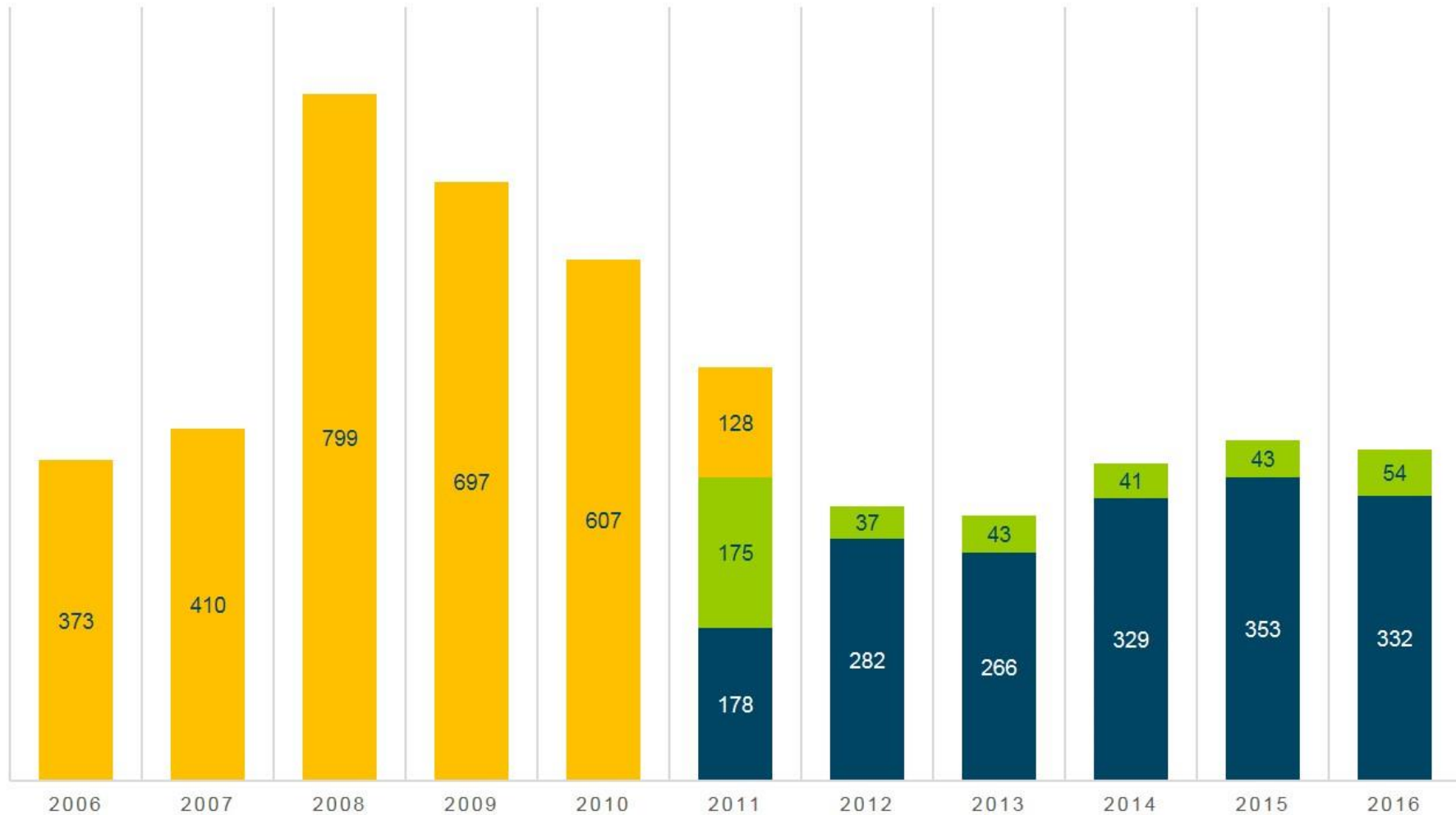


Community Planning Act

- Focused state review on important state resources and facilities.
- Allowed local governments to have greater influence on local planning decisions.
- Streamlined the review process for most plan amendments.
- Narrowed the scope of DEO's in-depth review to focus on:
 - Areas of Critical State Concern
 - Sector plans
 - Developments of Regional Impact
 - Comprehensive plan updates

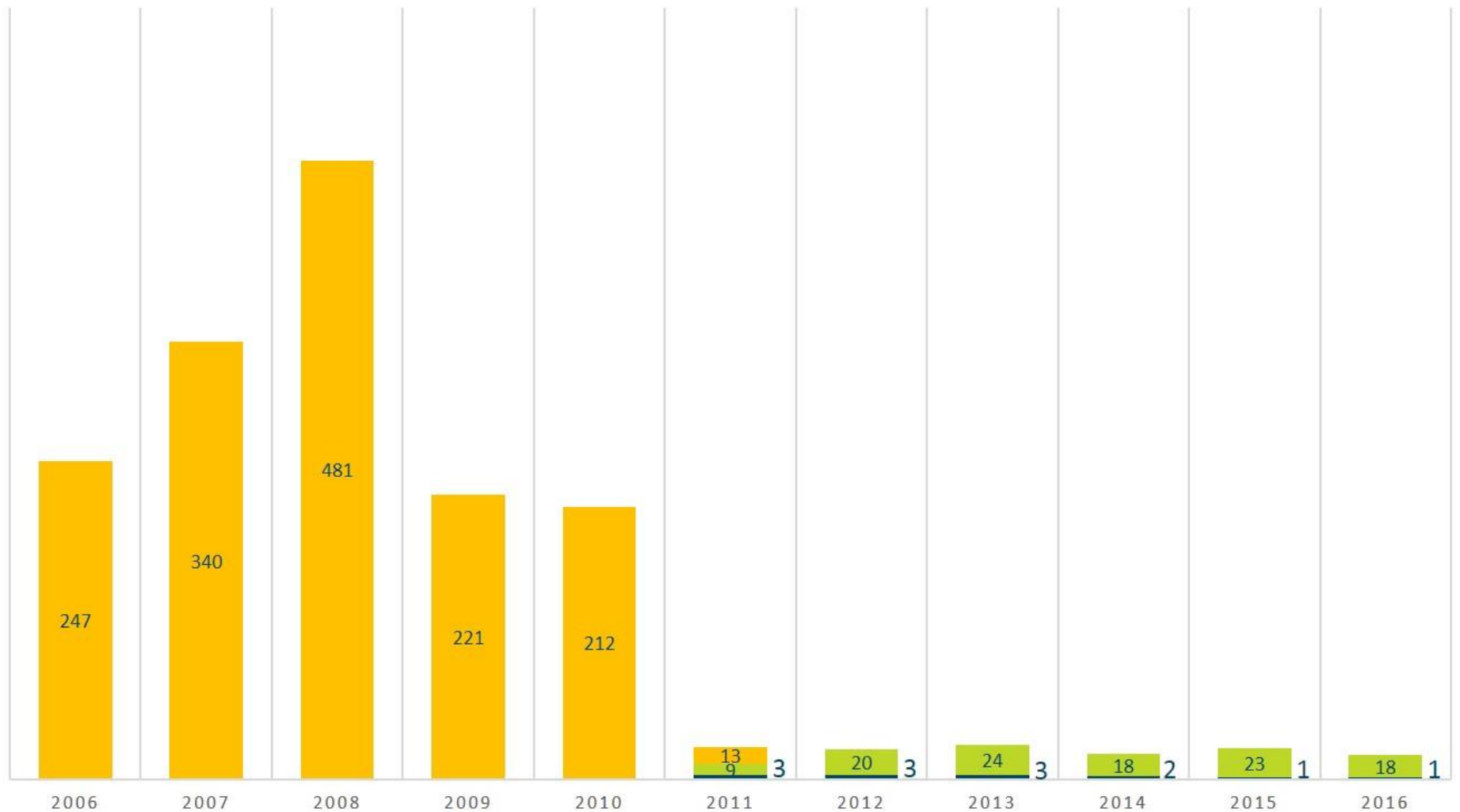
Comprehensive Plan Amendments Adopted 2006-2016

- Adopted Amendments Comprehensive Plan Review
- Adopted Amendments State Coordinated Review
- Adopted Amendments Expedited State Review

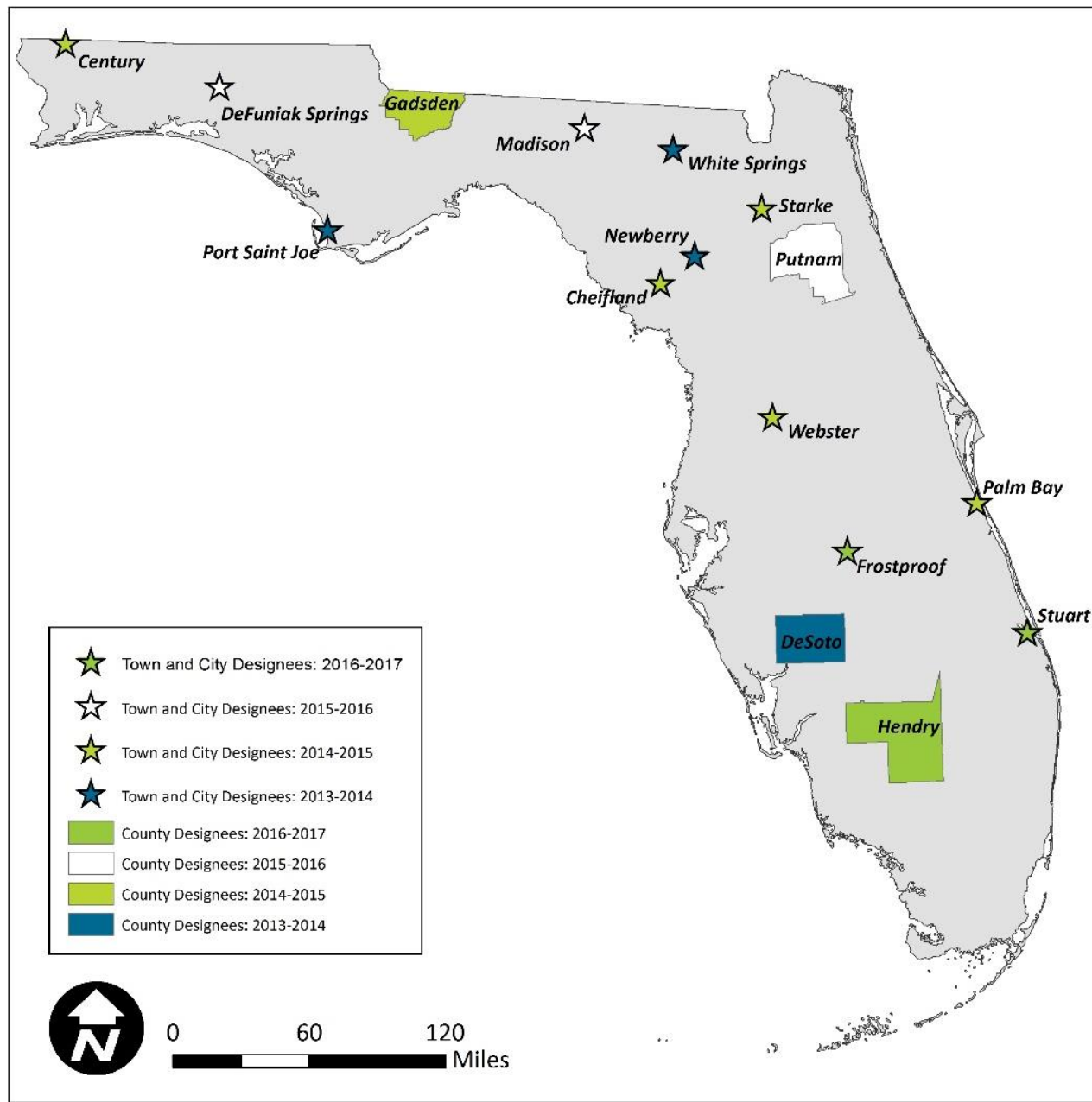


Comprehensive Plan Amendment Objections and Comments

■ Comprehensive Plan Review (Number of Objections) ■ State Coordinated Review (Number of Objections)
■ Expedited State Review (Number of Comments)



