

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 589  
**SPONSOR(S):** Cretul  
**TIED BILLS:**

Florida Building Code

**IDEN./SIM. BILLS:** SB 1208

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>	<u>(W/D)</u>	<u></u>	<u></u>
2) <u>Economic Expansion &amp; Infrastructure Council</u>	<u></u>	<u>Peterson</u>	<u>Tinker</u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

---

**SUMMARY ANALYSIS**

House Bill 589 clarifies that the Florida Building Commission issue formal interpretations of the Florida Building Code upon written application of any substantially affected person, a citizen, contractor, or designer, or a group representing a substantially affected person, citizen, contractor, or designer.

The bill takes effect July 1, 2007.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Section 553.73, F.S., provides for the Florida Building Code (code). The code was authorized by the 1998 Florida Legislature to be the sole document incorporating all building standards adopted by all enforcement agencies and state agencies that license different types of facilities. The code was developed and is updated and maintained by a state commission that works towards consistency of standards throughout the state and full accessibility to information on the standards.

The law established the Florida Building Commission (commission) as the body which is responsible for the development of the code and the other elements of the system which support its implementation.

The code is updated every three years by the commission. The commission may amend the code to incorporate interpretations and update standards upon a finding that delaying the application of the amendment would be contrary to the health, safety, and welfare of the public, or the amendment provides an economic advantage to the consumer.

The commission is also authorized to hear appeals from decisions of local boards regarding the interpretation of the code; issue declaratory statements relating to the code; determine the types of products requiring approval for local or statewide use and provide for the evaluation and approval of such products, materials, devices, and method of construction for statewide use.

Section 553.775, Florida Statutes, sets forth a procedure for the Florida Building Commission to review decisions of local building officials and local enforcement agencies regarding interpretations of the Florida Building Code. Local agencies retain the primary responsibility for interpreting the Florida Building Code, consistent with declaratory statements and interpretations by the commission. While anyone may petition the commission to issue a declaratory statement, review of local interpretations of the code must be appealed through the following system:

- First, the commission is directed to coordinate with the Building Officials Association of Florida, Inc. (BOAF), who have experience interpreting and enforcing code provisions, to hear requests to review local building officials' decision.
- The request to review a decision of a local building official's interpretation of the code may be initiated by any substantially affected person, who then forwards it to a panel of hearing officers and the local building official. The local building official then provides a written response to the panel and the petitioner then replies to the hearing officers addressing the information provided by the local building official. The panel has 21 days after the petition is filed to conduct a proceeding to resolve the issue and publish its interpretation. The petitioner may file an appeal of the decision to the commission with the burden of proof on the party who initiated the appeal. Such appeals shall be initiated in accordance with chapter 120 and hearings shall be conducted pursuant to the same. The final order of the commission is binding upon the parties and all jurisdictions subject to the Florida Building Code.

##### Effect of the Bill

The bill restates the requirement that the Commission render a formal interpretation of the Florida Building Code upon written application of a substantially affected party.

Specifically, the bill provides that upon written application by any substantially affected person, a citizen, contractor, or designer, or a group representing a substantially affected person, citizen, contractor, or designer, the commission shall issue or cause to be issued a formal interpretation of the Florida Building Code as prescribed by subparagraph (c)1.

C. SECTION DIRECTORY:

**Section 1** creates 553.775(d) to require the Commission to issue a formal interpretation of the Florida Building Code under certain circumstances.

**Section 2** amends s. 633.026 to correct a cross-reference.

**Section 3** provides the bill will take effect July 1, 2007.

## 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:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

D. STATEMENT OF THE SPONSOR

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**