

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 935 CS Temporary Buildings
SPONSOR(S): Benson
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u>8 Y, 0 N, w/CS</u>	<u>Smith</u>	<u>Hamby</u>
2) <u>Growth Management Committee</u>	<u>9 Y, 0 N</u>	<u>Strickland</u>	<u>Grayson</u>
3) <u>State Infrastructure Council</u>	<u></u>	<u>Strickland</u>	<u>Havlicak</u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Florida Statutes authorize the Florida Building Commission (Commission) to establish minimum standards for permitting, plan review and issuance of mandatory certificates of occupancy (administrative provisions), as well as technical standards for construction.¹ The Commission has adopted the Florida Building Code (Code), which generally applies to modular buildings and site built construction. The Code provides that buildings anticipated to be used for less than six months are entitled to different review and technical standards than permanent buildings (local building officials are authorized to extend that six month period). A different administrative standard applies to modular school buildings, which are statutorily authorized to be used for up to four years and still maintain their temporary status.² The National Flood Insurance Program provides some allowance for temporary buildings, which it defines using a 180 day time period, within flood-prone areas. Buildings in flood-prone areas for longer periods of time require foundations sufficient to withstand pressure from flood waters.

HB 935 w/CS provides that modular buildings, manufactured buildings, and factory-built buildings that do not exceed 24 months occupancy shall be considered "temporary" and shall be exempt from the soil and foundation requirements for permanent buildings contained in the Florida Building Code. Such exempt buildings are required to use a temporary foundation design that meets or exceeds the wind load capacity of the building and the soil bearing capacity of the building location. The bill allows for one additional 24 month extension on the certificate of occupancy for a temporary building.

¹ Section 553.73(4)(a), F.S., (2005).

² Section 553.415, F.S., (2005).

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government - This bill may restrict the ability of local governments to enforce safety requirements as applied to temporary buildings and reduces the number of repeated permits by increasing the time between inspections.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Statutes authorize the Florida Building Commission (Commission) to establish minimum standards for permitting, plan review and issuance of mandatory certificates of occupancy (administrative provisions), as well as technical standards for construction.³ The Commission has adopted the Florida Building Code (Code), which generally applies to modular buildings and site built construction. The Code provides that buildings anticipated to be used for less than six months are entitled to different review and technical standards than permanent buildings (local building officials are authorized to extend that six month period). A different administrative standard applies to modular school buildings, which are statutorily authorized to be used for up to four years and still maintain their temporary status.⁴ The National Flood Insurance Program provides some allowance for temporary buildings, which it defines using a 180 day time period, within flood-prone areas. Buildings in flood prone areas for longer periods of time require foundations sufficient to withstand pressure from flood-waters.

Technically, the Code provides that "[t]emporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare."⁵

The following "temporary" buildings are exempt from application of the Code:

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities shall apply to such mobile or modular structures.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.⁶

Effect of Proposed Changes

The bill provides that modular buildings, manufactured buildings⁷, and factory-built buildings⁸ that do not exceed 24 months occupancy shall be considered "temporary" and shall be exempt from the soil and foundation requirements for permanent buildings contained in the Florida Building Code. Such

³ *Supra* note 1.

⁴ *Supra* note 2.

⁵ Section 107.2, Florida Building Code, Building Volume (2004). [This section was adopted verbatim by the Commission from the International Building Code.]

⁶ Section 553.73(8), F.S., (2005).

⁷ Section 553.36(12), F.S., (2005).

⁸ Section 212.02(7), F.S., (2005). [Factory-built buildings are not defined in Ch. 553, F.S., but a definition is provided in Ch. 212, F.S.]

exempt buildings are required to use a temporary foundation design that meets or exceeds the wind load capacity of the building and the soil bearing capacity of the building location. The bill allows for one additional 24 month extension on the certificate of occupancy for a temporary building.

C. SECTION DIRECTORY:

Section 1. Adds subsection (12) to s. 553.37, F.S., amending s. 553.37, F.S., relating to manufactured buildings. The bill allows for one additional 24 month extension on the certificate of occupancy for a temporary building.

Section 2. Provides that the act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There may be a minimal fiscal impact on local governments relating to permitting by increasing the time between inspections.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Decreased costs of installation and lack of repeated permitting will result in savings to the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable, because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Department of Community Affairs proposed the following amendments to the original filed bill:

- Shortened threshold, 4 years is a long period of time to call a building temporary in general application.
- Limit the application of provision to areas outside of those governed by the flood-resistant construction requirements of the National Flood Insurance Program.
- Provision for design for anticipated loads caused by factors in addition to wind.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Local Government Council adopted one strike-all amendment on March 8, 2006. The amendment provides that modular buildings, manufactured buildings, and factory-built buildings that do not exceed 24 months occupancy shall be considered "temporary" and shall be exempt from the soil and foundation requirements for permanent buildings contained in the Florida Building Code. Such exempt buildings are required to use a temporary foundation design that meets or exceeds the wind load capacity of the building and the soil bearing capacity of the building location. The bill allows for one additional 24 month temporary permit. The bill, as amended, was reported favorably with council substitute.