Competitive Florida Partnership







Florida Growth Management

Community Affairs Committee
Senator Lee, Chair

January 24, 2017

Thomas Hawkins, Policy & Planning Director

Overview



Transportation



Accountability



Intergovernmental
coordination



Transportation



What's working?

Optional transportation concurrency

- 2011 Community Planning Act made transportation concurrency optional
- End to “last in pays”
- Local governments moving forward with innovative replacements like mobility fees that promote redevelopment while funding transportation infrastructure
- But, declining gas tax revenues and limited options for local governments to fund transportation are still obstacles



How to make it better?

Make funding options available to voters - who want them

- Charter County and Regional Transportation System Sales Surtax should be available to certain municipalities
- The surtax funds capital improvements, as well as transportation operations
- Counties with urban transportation needs but substantial suburban or rural populations face difficulty gaining voter approval for surtax
- Allow major cities to proactively address transportation needs with voter approval



Duval County, one of two counties with surtax, won prestigious 2016 APTA Award



What's not working?

Pedestrian & Bicycle Safety

- Transportation is dangerous—by design
- In 2014, drivers killed 2,494 people in Florida, more than twice the number of deaths in same year from homicide
- Of victims, 588—or 24%—were not using a vehicle at time of death
- No loss of life is acceptable, 1000 Friends of Florida's goal is zero deaths and zero serious injuries from travel
- Support work on FDOT context appropriate design



“Florida has the highest Pedestrian Death Index of any state, and it's home to eight of the ten most dangerous metro areas in the nation.”

-Smart Growth America



Accountability



What's not working?

Diminished State Planning & Review

2011 Community Planning Act limited scope of state review to adverse impacts to state resources and facilities.

This is not working because:

- local governments face no practical oversight to ensure their amendments comply with the Community Planning Act
- responsibility to hold local governments accountable has shifted to private sector
- state planning function degraded



Walton County example

In 2015 Walton County proposes eliminating protections in comprehensive plan for globally imperiled coastal dune lakes without data and analysis

Florida Statutes provide:

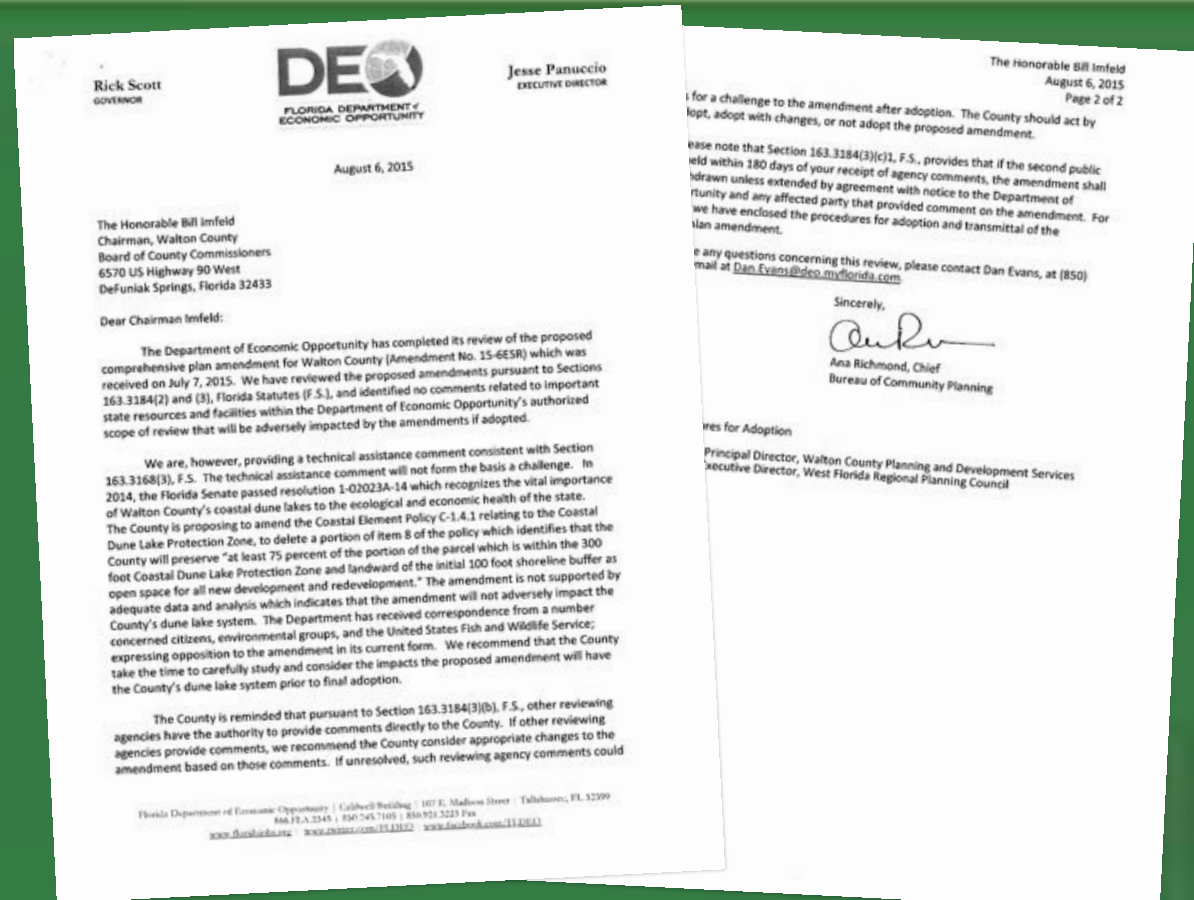
“All... plan amendments shall be based upon relevant and appropriate data and an analysis by the local government...”
FS § 163.3177(1)(f)



Walton County example

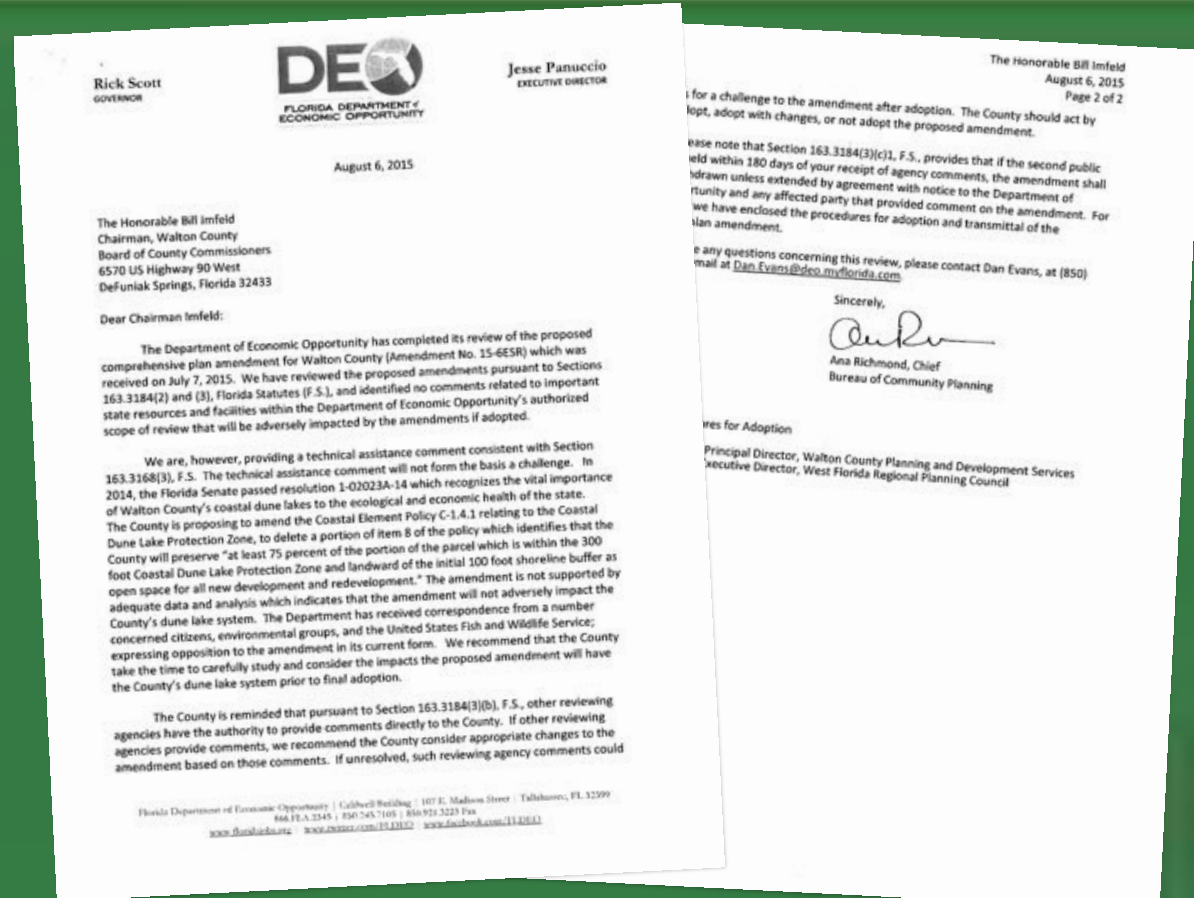
“In 2014, the Florida Senate passed resolution 1-02023A-14 which recognizes **the vital importance of Walton County’s coastal dune lakes to the ecological and economic health of the state...**

The amendment is **not supported by adequate data and analysis** which indicates that the amendment will not adversely impact the County’s dune lake system.”



