

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 835 CS Wind-Protection Provisions of the Florida Building Code  
**SPONSOR(S):** Detert and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1232

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Growth Management Committee	10 Y, 0 N, w/CS	Grayson	Grayson
2) Local Government Council			
3) State Infrastructure Council			
4) _____			
5) _____			

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### SUMMARY ANALYSIS

HB 835 increases the authority of the Florida Building Commission to update the Florida Building Code, within the existing rule making authority, with the most recent edition from the American Society of Civil Engineers.

The bill requires the FBC to evaluate the current definition of exposure category C in the building code and make recommendations for updating the definition to the Legislature by the 2006 Regular Session.

The bill repeals the current options for designing buildings to resist internal pressures when the Florida Building Commission adopts the standards and conditions of the International Building Code or International Residential Code prohibiting such design options.

The bill instructs the Florida Building Commission evaluate the definition of exposure category C in the Florida Building Code and make recommendations for changing the definition to the Legislature.

The bill appropriates \$200,000 to the Department of Financial Services to develop a joint program between the Florida Insurance Council and the Florida Home Builders to educate builders on the benefits and options of designing buildings for windborne debris protection.

The bill provides an effective date of July 1, 2005.

## **FULL ANALYSIS**

### **I. SUBSTANTIVE ANALYSIS**

#### **A. HOUSE PRINCIPLES ANALYSIS:**

HB 835 does not appear to affect the House Principles.

#### **B. EFFECT OF PROPOSED CHANGES:**

HB 835 requires the Florida Building Commission (FBC) to adopt the most recent edition of American Society of Civil Engineers (ASCE), Standard 7 into the Florida Building Code. (See background for information on Standard 7)

The bill repeals the current options for designing buildings to resist internal pressures when the Florida Building Commission adopts the standards and conditions of the International Building Code or International Residential Code prohibiting such design options.

The bill requires the FBC to evaluate the current definition of exposure category C in the building code and make recommendations for updating the definition to the Legislature by the 2006 Regular Session. This would allow the Legislature to update the definition to the most current and/or relevant available standards on this category of location (i.e. within 1500 feet of the mean high tide line or coastal construction control line...which ever is less).

The bill appropriates \$200,000 to the Department of Financial Services to develop a joint program between the Florida Insurance Council and the Florida Home Builders to educate builders on the benefits and options of designing buildings for windborne debris protection and to develop an affidavit for verifying insurance discounts for techniques demonstrated to reduce the amount of loss during a windstorm.

#### **Background**

On February 14, 2000, the Florida Building Commission (FBC) adopted the Florida Building Code as an administrative rule and submitted it, together with proposed conforming amendments to the Florida Statutes, to the 2000 Legislature for consideration. The Code was noticed for rule adoption on February 18, 2000, in the Florida Administrative Weekly, and took effect January 1, 2001.

#### **Hurricane Protection**

The FBC established standards for hurricane protection in the Florida Building Code that are based on a national model building code, federal regulations, and standards evolving out of southeast Florida's experience with Hurricane Andrew. Specifically, for protection against hurricane waters, the Code incorporates the flood plain management standards of the Federal Emergency Management Agency's National Flood Insurance Program for the entire state. For coastal construction it incorporates the Florida "coastal building zone" storm surge protection standards for coastal construction.

For protection against hurricane winds, the Florida Building Code adopts the national model building code engineering standard. Buildings constructed in regions that are expected to experience hurricane winds of less than 120 mph must be designed to withstand external wind pressures identified for their location. Buildings constructed in regions that are expected to see hurricane winds of 120 mph or greater must not only be able to withstand external wind pressures but also internal pressures that may result inside a building when a window or door is broken or a hole is created in its walls or roof by large debris. Areas within one mile of the coast that experience at least 110 mph winds are also required to meet the 120 mph standards for external and internal pressures.

The Florida Building Code requires that new homes throughout the state be designed to resist external wind speeds that the American Society of Civil Engineers standard (ASCE 7-98) predicts these homes will experience sometime within a 50 to 100-year time period. In November of 1999, the Commission agreed with the developers of ASCE 7-98 and applied additional requirements in what is called the "wind-borne debris region" to ensure that buildings inside this region will also be able to withstand internal wind pressure caused by the penetration of flying debris. This region includes areas expected to experience winds of 120 mph or greater as well as areas within one mile of the coast that experience at least 110 mph winds.

C. SECTION DIRECTORY:

Section 1. Amends s. 109 of Chapter 2000-141, L.O.F. relating to the Florida Building Code.

Section 2. Repealing certain internal pressure design requirements for buildings.

Section 3. Provides instruction to the Florida Building Commission relating to definitions.

Section 4. Provides an appropriation for the Department of Financial Services.

Section 5. Provides and effective date of July 1, 2005.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

HB 835 does not appear to impact the revenue of state government.

2. Expenditures:

HB 835 does appear to impact the expenditures of state government. The bill appropriates \$200,000 to the Department of Financial Services to develop a joint program between the Florida Insurance Council and the Florida Home Builders to educate builders on the benefits and options of designing buildings for windborne debris protection and to develop an affidavit for verifying insurance discounts for techniques demonstrated to reduce the amount of loss during a windstorm.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

HB 835 does not appear to impact the revenue of local governments.

2. Expenditures:

HB 835 does not appear to impact the expenditures of local governments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

HB 835 does not appear to have an economic impact on the private sector. However, the appropriation in the bill is intended to create an education program on building techniques designed to decrease windborne debris damage to buildings that is intended to benefit the private sector.

D. FISCAL COMMENTS:

None.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

HB 835 does not expand the rule making authority of the Florida Building Commission. However, the bill does provide instruction to the commission that may require the commission to exercise its existing authority.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

On March 15, 2005, the Growth Management Committee adopted a strike-all amendment that included the following changes.

Section 1. Requires the Florida Building Commission to adopt the most current edition of the wind protection requirements of the American Society of Civil Engineers (ASCE) 7 Standard for the Minimum Design Loads for Buildings and Other Structures as the basis for structural design for wind in the Florida Building Code and removes the obsolete standard from the Laws of Florida.

Section 2. Removes the option for designing for internal pressure for buildings within the windborne debris region consistent with the International Building Code and International Residential Code and requires the Florida Building Commission to initiate rulemaking to incorporate the prohibition into the Florida Building Code when the base code is updated.

Section 3. Creates a joint program between the insurance industry and the homebuilding industry to educate contractors on the benefits and options available for designing buildings for windborne protection to reduce property loss during a windstorm and to develop a standardized affidavit for verifying insurance discounts for storm-resistant residential construction techniques.

Section 4. Requires the Florida Building Commission to evaluate the definition of "exposure category C" and make recommendations for a Florida specific definition prior to the 2006 Legislative Session.