

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 5051 PCB JEC 08-07 Department of Business and Professional Regulation  
Division of Hotels and Restaurants' Enforcement of the Florida Building Code and the Florida Fire Prevention Code

**SPONSOR(S):** Jobs & Entrepreneurship Council; Reagan

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

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Jobs & Entrepreneurship Council	17 Y, 0 N	Smith/Topp	Thorn
1) Policy & Budget Council	33 Y, 0 N	Martin	Hansen
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is charged with protecting the public health, safety, and welfare by enforcing the provisions of ch. 509, F.S., and other laws relating to the inspection and regulation of public lodging establishments and public food service establishments.

Included in these responsibilities is the requirement to provide technical assistance to the Florida Building Commission and the State Fire Marshal when construction standards are being updated and to enforce the Florida Building Code and Florida Fire Prevention Code when conducting inspections of public lodging and public food service establishments.

The bill eliminates the responsibilities of the division to work with the Florida Building Commission and the State Fire Marshal in updating and enforcing the Florida Building Code and Florida Fire Prevention Code.

This legislation will allow for a reduction in staff and related expenses of up to 3 Full Time Equivalent positions and \$250,000 from Hotel and Restaurant Trust Fund.

The effective date of the bill is July 1, 2008

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill eliminates the Division of Hotels and Restaurant's roles of assisting with the development of construction standards and enforcing the Florida Building Code and Florida Fire Prevention Code during inspections.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Currently, the division is charged with assisting with assisting the Florida Building Commission and State Fire Marshal with updating the Florida Building Code (building code) and Florida Fire Prevention Code (fire code), as they pertain to public food and lodging establishments, and enforcing the building and fire codes during inspections of public food and lodging establishments.

##### **Effect of Proposed Changes**

The bill removes the requirements for the division to provide assistance to the Florida Building Commission and the State Fire Marshal in updating and enforcing the building and fire codes.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 509.032, F.S., removing the division's involvement with the Florida Building Commission and State Fire Marshal in the development of new standards and the enforcement of the Florida Building Code and Florida Fire Prevention Code.

Section 2. Provides an effective date of July 1, 2008.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

The department estimates a reduction in expenditures of up to 3 FTE positions and \$250,000 from Hotel and Restaurant Trust Fund.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This legislation will allow the department to reduce staff up to 3 FTE and associated expenses of approximately \$250,000. The efforts of the division are duplicative of the responsibilities assigned to the State Fire Marshal at the Department of Financial Services.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

N/A

D. STATEMENT OF THE SPONSOR

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**