Walton County example

“We have reviewed the proposed amendments... and identified no comments related to important state resources and facilities within [DEO's] authorized scope of review that will be adversely impacted by the amendments if adopted...”



How to fix it?

The Legislature should:

- Require Department of Economic Opportunity to determine whether comprehensive plan amendments are in compliance with Community Planning Act
- Stop further diminishment of planning within the Department of Economic Opportunity
- Change standard of review in comprehensive plan amendment challenges from “fairly debatable” to “preponderance of the evidence”



Intergovernmental coordination



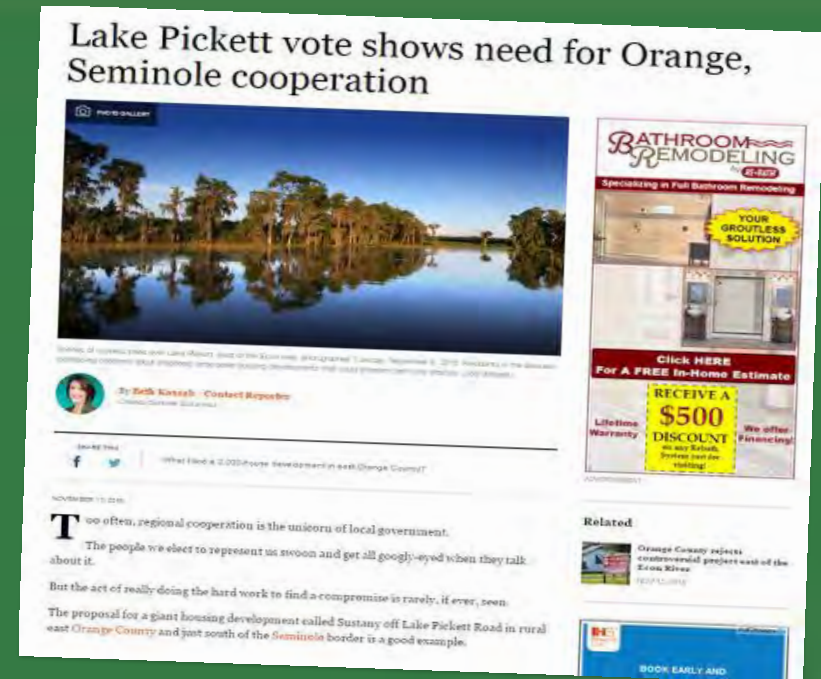
What's not working?

Intergovernmental coordination

Residents and local governments which will be impacted by major development proposals in adjacent local governments have no seat at the table to guide decisions.

This is not working because:

- Those residents experience declining quality of life and environment
- Adjacent local governments sometimes forced to provide public services to accommodate growth in adjacent jurisdictions
 - taxation without representation
 - border skirmishes



How to fix it?

- Allow impacted adjacent local governments to require dispute resolution process pursuant to FS § 186.509
- When dispute resolution does not resolve conflict, allow local government to challenge comprehensive plan amendment subject to preponderance of the evidence standard



Questions?



Association of Florida Community Developers

Presentation to

Senate Committee on Community Affairs

By Gary K. Hunter, Jr., and David L. Powell

Hopping Green & Sams

Tuesday, January 24, 2017

Hopping Green & Sams

What is AFCD?

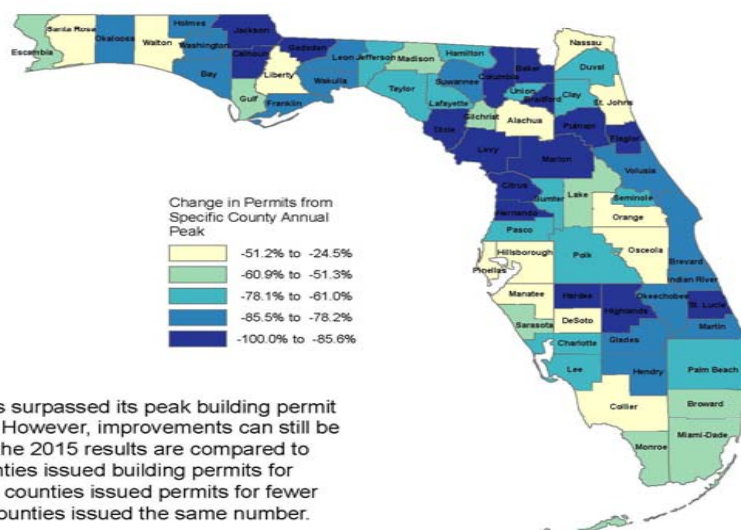
- Composed of the state's major community developers
- Mission: create quality communities and sound development
- Members' capital investments are substantial and long-term
- State should ensure
 - *Effective and efficient planning and development review programs*
 - *Policies to grow our economy and protect our natural assets*
- Will work with government to meet challenges of growth

More people means new communities

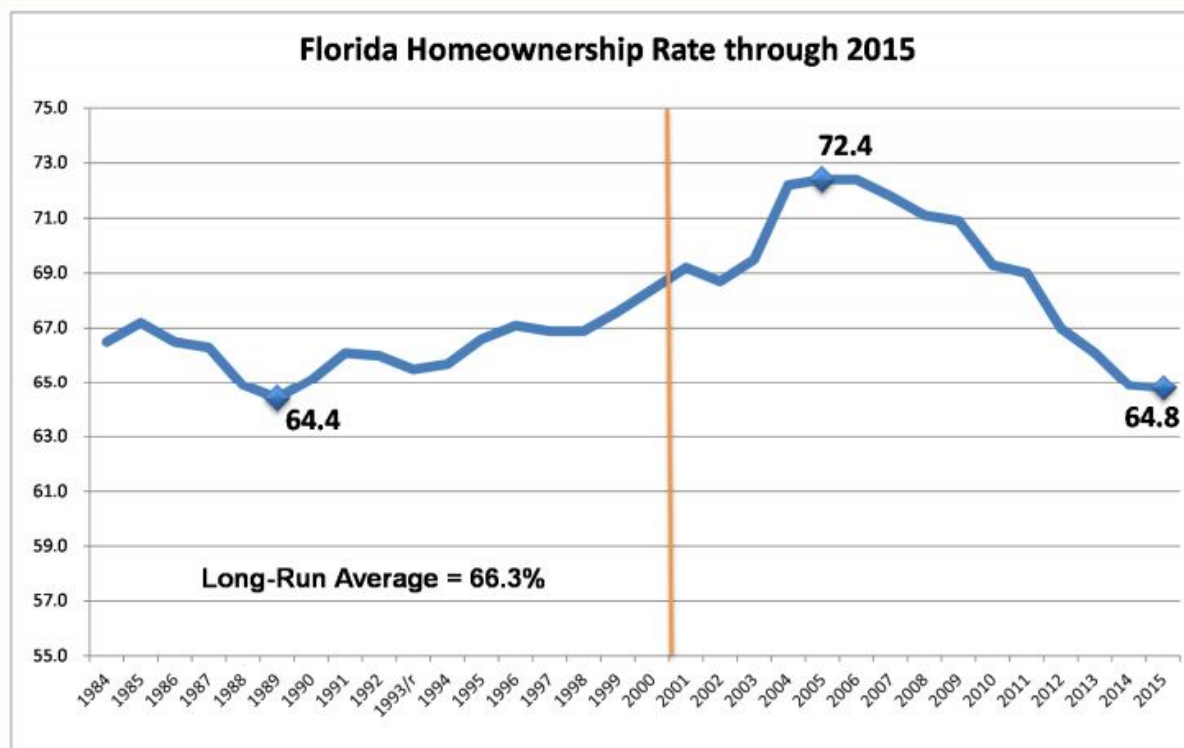
- Florida now third largest state with 20 million people
- Population growth will remain above 1.5% annually until 2020
 - *Double the national average of .75%*
- Growth of 314,051 in 2015-2016 strongest since 2006
 - *But don't expect 3% annual growth rate of the boom years*
 - *From 852 arrivals per day now, declining to 705 per day by 2030*
- Most growth is net migration, creating need for new homes
- Most of 5 million newcomers by 2030 will be age 60 and up
- New communities will be part of answer to this challenge

Some areas growing faster than others

2015 Building Permit Activity Relative to the County's Peak during the Period 2000-2007



Florida homeownership at 30-year low



Cost/affordability is a continuing concern

- For every \$1000 price increase in a home, 9,175 Floridians are priced out of the market for a median-priced Florida home (\$199,000 in 2016).
- Every impact fee, concurrency fee, documentary stamp tax increase diminishes affordability
- Workers' comp insurance premiums paid by builders also affect home affordability

Comprehensive planning since 2012

Year	2012	2013	2014	2015	2016*
Proposed Amendment	341	352	375	427	215
Adopted Amendment	370	373	424	453	241
Not In++ Compliance or Challenged by DEO	0	0	0	3/1	0
*2016 data through 09/27/2016					

Hopping Green & Sams

Source: DEO

Evolution of the DRI program

- DRI program was created in 1972 with the goal of replacing it when local comprehensive plans were put into place
- 2011 Senate study found DRIs still worthwhile:
 - *DRI review contributes to “Improved Large Scale Development”*
 - *Best available tool for regional planning*
 - *Helps small local governments that don’t have expertise for big projects*
- In 2016, Legislature decided to allow approved DRIs anywhere in the state to rescind their DRI development orders, subject to local government approval

What led to end of DRI review?

- Broader policy trends in planning and growth management
 - Focus on deregulation culminating in 2011 growth management reforms
 - Shift toward more local government control in 2011 legislation
 - Major new exemptions from DRI review for projects in most urban areas
 - In 2015, Legislature decided new projects not subject to DRI review must go through coordinated state review as plan amendment

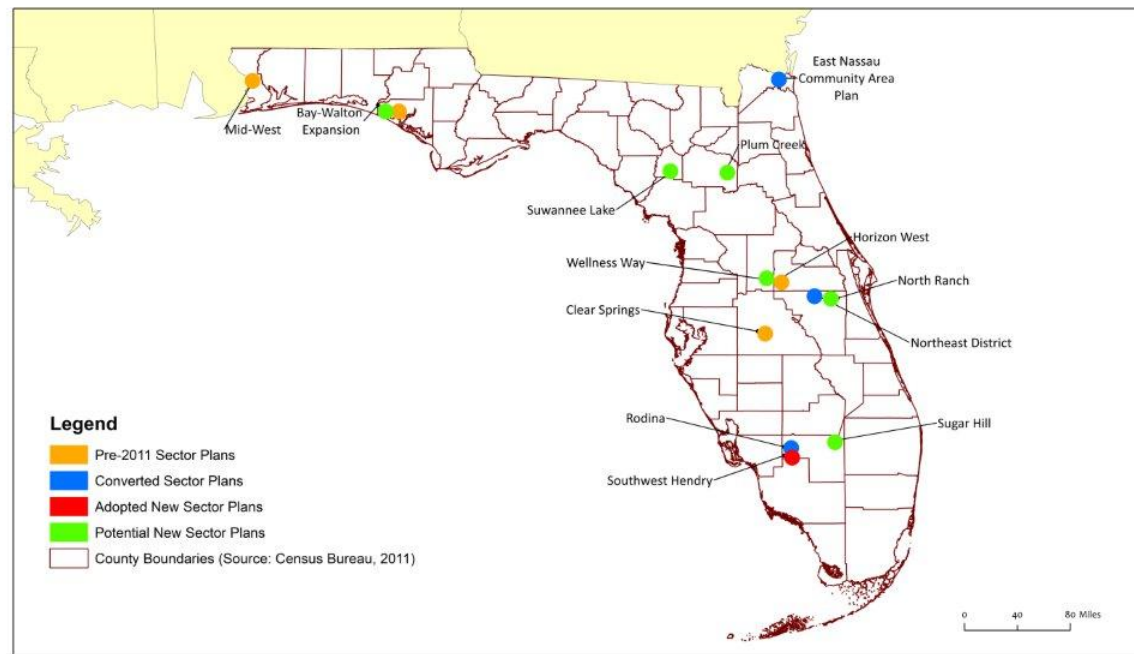
Rise of large-area planning

- Factors creating impetus for large-area planning
 - *Many large landscapes outside urban areas in single ownership*
 - *Generational changes in family ownerships*
 - *Lack of funds to buy environmental lands*
 - *Dissatisfaction with 20-year plans to prepare for future growth*
- 2011 growth management reforms spurred large-area planning
 - *Changing “need” from a ceiling to a floor*
 - *Allowing “additional planning periods” in comprehensive plans*
 - *Revisions to the original 1998 sector planning statute*

Growth in sector plans

- 4 sector plans before 2011, many more since then
- 2011 reforms to sector plan law have increased its use
- Under 1998 law, both planning layers of a sector plan required comprehensive plan amendments
 - *Under 2011 reforms, only first planning layer is by plan amendment*
 - *Second planning layer is by local development order*
- Sector plans now available on tracts of 5,000 acres or more
- 686,416 acres in sector plans
- Sector plans are preserving 150,000 acres without cost

Sector plans taking place in most regions



Sector Plans

Note: This product has been compiled from the most accurate data available to the Department of Economic Development. This product is for reference purposes only and is not to be construed as a legal document or survey instrument.

Division of Community Development

Will sector plans survive end of DRIs?

- Sector plans originally had a DRI exemption as a big incentive to get landowners to use this planning tool
- The end of mandatory DRI review eliminated that incentive
- Sector plans continue to be a tool for adopting a long-term vision in a strategic landholding, but now possible to do the same with a regular plan amendment with expedited review
- Sector plans still require lengthy state coordinated review, which is a disincentive for use of the sector planning tool

AFCD legislative recommendations

- Not requesting any legislation this year
- In the future, revise and rationalize statutes on DRIs
- Also consider removing DEO from commenting on expedited plan amendments and leave that to agencies with expertise
- Also consider eliminating Governor and Cabinet's final order authority in comprehensive plan compliance proceedings
- Also re-evaluate role of regional planning councils
- Also find additional incentives to encourage sector plans

Thank you!

Hopping Green & Sams



Growth Management Policy Discussion



David J. Cruz
Assistant General Counsel
Florida League of Cities



2011 Legislation

- HB 7207 (2011) Sweeping changes to state's growth management laws
- Reduced state oversight
- Streamlined comprehensive plan procedures
- The Act is best summarized as follows: "to guide and manage future development consistent with the proper role of local government" while "protecting important state resources and functions."





Impacts to Municipalities

- Streamlined regulation by eliminating duplicative requirements
- Reduced layers of regulation by removing the state as a middleman between the applicant and the municipality (Twice year limit)
- Leveled playing field amongst local governments competing for growth
 - Perhaps deterring urban sprawl in some cases





Impacts to Municipalities Cont.

- Eliminated million of dollars required in consulting and legal fees
- Elimination of local referenda
- Concurrency optional
 - Must allow proportionate share
 - May not charge for deficient roads
- 2011 Legislation kept several needed requirements in place, including:
 - USA changes
 - EAR based amendments
 - Areas of critical state concern
 - Plans for new cities



DEO Oversight

- The Comp Plan review process was largely scaled back
- Coordinated review vs. expedited review
- Duplicative review eliminated
- The changes have meant more flexibility for municipalities, with less oversight from DEO





Large Scale Projects

DRI's

- 2015 legislation = no more DRI's for new projects
- Old DRI agreements still in place but you can NOPC (Notice of Proposed Change), Rescind, Abandon
- Loss of technical assistance from RPCs and extra jurisdictional traffic impact coordination

Sector Plans

- Alternative process in which one or more local governments engage in long-term planning for larger land areas and address regional issues through adoption of detailed specific area plans
- 2016 legislation lowers the Sector Plan threshold from 15,000 acres to 5,000 acres

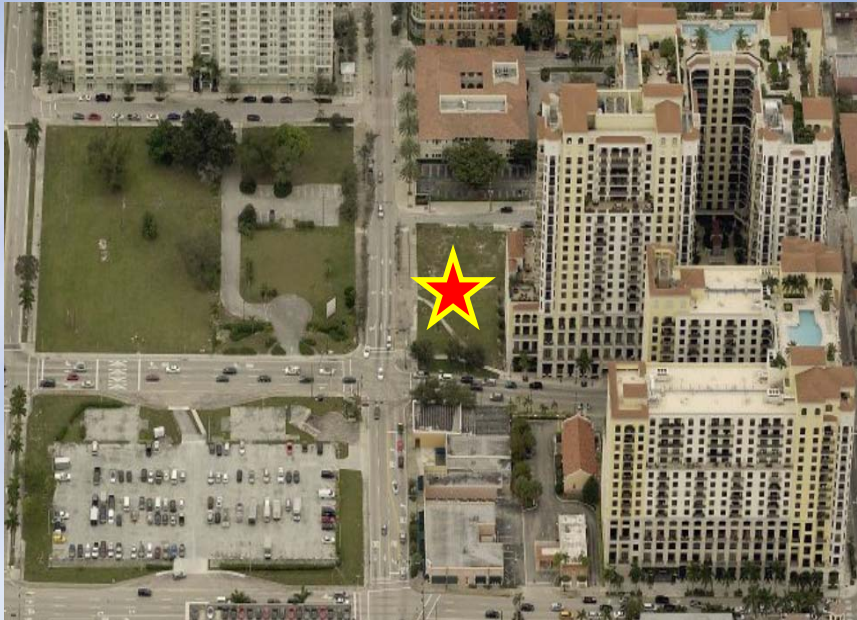


Permit Extensions

- In 2011, the Legislature extended and renewed the permits that were previously extended in 2009 and 2010 for an additional two years from their previously scheduled expiration date.
- Subsequently in 2012 and 2014 the Legislature again extended permit expirations, including any local government-issued development order or building permit including certificates of levels of service.
- Florida Statutes Sec. 252.363 requires that when the Governor makes a Declaration of Emergency, the Declaration extends development permits for 6 months and the time period of the emergency order.



Permit Extensions (Cont.)



Hotel project City of Palm Beach

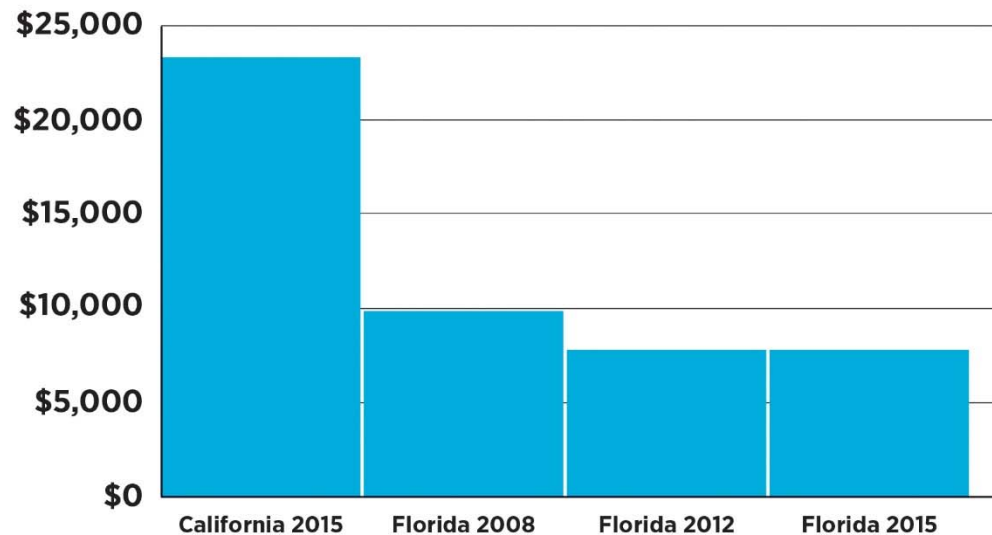
- Site Plan Approval – October 23, 2007 to October 23, 2008
- 1st Site Plan extension – 10/23/2008 to 10/23/2009 by Ord. No 4138-08
- 2nd Site Plan extension – 10/23/09 to 10/23/2012 by Ord. No. 4250-09
- 3rd Site Plan extension – 10/23/2012 to 10/23/2014 by **HB 7207** (2 years)
- 4th Site Plan extension – 10/23/2014 to 6/23/2015 By **SB 2156** (1 year)
- 5th Site Plan extension – 6/23/2015 to 6/23/2017 by **HB 7023** (2 years)
- 6th Site plan extension – 6/23/17 to 2/23/18 by **SB 2156**
- 7th Site plan extension – 2/23/18 to 10/10/18 by **Executive order No. 16-30, 16-43 and 16-64** (45 days + 6 months)
- 8th Site plan extension – 10/10/18 to 8/9/19 by **Executive order No. 16-155, 16-156 and 16-204** (303 days)



Exactions

- Impact fees are a one-time fee imposed on all new development to defray the cost of growth's “impact” on vital services such as schools, parks, roads, storm water and fire service and other infrastructure needs.
- Current law authorizes municipalities to waive the collection of impact fees.

**Florida Average
Single-Family
Impact Fees,
2008-2015**





Exactions Cont.

- Impact fees must meet dual rational nexus test
 - Demonstrate a reasonable connection, or “rational nexus,” between the need for additional or expanded facilities and anticipated population growth from the development in question; and also ensure that the fees will provide benefits to those who pay them
 - Cannot charge for backlog





Future Issues

- **Land Use and Zoning Requirements of Medical Marijuana Dispensaries**
 - Selecting zoning districts
 - Spacing restrictions from protected uses (Schools, daycares, etc...)
 - Maximum or minimum size of parcel
 - Parking standards
 - Drive through?





Summary

- The Community Planning Act sharply reverses the historic trend toward state involvement in the comprehensive planning process
- Eliminates duplicative regulations
- Comprehensive plan amendments are being processed 50% faster
- Reduced state role has increased responsibility of cities to be accountable for decisions
- Overall, growth management changes are working



THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01-24-17

Meeting Date

Bill Number (if applicable)

Topic Florida Growth Management

Amendment Barcode (if applicable)

Name Lee Constantine

Job Title Commissioner - District 9 (Seminole County)

Address 100 S Monroe St

Phone 850-922-3938

Street

Tallahassee, FL 32301

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Association of Counties

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/17
Meeting Date

Bill Number (if applicable)

Topic COMMUNITY PLANNING

Amendment Barcode (if applicable)

Name CISSY PROCTOR

Job Title EXECUTIVE DIRECTOR, DEO

Address 107 E. MADISON ST
Street

Phone (850) 245-7116

TALLAHASSEE FL 32399
City State Zip

Email CISSY.PROCTOR@DEO.MYFLORIDA.COM

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing DEO

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
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1/24/16
Meeting Date

Bill Number (if applicable)

Topic Growth Management

Amendment Barcode (if applicable)

Name David Cruz

Job Title Assistant General Counsel

Address P.O. Box 1757

Phone 761-3676

Street

Tallahassee FL 32302

City

State

Zip

Email DCRUZ@FLcities.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida League of cities

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

1/24/2017

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Topic GROWTH MANAGEMENT

Bill Number —
(if applicable)

Name DAVID POWELL

Amendment Barcode —
(if applicable)

Job Title HOPPING GREEN + SANS

Address 119 S. MONROE ST. #300

Phone 850-425-2222

Street

TALLAHASSEE FL 32301

City

State

Zip

E-mail Davidp@hgslaw.com

Speaking: ☐ For ☐ Against ☒ Information

Representing ASSOCIATION OF FLORIDA COMMUNITY DEVELOPERS

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1124/17

Meeting Date

Topic 1000 Friends Presentation

Bill Number _____
(if applicable)

Name Thomas Hawkins

Amendment Barcode _____
(if applicable)

Job Title Policy Director

Address 308 N. Monroe St

Phone 850-222-6277

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Tallahassee FL 32301

City

State

Zip

E-mail THawkins@1000friends.org

Speaking: ☐ For ☐ Against ☒ Information

Representing 1000 Friends of Florida

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

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 Community Affairs

BILL: SPB 7000

INTRODUCER: For consideration by Community Affairs Committee

SUBJECT: Florida Building Commission

DATE: January 17, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Present	Yeatman		CA Submitted as Committee Bill

I. Summary:

SPB 7000 changes the process by which revisions are made to the Florida Building Code.

Current law requires the Florida Building Commission (Commission) to revise the Florida Building Code every 3 years to automatically adopt the most recent versions of the International Code Council I-Codes (I-Codes) and the International Energy Conservation Code (IECC) into the foundation of the Florida Building Code. Additionally, under current law, amendments and modifications to the Florida Building Code only remain in effect until the effective date of a new edition of the Florida Building Code.

Under the new process, the Commission will start with the current Florida Building Code and evaluate the changes made in the I-Codes and the IECC and adopt the changes the Commission deems appropriate. However, the Commission must maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction. If amendments or modifications are made to the Florida Building Code, those amendments and modifications will be carried forward until the next edition of the Florida Building Code. The Florida Building Code updating process will remain on a 3-year cycle.

The proposed bill also requires the Commission to adopt the Florida Building Code by a three-fourths vote of the members present.

II. Present Situation:

The Florida Building Code and the Florida Building Commission

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code that would ensure minimum standards for the public's health and safety. Four separate model codes were available that local governments could consider and adopt. In that system, the state's role was limited to adopting all or relevant parts of new editions

of the four model codes. Local governments could amend and enforce their local codes as they desired.¹

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. 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 2000 Legislature authorized implementation of the Florida Building Code, and that first edition replaced all local codes on March 1, 2002. In 2004, for the second edition of the Florida Building Code, the state adopted the International Code Council's I-Codes.² All subsequent Florida Building Codes have been adopted utilizing the I-Codes as the base code. The most recent Florida Building Code is the fifth edition which is referred to as the 2014 Florida Building Code. The 2014 Florida Building Code went into effect June 30, 2015.³

The Commission was statutorily created to implement the Florida Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 27-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.⁴

Most substantive issues before the Commission are vetted through a workgroup process where consensus recommendations are developed and submitted by appointed representative stakeholder groups in an open process with several opportunities for public input.

According to the Commission,

General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100 percent acceptance or support is not achievable, final decisions require at least 75 percent favorable vote of all members present and voting.⁵

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 18, 2017).

² The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." The ICC publishes I-Codes: a complete set of model comprehensive, coordinated building safety and fire prevention codes, for all aspects of construction, that have been developed by ICC members. All 50 states have adopted the I-Codes.

³ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Jan. 18, 2017).

⁴ Section 553.74, F.S.

⁵ Florida Building Commission, Florida Building Commission Consensus-Building Process, available at http://www.floridabuilding.org/fbc/commission/FBC_0608/Commission/FBC_Discussion_and_Public_Input_Processes.htm (last visited Jan. 18, 2017).

Building Code Cycle

Pursuant to s. 553.73(7)(a), F.S., the Commission must update the Florida Building Code every 3 years. When updating the Florida Building Code, the Commission is required to use the most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, the International Residential Code, and the International Electrical Code. These I-Codes form the foundation codes of the updated Florida Building Code.

Any amendments or modifications to the foundation codes found within the Florida Building Code remain in effect only until the effective date of a new edition of the Florida Building Code, every 3 years.⁶ At that point, the amendments or modifications to the foundation codes are removed, unless the amendments or modifications are related to state agency regulations or are related to the wind-resistance design of buildings and structures within the high-velocity hurricane zone of Miami-Dade and Broward Counties, which are carried forward into the next edition of the Florida Building Code.

When a provision of the current Florida Building Code is not part of the foundation codes, an industry member or another interested party must resubmit the provision to the Commission during the Florida Building Code adoption process in order to be considered for the next edition of the Florida Building Code.⁷

Amendments between Cycles

Section 553.73(8), F.S., authorizes the Commission to approve amendments pursuant to the rule adoptions procedure in ch. 120, F.S., which are needed to address:

- Conflicts within the updated Florida Building Code;
- Conflicts between the updated Florida Building Code and the Florida Fire Prevention Code adopted pursuant to ch. 633, F.S.;
- Unintended results from the integration of the previously adopted Florida-specific amendments;
- Equivalency of standards;
- Changes to or inconsistencies with federal or state law; or
- Adoption of an updated edition of the National Electrical Code if the Commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

However, the Commission may not approve amendments that would weaken the construction requirements relating to wind resistance or the prevention of water intrusion.

The Commission may also approve technical amendments to the Florida Building Code once a year for statewide or regional application if the amendment:⁸

- Is needed in order to accommodate the specific needs of Florida.

⁶ Section 553.73(7)(g), F.S.

⁷ Section 553.73(7)(g), F.S.

⁸ Section 553.73(9), F.S.

- Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
- Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
- Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
- Does not degrade the effectiveness of the Florida Building Code.

The 6th Edition of the Florida Building Code

The Commission is currently conducting its rule development process for the 6th edition of the Florida Building Code. Under s. 553.73(7)(e), F.S., a rule updating the Florida Building Code does not take effect until 6 months after the publication of the updated Florida Building Code. The 6th edition of the Florida Building Code is tentatively expected to go into effect on December 31, 2017.⁹

The 6th edition of the Florida Building Code will incorporate the latest version of the I-Codes (2015). The next edition of the I-Codes will be the 2018 I-Codes.

Voting Processes for the Technical Advisory Committees and the Commission

Under s. 553.73(3)(b), F.S., in order for a technical advisory committee to make a favorable recommendation to the Commission, the proposal must receive a three-fourths vote of the members present at the meeting, and at least half of the regular members must be present in order to conduct the meeting.

The Florida Administrative Code, under 61G20-2.002(7), F.A.C., provides a similar requirement for votes taken by the Commission. Specifically, the provision provides that “The decision of the Commission to approve a proposed amendment shall be by 75% vote. Those proposals failing to meet the vote requirement shall not be adopted.”

III. Effect of Proposed Changes:

Section 1 amends s. 553.73, F.S., to require the Commission to use the 6th edition of the Florida Building Code as the foundation for the Florida Building Code. The Commission is required to consider whether the Florida Building Code needs to be revised and to adopt code revisions by rule. When evaluating potential revisions to the Florida Building Code, the Florida Building Commission shall review, rather than automatically adopt, the I-Codes every 3 years. The Commission shall also review the International Energy Conservation Code; however, the Commission must maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction pursuant to s. 553.901, F.S.

⁹ 6th Edition (2017) FBC Code Update Development Tasks, *available at* http://www.floridabuilding.org/fbc/thecode/2017_Code_Development/Timelines/FBC_WorkplanOption1-2015.pdf (Last visited Jan. 18, 2017).

Amendments and modifications, other than local amendments under s. 553.73(4), F.S., to the Florida Building Code will now remain effective when a new edition of the Florida Building Code is published.

The bill removes references to Florida-specific amendments because the entire building code will now be Florida-specific. The bill also makes other conforming and clarifying changes in terminology.

Section 2 amends s. 553.76, F.S., to require the Commission to adopt the Florida Building Code, and amendments thereto, by a three-fourths vote of the members present.

Section 3 provides an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Builders and building code officials may benefit from the increased continuity of the Florida Building Code and increased transparency of the code adoption process.

C. Government Sector Impact:

The Commission will have to review each change to the I-Codes and the IECC individually rather than approving wholesale changes to the Florida Building Code.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 553.73 and 553.76 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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2017	.	
	.	
	.	
	.	

The Committee on Community Affairs (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (3), (7), and (8) of section 553.73,
Florida Statutes, and paragraphs (a) and (b) of subsection (9)
of that section, are amended to read:

553.73 Florida Building Code.—

(3) The commission shall use the 6th edition, and
subsequent editions, of the Florida Building Code as the



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~~International Codes published by the International Code Council,~~
~~the National Electric Code (NFPA 70), or other nationally~~
~~adopted model codes and standards needed to develop the base~~
~~code in Florida to form the foundation for the development of~~
~~and updates to the Florida Building Code. The Florida Building~~
commission may approve technical amendments to the code as
provided in, ~~subject to~~ subsections (8) and (9), ~~after the~~
~~amendments have been~~ subject to all of the following conditions:

(a) The proposed amendment must have ~~has~~ been published on
the commission's website for a minimum of 45 days and all the
associated documentation must have ~~has~~ been made available to
any interested party before ~~any~~ consideration by a technical
advisory committee. ~~†~~

(b) In order for a technical advisory committee to make a
favorable recommendation to the commission, the proposal must
receive a three-fourths vote of the members present at the
~~technical advisory committee meeting.~~ and At least half of the
regular members must be present in order to conduct a meeting. ~~†~~

(c) After the technical advisory committee has considered
and recommended ~~consideration and a recommendation for~~ approval
of any proposed amendment, the proposal must be published on the
commission's website for at least 45 days before ~~any~~
consideration by the commission. ~~† and~~

(d) A proposal may be modified by the commission based on
public testimony and evidence from a public hearing held in
accordance with chapter 120.

The commission shall incorporate within ~~sections of~~ the Florida
Building Code provisions that ~~which~~ address regional and local



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concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(7)(a) The commission, by rule ~~adopted pursuant to ss. 120.536(1) and 120.54~~, shall review ~~update~~ the Florida Building Code every 3 years to consider whether it needs to be revised. The commission shall adopt code revisions by rule. When evaluating potential revisions to ~~updating~~ the Florida Building Code, the commission shall review ~~select~~ the most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are adopted by the International Code Council, and the National Electrical Code, which is adopted by the National Fire Protection Association, ~~to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the applicable model code entity~~. The commission shall also review ~~select~~ the most current version of the International Energy Conservation Code (IECC) ~~as a foundation code~~; however, ~~the IECC shall be modified by~~ the commission must ~~to~~ maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901.

(b) Codes regarding noise contour lines shall be reviewed annually, and the most current federal guidelines shall be adopted.

(c) The commission may adopt as a technical amendment to the Florida Building Code ~~modify~~ any portion of the ~~foundation~~ codes identified in paragraph (a) only as needed to accommodate



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the specific needs of this state. Standards or criteria adopted from such ~~referenced by the~~ codes shall be incorporated by reference to the specific provisions of such codes which are adopted. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3)(a)-(d). Amendments that ~~to the foundation codes~~ ~~which~~ are adopted in accordance with this subsection shall be clearly marked in printed versions of the Florida Building Code so that the fact that the provisions are ~~Florida-specific~~ amendments ~~to the foundation codes~~ is readily apparent.

(d) The commission shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to ~~modify the foundation codes to~~ accommodate the specific needs of the state. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.



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(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the Florida Building Code foundation codes, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

~~(g) Amendments or modifications to the foundation code pursuant to this subsection shall remain effective only until the effective date of a new edition of the Florida Building Code every third year. Amendments or modifications related to state agency regulations which are adopted and integrated into an edition of the Florida Building Code shall be carried forward into the next edition of the code, subject to modification as provided in this part. Amendments or modifications related to the wind resistance design of buildings and structures within the high-velocity hurricane zone of Miami-Dade and Broward Counties which are adopted to an edition of the Florida Building Code do not expire and shall be carried forward into the next edition of the code, subject to review or modification as provided in this part. If amendments that expire pursuant to this paragraph are resubmitted through the Florida Building commission code adoption process, the amendments must~~



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~~specifically address whether:~~

~~1. The provisions contained in the proposed amendment are addressed in the applicable international code.~~

~~2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.~~

~~3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.~~

~~If the proposed amendment has been addressed in the international code in a substantially equivalent manner, the Florida Building commission may not include the proposed amendment in the foundation Code.~~

(8) Notwithstanding ~~the provisions of~~ subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code pursuant ~~only~~ to the rule adoption procedures ~~contained~~ in chapter 120. ~~Provisions of The Florida Building Code, including provisions those~~ contained in referenced standards and criteria which relate, ~~relating~~ to wind resistance or the prevention of water intrusion, may not be amended pursuant to this subsection to diminish those standards ~~construction requirements~~; however, the commission may, ~~subject to conditions in this subsection,~~ amend the Florida Building Code ~~the provisions~~ to enhance such standards ~~those construction requirements~~. Following the approval of any amendments to the Florida Building Code by the commission and publication of the



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amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

- (a) Conflicts within the updated code;
- (b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;
- (c) Unintended results from the integration of previously adopted ~~Florida-specific~~ amendments with the model code;
- (d) Equivalency of standards;
- (e) Changes to or inconsistencies with federal or state law; or
- (f) Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

- 1. Is needed in order to accommodate the specific needs of this state.
- 2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
- 3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
- 4. Does not discriminate against materials, products,



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methods, or systems of construction of demonstrated capabilities.

5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the code ~~foundation codes~~ to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the ~~foundation~~ code beyond the needs or regional variations addressed by the ~~foundation~~ code and why the proposed amendment applies to this state.

Section 2. Subsection (2) of section 553.76, Florida Statutes, is amended to read:



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553.76 General powers of the commission.—The commission is authorized to:

(2) Issue memoranda of procedure for its internal management and control. The commission may adopt rules related to its consensus-based decisionmaking process, including, but not limited to, super majority voting requirements ~~for commission actions relating to the adoption of the Florida Building Code or amendments to the code.~~ However, the commission must adopt the Florida Building Code, and amendments thereto, by at least a three-fourths vote of the members present at a meeting.

Section 3. This act shall take effect July 1, 2017.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Florida Building Commission; amending s. 553.73, F.S.; requiring the commission to use the 6th edition, and subsequent editions, of the Florida Building Code as the foundation for the development of and updates to the code; requiring the commission to review, rather than update, the Florida Building Code every 3 years; deleting a provision that specifies how long amendments or modifications to the foundation remain effective; deleting provisions limiting how long an amendment or modification is effective; deleting a provision requiring certain



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243 amendments or modifications to be carried forward into
244 the next edition of the code, subject to certain
245 conditions; deleting certain requirements for the
246 resubmission of expired amendments; deleting a
247 provision prohibiting a proposed amendment from being
248 included in the foundation if it has been addressed in
249 the international code; conforming provisions to
250 changes made by the act; amending s. 553.76, F.S.;
251 requiring the commission to adopt the Florida Building
252 Code, and amendments thereto, by a minimum percentage
253 of votes; providing an effective date.

FOR CONSIDERATION By the Committee on Community Affairs

578-00348B-17

20177000pb

A bill to be entitled
An act relating to the Florida Building Commission;
amending s. 553.73, F.S.; requiring the commission to
use the most recent published edition of the Florida
Building Code as the foundation code; requiring the
commission to review, rather than update, the Florida
Building Code every 3 years; deleting a provision that
specifies how long amendments or modifications to the
foundation code remain effective; deleting a provision
prohibiting a proposed amendment from being included
in the foundation code if it has been addressed in the
international code; conforming provisions to changes
made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (3), (7), and (8) of section 553.73,
Florida Statutes, and paragraphs (a) and (b) of subsection (9)
of that section, are amended to read:

553.73 Florida Building Code.—

(3) The commission shall use the 6th edition, and
subsequent editions, of the Florida Building Code as the
~~International Codes published by the International Code Council,~~
~~the National Electric Code (NFPA 70), or other nationally~~
~~adopted model codes and standards needed to develop the base~~
~~code in Florida to form the foundation for the development of~~
and updates to the Florida Building Code. The ~~Florida Building~~
commission may approve technical amendments to the code as
provided in, ~~subject to~~ subsections (8) and (9), ~~after the~~
~~amendments have been~~ subject to all of the following conditions:

(a) The proposed amendment must have ~~has~~ been published on
the commission's website for a minimum of 45 days and all the

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20177000pb

33 associated documentation must have ~~has~~ been made available to
34 any interested party before ~~any~~ consideration by a technical
35 advisory committee.~~†~~

36 (b) In order for a technical advisory committee to make a
37 favorable recommendation to the commission, the proposal must
38 receive a three-fourths vote of the members present at the
39 ~~technical advisory committee~~ meeting. and At least half of the
40 regular members must be present in order to conduct a meeting.~~†~~

41 (c) After the technical advisory committee has considered
42 and recommended ~~consideration and a recommendation for~~ approval
43 of any proposed amendment, the proposal must be published on the
44 commission's website for at least 45 days before ~~any~~
45 consideration by the commission.~~†~~ ~~and~~

46 (d) A proposal may be modified by the commission based on
47 public testimony and evidence from a public hearing held in
48 accordance with chapter 120.

49
50 The commission shall incorporate within ~~sections of~~ the Florida
51 Building Code provisions that ~~which~~ address regional and local
52 concerns and variations. The commission shall make every effort
53 to minimize conflicts between the Florida Building Code, the
54 Florida Fire Prevention Code, and the Life Safety Code.

55 (7)(a) The commission, by rule ~~adopted pursuant to ss.~~
56 ~~120.536(1) and 120.54~~, shall review ~~update~~ the Florida Building
57 Code every 3 years to consider whether it needs to be revised.
58 The commission shall adopt code revisions by rule. When
59 evaluating potential revisions to ~~updating~~ the Florida Building
60 Code, the commission shall review ~~select~~ the most current
61 version of the International Building Code, the International

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Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are adopted by the International Code Council, and the National Electrical Code, which is adopted by the National Fire Protection Association, ~~to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the applicable model code entity.~~ The commission shall also review ~~select~~ the most current version of the International Energy Conservation Code (IECC) ~~as a foundation code;~~ however, ~~the IECC shall be modified by~~ the commission must ~~to~~ maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901.

(b) Codes regarding noise contour lines shall be reviewed annually, and the most current federal guidelines shall be adopted.

(c) The commission may adopt as a technical amendment to the Florida Building Code ~~modify~~ any portion of the ~~foundation codes~~ identified in paragraph (a) only as needed to accommodate the specific needs of this state. Standards or criteria adopted from such ~~referenced by the~~ codes shall be incorporated by reference to the specific provisions of such codes which are adopted. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3) (a)-(d). Amendments that ~~to the foundation codes~~

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91 ~~which~~ are adopted in accordance with this subsection shall be
92 clearly marked in printed versions of the Florida Building Code
93 so that the fact that the provisions are ~~Florida-specific~~
94 ~~amendments to the foundation codes~~ is readily apparent.

95 (d) The commission shall further consider the commission's
96 own interpretations, declaratory statements, appellate
97 decisions, and approved statewide and local technical amendments
98 and shall incorporate such interpretations, statements,
99 decisions, and amendments into the updated Florida Building Code
100 only to the extent that they are needed to ~~modify the foundation~~
101 ~~codes to~~ accommodate the specific needs of the state. A change
102 made by an institute or standards organization to any standard
103 or criterion that is adopted by reference in the Florida
104 Building Code does not become effective statewide until it has
105 been adopted by the commission. Furthermore, the edition of the
106 Florida Building Code which is in effect on the date of
107 application for any permit authorized by the code governs the
108 permitted work for the life of the permit and any extension
109 granted to the permit.

110 (e) A rule updating the Florida Building Code in accordance
111 with this subsection shall take effect no sooner than 6 months
112 after publication of the updated code. Any amendment to the
113 Florida Building Code which is adopted upon a finding by the
114 commission that the amendment is necessary to protect the public
115 from immediate threat of harm takes effect immediately.

116 (f) Provisions of the Florida Building Code ~~foundation~~
117 ~~codes~~, including those contained in referenced standards and
118 criteria, relating to wind resistance or the prevention of water
119 intrusion may not be modified to diminish those construction

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requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

(g) ~~Amendments or modifications to the foundation code pursuant to this subsection shall remain effective only until the effective date of a new edition of the Florida Building Code every third year.~~ Amendments or modifications related to state agency regulations which are adopted and integrated into an edition of the Florida Building Code shall be carried forward into the next edition of the code, subject to modification as provided in this part. Amendments or modifications related to the wind-resistance design of buildings and structures within the high-velocity hurricane zone of Miami-Dade and Broward Counties which are adopted to an edition of the Florida Building Code do not expire and shall be carried forward into the next edition of the code, subject to review or modification as provided in this part. If amendments that expire pursuant to this paragraph are resubmitted through the ~~Florida Building~~ commission code adoption process, the amendments must specifically address whether:

1. The provisions contained in the proposed amendment are addressed in the applicable international code.

2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the ~~foundation~~ code beyond the needs or regional variations addressed by the ~~foundation~~ code, and why the proposed amendment applies to this state.

3. The proposed amendment was submitted or attempted to be included in the code ~~foundation codes~~ to avoid resubmission to

578-00348B-17

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the Florida Building Code amendment process.

~~If the proposed amendment has been addressed in the international code in a substantially equivalent manner, the Florida Building Commission may not include the proposed amendment in the foundation Code.~~

(8) Notwithstanding ~~the provisions of~~ subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code pursuant ~~only~~ to the rule adoption procedures ~~contained~~ in chapter 120. ~~Provisions of The Florida Building Code, including provisions those~~ contained in referenced standards and criteria which relate, ~~relating~~ to wind resistance or the prevention of water intrusion, may not be amended pursuant to this subsection to diminish those standards ~~construction requirements~~; however, the commission may, ~~subject to conditions in this subsection,~~ amend the Florida Building Code ~~the provisions~~ to enhance such standards ~~those construction requirements~~. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

(a) Conflicts within the updated code;

(b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;

(c) Unintended results from the integration of previously adopted ~~Florida-specific~~ amendments with the model code;

(d) Equivalency of standards;

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20177000pb

(e) Changes to or inconsistencies with federal or state law; or

(f) Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(9) (a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.

2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.

3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.

4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.

5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s.

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207 553.775(3)(c), but only to the extent that the incorporation of
208 interpretations is needed to modify the code ~~foundation codes~~ to
209 accommodate the specific needs of this state. Amendments
210 approved under this paragraph shall be adopted by rule after the
211 amendments have been subjected to subsection (3).
212

213 (b) A proposed amendment must include a fiscal impact
214 statement that documents the costs and benefits of the proposed
215 amendment. Criteria for the fiscal impact statement shall be
216 established by rule by the commission and shall include the
217 impact to local government relative to enforcement, the impact
218 to property and building owners, and the impact to industry,
219 relative to the cost of compliance. The amendment must
220 demonstrate by evidence or data that the state's geographical
221 jurisdiction exhibits a need to strengthen the ~~foundation~~ code
222 beyond the needs or regional variations addressed by the
223 ~~foundation~~ code and why the proposed amendment applies to this
224 state.

225 Section 2. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/17

Meeting Date

Topic

BUILDING CODE

Bill Number

SPB 7000

(if applicable)

Name

MIKE HUEY

Amendment Barcode

(if applicable)

Job Title

Address

1125 CARRAGE RD

Street

Phone

850/251-0101

TLH

FL

32312

City

State

Zip

E-mail

Speaking:

☐

For

☐

Against

☒

Information

Representing

FL. ASSN OF THE AM. INSTITUTE OF ARCHITECTS

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-16
Meeting Date

Topic Florida Building Code

Bill Number 7000
(if applicable)

Name Natalee King

Amendment Barcode _____
(if applicable)

Job Title VP / COO

Address 235 W Brandon Blvd #640

Phone 813 924 8218

Brandon FL 33511
City State Zip

E-mail Natalee.Draconis@HighlandHomes.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Highland Homes

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-17

Meeting Date

Topic BUILDING CODES

Bill Number SB 7000
(if applicable)

Name CAM FENTRISS

Amendment Barcode 641648
(if applicable)

Job Title LEG. COUNSEL

Address 1400 VILLAGE SQUARE # 3-243
Street

Phone 850-222-2772

TALE FL 32312
City State Zip

E-mail AFENTRISS@AOL.COM

Speaking: ☒ For ☐ Against ☐ Information

Representing FCA ROOFING & SHEET METAL CONTRACTORS ASSN

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/2017
Meeting Date

7000
Bill Number (if applicable)

Topic FLORIDA BUILDING CODE

Amendment Barcode (if applicable)

Name DAVID RAMBA

Job Title RAMBA LAW GROUP

Address 120 S. MONROE ST.

Phone 850-727-7087

Street

TAMPA
City

FL
State

32301
Zip

Email _____

Speaking: ☐ For ☒ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing BUILDING OFFICIALS ASSOCIATION OF FL.
INTERNATIONAL CODE COUNCIL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-19
Meeting Date

Topic Building Code Process
Name KARE HEBRANK

Bill Number SPB 7000
(if applicable)

Amendment Barcode _____
(if applicable)

Job Title _____

Address 113 EAST COURAGE AVE.
Street
TALLAHASSEE FL 32301
City State Zip

Phone 566-7824

E-mail _____

Speaking: ☒ For ☐ Against ☐ Information

Representing FLORIDA HOME BUILDERS ASSOC; NUCA OF FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-17

Meeting Date

Topic BUILDING CODES

Bill Number SB 2000
(if applicable)

Name CAM FENTRISS

Amendment Barcode 641648
(if applicable)

Job Title LOBBYIST

Address 1400 VILLAGE SQUARE #3-243 Phone 850-222-2772

Street

TALL
City

FL
State

32312
Zip

E-mail AFENTRISS@AOL.COM

Speaking: ☒ For ☐ Against ☐ Information

Representing FLA. REFRIGERATION & AIR CONDITIONING CONTRACTORS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24 / 2017

Meeting Date

Topic Florida Building Code

Bill Number 7000

(if applicable)

Name Eric Prutsman

Amendment Barcode _____

(if applicable)

Job Title _____

Address P.O. Box 10448

Phone _____

Street

Tallahassee

FL

3230

City

State

Zip

E-mail _____

Speaking:

☐

For

☒

Against

☐

Information

Representing

Florida Fire Chiefs Association & Florida Fire Marshals & Inspectors Association

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

1/24/17
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 7000
Bill Number (if applicable)

Topic Florida Bldg Code

Amendment Barcode (if applicable)

Name Deborah Lawson

Job Title _____

Address PO Box 12277
Street

Phone 850-570-0033

Tallahassee FL 32310
City State Zip

Email ~~deborah.lawson@flsenate.gov~~
lawson.deborah.e@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Ha Roof Deck Assn.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/24/17

Meeting Date

Topic Building Code Process

Bill Number PSB-7006

(if applicable)

Name Rusty Payton

Amendment Barcode _____

(if applicable)

Job Title CEO Florida Home Builders Assn.

Address 2600 Centennial Parkway

Street

Phone 850-567-1073

Tallahassee FL 32317

City

State

Zip

E-mail rpayton@fhba.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Home Builders Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SPB 7000
FINAL ACTION: Submitted as Committee Bill
MEETING DATE: Tuesday, January 24, 2017
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 Community Affairs

BILL: SPB 7002

INTRODUCER: For consideration by Community Affairs Committee

SUBJECT: OGSR/Donor Information/Publicly Owned Performing Arts Center

DATE: January 17, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Present	Yeatman		Pre-meeting

I. Summary:

SPB 7002 eliminates the scheduled repeal of the current public records exemption for identifying information provided by a donor or a prospective donor to a publicly owned performing arts center if the donor or prospective donor wishes to remain anonymous. Such information includes the name, address, or telephone number of the donor or prospective donor. As a result, if the bill passes, this information will continue to be exempt from public disclosure.

The bill requires a majority vote for passage and takes effect on October 1, 2017.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ An exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

The Open Government Sunset Review Act (OGSR) prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

Under the OGSR the purpose and necessity of reenacting the exemption are reviewed. Specific questions are enumerated for consideration under the review.¹⁷ The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁸ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁹

Examples of Existing Exemptions for Donors or Prospective Donors

<i>Entity</i>	<i>Exemption</i>	<i>Florida Statute</i>	<i>Status</i>
Enterprise Florida, Inc.	Identity of donor or prospective donor who desires to remain anonymous and all identifying information	s. 11.45(3)(i)	Confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.
Florida Development Finance Corporation, Inc.	Identity of donor or prospective donor who desires to remain anonymous and all identifying information	s. 11.45(3)(j)	Confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.
Cultural Endowment Program (Department of State)	Information which, if released, would identify donors and amounts contributed.	s. 265.605(2)	Confidential and exempt from s. 119.07(1), F.S.

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one Legislature cannot bind a future Legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

¹⁷ Section 119.15(6)(a), F.S.

¹⁸ FLA. CONST., art. I, s. 24(c).

¹⁹ Section 119.15(7), F.S.

<i>Entity</i>	<i>Exemption</i>	<i>Florida Statute</i>	<i>Status</i>
	Information which, if released, would identify prospective donors.		
Direct Support Organization (DSO) (University of West Florida)	Identity of donor or prospective donor of property to a DSO who desires to remain anonymous, and all identifying information.	s. 267.1732(8)	Confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.
Citizen Support Organization (CSO) (Fish and Wildlife Conservation Commission)	Identity of donor or prospective donor to a CSO who desires to remain anonymous and all identifying information.	s. 379.223(3)	Confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.
Florida Agricultural Center and Horse Park Authority (Department of Agriculture and Consumer Services)	Identity of donor or prospective donor who desires to remain anonymous and all identifying information.	s. 570.686	Confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution.
John and Mable Ringling Museum of Art Direct Support Organization (Florida State University)	Information that, if released, would identify donors who wish to remain anonymous or prospective donors who wish to remain anonymous when the DSO has identified the prospective donor and has not obtained the name in another manner.	s. 1004.45(2)(h)	Confidential and exempt from s. 119.07(1), F.S.
Florida Prepaid College Board Direct Support Organization	Identity of donors who wish to remain anonymous. Any sensitive, personal information regarding contract beneficiaries, including identity.	s. 1009.983(4)	Confidential and exempt from s. 119.07(1) and s. 24(a), Art. I, State Constitution.

Publicly Owned Performing Arts Centers in Florida

Section 265.7015, F.S., defines the term “publicly owned performing arts center” as:

a facility consisting of at least 200 seats, owned and operated by a county, municipality, or special district, which is used and occupied to promote development of any or all of the performing, visual, or fine arts or any or all matters relating thereto and to encourage and cultivate public and professional knowledge and appreciation of the arts.

If a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center desires to remain anonymous, information that would identify the name,

address, or telephone number of that donor or prospective donor is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.²⁰

If s. 265.7015, F.S., is not reenacted by the Legislature, it will be repealed on October 2, 2017.²¹

Florida has dozens of performing arts centers located throughout the state, and their ownership, management, and financing varies widely according to information on their websites.

A statewide study completed in 2009 found that Florida's nonprofit arts and culture industry generated \$3.1 billion in economic activity, including:

- 88,236 full time equivalent jobs;
- \$2.057 billion in resident household income;
- \$196 million in local government revenue; and
- \$249 million in state government revenue.²²

OGSR Survey and Results

From June to September of 2016, Senate and House professional staff, in conjunction with the Division of Cultural Affairs of the Department of State, sent out a survey to publicly owned performing arts centers to ascertain if s. 265.7015, F.S., remains necessary, pursuant to the OGSR.²³ Four publicly owned performing arts centers responded to the survey.

The surveys revealed that publicly owned performing arts centers normally received requests for anonymity at the time of donation and that donors and prospective donors had chosen anonymity on several occasions. Most publicly owned performing arts centers appeared to collect only contact information from the donors and prospective donors such as their name, address, or phone number. One publicly owned performing arts center defined a donor as "one who is making or has made a contribution" and a prospective donor as "one who is or has been identified as one with the potential to make a contribution."

Each of the publicly owned performing arts centers that responded to the survey believed that the exemption encouraged donations by ensuring the information provided by the donor or prospective donor remained confidential and exempt and stated that the public records exemption should be reenacted.

III. Effect of Proposed Changes:

Section 1 amends s. 265.7015, F.S., by deleting the scheduled repeal of the public records exemption. As a result, the covered records will remain exempt from disclosure.

²⁰ Section 265.7015(2), F.S.

²¹ Section 265.7015(3), F.S.

²² Division of Cultural Affairs of the Department of State, Arts and Economic Prosperity III: The Economic Impact of Nonprofit Arts and Culture Organizations and Their Audiences in the State of Florida, *available at* <http://dos.myflorida.com/cultural/info-and-opportunities/resources-by-topic/economic-impact-of-the-arts>. (Last visited January 17, 2017)

²³ The surveys are on file with the Senate Committee on Community Affairs.

Section 2 provides an effective date of October 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public records exemption. If an exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. The bill does not create or expand a public records exemption, therefore it does not require a two-thirds vote for final passage.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Donors or prospective donors to publicly owned performing arts centers have the option of requesting anonymity, which may encourage more private entities to donate to these facilities.

C. Government Sector Impact:

This public records exemption may encourage donations and therefore result in a financial gain to counties and municipalities that own and operate publicly owned performing arts centers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 265.7015 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.

FOR CONSIDERATION By the Committee on Community Affairs

578-00323-17

20177002pb

A bill to be entitled
An act relating to a review under the Open Government
Sunset Review Act; amending s. 265.7015, F.S., which
provides an exemption from public records requirements
for information that identifies a donor or prospective
donor of a donation made for the benefit of a publicly
owned performing arts center if the donor desires to
remain anonymous; removing the scheduled repeal of the
exemption; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 265.7015, Florida Statutes, is amended
to read:

265.7015 Confidentiality of certain donor information;
~~related to a publicly owned performing arts centers center.~~

(1) As used in this section, the term "publicly owned
performing arts center" means a facility consisting of at least
200 seats, owned and operated by a county, municipality, or
special district, which is used and occupied to promote
development of any or all of the performing, visual, or fine
arts or any or all matters relating thereto and to encourage and
cultivate public and professional knowledge and appreciation of
the arts.

(2) If a donor or prospective donor of a donation made for
the benefit of a publicly owned performing arts center desires
to remain anonymous, information that would identify the name,
address, or telephone number of that donor or prospective donor
is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
I of the State Constitution.

~~(3) This section is subject to the Open Government Sunset
Review Act in accordance with s. 119.15 and shall stand repealed~~

578-00323-17

20177002pb

~~on October 2, 2017, unless reviewed and saved from repeal
through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2017.

CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Senate Meeting on Community Affairs **Judge:**

Started: 1/24/2017 10:01:16 AM

Ends: 1/24/2017 11:59:05 AM

Length: 01:57:50

10:01:20 AM Meeting called to order
10:01:23 AM Roll Call
10:01:36 AM Quorum Present
10:02:11 AM Tab 1
10:04:22 AM Any comments?
10:04:44 AM Senator Lee calls upon the Department of Economic Opportunity, Cissy Proctor
10:04:53 AM Cissy Proctor, representing DEO
10:11:20 AM Senator Lee
10:11:39 AM Senator Clemens questions
10:11:53 AM Ms.Proctor answers
10:13:18 AM Ms.Proctor continues presentation
10:15:56 AM Questions?
10:16:08 AM Senator Clemens questions
10:16:18 AM Ms.Proctor answers
10:18:08 AM Questions?
10:18:15 AM Senator Brandes questions
10:18:54 AM Senator Lee questions
10:21:27 AM Senator Lee
10:21:46 AM Ms.Proctor
10:23:19 AM Senator Lee
10:23:45 AM Ms.Proctor
10:24:59 AM Senator Lee
10:25:04 AM Ms.Proctor
10:25:24 AM Senator Lee
10:25:58 AM Ms.Proctor
10:26:54 AM Questions?
10:27:03 AM Senator Lee thanks Ms.Proctor
10:27:17 AM Senator Lee welcomes Thomas Hawkins
10:27:31 AM Thomas Hawkins, representing 100 Friends of Florida
10:35:45 AM Senator Clemens questions
10:35:54 AM Mr.Hawkins answers
10:36:20 AM Senator Simmons questions
10:36:28 AM Mr.Hawkins
10:37:01 AM Senator Simmons
10:37:12 AM Further questions?
10:37:25 AM Senator Rodriguez questions?
10:38:05 AM Mr.Hawkins answers
10:38:57 AM Senator Rodriguez
10:39:04 AM Mr.Hawkins
10:39:47 AM Senator Perry
10:40:03 AM Mr.Hawkins
10:40:54 AM Senator Perry
10:41:01 AM Mr.Hawkins
10:42:50 AM Questions?
10:42:56 AM Senator Simmons
10:44:06 AM Mr.Hawkins
10:45:50 AM Senator Simmons
10:46:17 AM Mr.Hawkins
10:47:44 AM Senator Lee
10:47:50 AM Mr.Hawkins
10:49:03 AM Questions?
10:49:11 AM Senator thanks Mr.Hawkins

10:49:33 AM Senator Lee welcomes David Powell
10:50:01 AM David Powell, representing Florida Association of Community Developers
10:59:03 AM Senator Lee questions
10:59:12 AM Mr.Powell
11:01:15 AM Senator Lee
11:01:20 AM Mr.Powell
11:08:36 AM Questions?
11:08:45 AM Senator Simmons questions
11:10:07 AM Mr.Powell
11:12:25 AM Senator Simmons
11:13:22 AM Mr.Powell
11:13:30 AM Further Questions?
11:13:42 AM Senator Lee thanks Mr.Powell
11:14:08 AM Senator Lee welcomes David Cruz
11:14:42 AM David Cruz, Assistant General Counsel representing Florida League of Cities
11:23:10 AM Senator Clemens questions
11:23:48 AM Mr.Powell
11:25:57 AM Questions?
11:26:11 AM Senator Lee thanks Mr.Cruz
11:26:32 AM Senator Lee welcomes Senator Lee Constantine
11:26:51 AM Senator Lee Constantine representing Florida Association of Counties
11:35:45 AM Questions?
11:36:39 AM Senator Lee questions
11:37:41 AM Senator Lee Constantine
11:37:47 AM Senator Simmons
11:37:55 AM Senator Lee Constantine
11:38:42 AM Senator Perry
11:40:47 AM Further Questions?
11:40:57 AM Senator Lee Constantine comments
11:41:21 AM Senator Lee thanks Senator Lee Constantine
11:41:39 AM Tab 2
11:41:58 AM Vice Chair Senator Clemens assumes the chair
11:42:10 AM Chair Lee explains delete all amendment
11:43:34 AM Amendment barcode 641648
11:45:49 AM Questions?
11:46:08 AM Senator Clemens questions
11:46:14 AM Senator Lee
11:46:37 AM Appearance cards
11:47:24 AM Cam Fentress representing FL Refrigeration Air Conditioning Contracting
11:48:11 AM Cam Fentress representing Florida Roofing & Sheet Metal Contractors Assn.
11:49:08 AM questions?
11:49:17 AM Senator Rodriguez
11:50:06 AM Ms.Fentress responds
11:50:22 AM Natalie King representing Highland Homes
11:51:15 AM David Ramba representing Building Officials Association of FL, International Code Council
11:53:33 AM Kari Hebrank representing Florida Home Builders Association; NVCA of Florida
11:57:15 AM Mike Huey representing FL Association of the American Institute of Architects
11:57:53 AM any objection?
11:58:03 AM No objection to the amendment, as adopted
11:58:12 AM Roll Call on SB7000
11:58:38 AM Bill is reported favorably as a committee bill
11:58:58 AM Meeting Adjourned