



Careers & Competition Subcommittee

Wednesday, October 25, 2017

4:00 PM

Webster Hall (212 Knott)

MEETING PACKET

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Careers & Competition Subcommittee

Start Date and Time: Wednesday, October 25, 2017 04:00 pm
End Date and Time: Wednesday, October 25, 2017 06:00 pm
Location: Webster Hall (212 Knott)
Duration: 2.00 hrs

Workshop on the following:

- Construction Lien Law in Florida
- Construction Industry Licensing Board

Consideration of the following bill(s):

HB 299 Florida Building Commission by McClain

Pursuant to rule 7.11, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Tuesday, October 24, 2017.

By request of Chair Beshears, all Careers & Competition Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, October 24, 2017.

NOTICE FINALIZED on 10/18/2017 3:59PM by Locke.Lindsey



The Florida House of Representatives

Commerce Committee

Careers & Competition Subcommittee

Richard Corcoran
Speaker

Halsey Beshears
Chair

AGENDA

Wednesday, October 25, 2017

212 Knott

4:00 pm – 6:00 pm

- I. Call to Order & Roll Call
- II. Welcoming Remarks
- III. Workshop on Construction Lien Law
 - Panel discussion with industry members on Construction Lien Law
- IV. Construction Industry Licensing Board
 - Presentation by the Department of Business and Professional Regulation
- V. Florida Building Commission
 - Presentation by the Department of Business and Professional Regulation
- VI. HB 299 by *Rep. McClain*
Florida Building Commission
- VII. Adjournment



Paul Waters

Deputy Secretary of Professional Regulation



**Florida Construction Industry Licensing Board
&
Florida Building Commission**

**Careers & Competition
Subcommittee**

October 25, 2017

Florida Construction Industry Licensing Board

- Composed of 18 members who are appointed by the Governor.
- The Construction Industry Licensing Board (CILB) consists of two divisions:
 - Division I: General Contractors, Building Contractors, Residential Contractors, Building Official, Consumer Member
 - Division II: Sheet Metal, Pool, Plumbing, Air Conditioning, Mechanical, Underground Utility, Roofing, Building Official, Consumer Member
- Quorum is five members in each Division.
- Meets for three days every month across the state.
- The CILB's responsibilities include:
 - Adopt administrative rules
 - Issue licenses
 - Approve continuing education courses
 - Conduct probable cause hearings and issue final orders of discipline
 - Issue declaratory statements

Administrative Rules

- CILB rules are found in Chapter 61G4-F.A.C.
- Rulemaking is done in accordance with the Administrative Procedures Act.
- Recent rule changes include:
 - Revising definitions to implement HB 1021 (2017)
 - Revising and clarifying examination and continuing education requirements

Construction Licensing Standards

- There are over 70,000 contractors currently licensed by the CILB.
- Under Section 489.115, F.S., applicants must provide fingerprints and undergo criminal background checks.
- Section 489.111, F.S., allows the CILB to deny any applicant for failure to demonstrate good moral character.
- Lack of good moral character includes crimes involving: theft, violence, and fraud.
- Examples of denials based on criminal histories include: murder, burglary, aggravated assault, and battery.
- During Fiscal Year 2016-2017:
 - There were 4,824 applications submitted.
 - 140 applications were denied, three of which were for criminal backgrounds.

Homeowners Recovery Fund

- The Homeowners Recovery Fund is administered by the CILB and is funded through building permit fees.
- Homeowners injured by Florida licensed contractors may file claims with the Fund after the entry of a disciplinary order from the CILB or after obtaining unsatisfied civil judgment against the contractor.
- The final order or civil judgment must be for financial mismanagement which includes failure to satisfy liens or abandoning a construction project.
- Payment from the fund is capped at \$50,000 for Div.1 contractors and \$15,000 for Div.2 contractors. Each contractor has an aggregate lifetime cap of \$500,000 for Div.1 contractors and \$150,000 for Div. 2.
- In Fiscal Year 2016-2017:
 - There were 11 claims denied and 54 claims paid.
 - The total payouts were \$1,333,577.

ULA Enforcement after Hurricane Irma

To combat unlicensed activity (ULA) after Hurricane Irma, the Department will:

- Conduct enforcement operations with local police and building departments. One operation has already been conducted since Irma. More operations will follow after construction increases.
- Go door-to-door to construction sites and verify licenses.
- Prosecute unlicensed contractors and seek administrative fines of up to \$10,000 (83 cases have been opened since Irma).
- ULA is a felony during this state of emergency, so we'll also refer cases for criminal prosecution.
- The elderly are often victims of ULA scams, so we'll conduct group outreaches focusing on these vulnerable Floridians.
- Conduct a radio advertising campaign and post billboards in affected areas
- Conduct sweeps of neighborhoods in hard hit areas (64 conducted since Irma):
 - Canvas neighborhoods to warn homeowners about the dangers of ULA.
 - Post signs warning that ULA is a felony during a state of emergency.

Florida Building Commission

- Composed of 27 members who are appointed by the Governor:

Architects	Engineers	Contractors
Fire Protection	Building Officials	Product Manufacturers
Insurance Industry Representatives	Public Education Representatives	Green Building Representatives

- Meets every six weeks across the state.
- Quorum is a majority of members (14).
- The Florida Building Commission's responsibilities include:
 - Adopt and update the Florida Building Code
 - Issue interpretations of the Code through declaratory statements
 - Approve training courses
 - Approve construction products for statewide use

Technical Advisory Committees

- There are 11 Technical Advisory Committees (TAC) for each substantive area of the Code.
 - Electrical, Mechanical, Code Administration, Special Occupancy, Swimming Pool, Energy, Plumbing, Accessibility, Fire, Structural, and Roofing.
 - Made up of 10-12 members appointed by the chairman of the Commission.
 - No more than 1/3 of the members can be from the same interest category. The Committees are primarily made up of building officials/inspectors, commission members, industry representatives, contractors, and other users of the Code.
 - Review code amendments, declaratory statements, research projects, and other items of interest in order to provide a recommendation to the Commission for action.

Amendments to the Code

- Glitch amendment process
 - Used to address Code conflicts with Federal and State laws.
 - Typically, there is only one glitch amendment between triennial code cycles.
- Annual technical amendments
 - Amendments are limited to health, safety and welfare issues that strengthen the Code. The Commission may incorporate interpretations of the Code found in its own opinions, final orders, and declaratory statements.



Local Amendments to the Code

- Must be more stringent than the requirements of the Code.
- Local jurisdictions submit their locally approved amendments to the Commission. The locally approved amendments are published on the Florida Building Code Information System and are viewable by the public.
- Local amendments, except those related to water conservation practices, do not carry forward when a new edition of the Code goes into effect. Therefore, local jurisdictions must readopt local amendments after each new edition of the Code goes into effect.



History of the Florida Building Code

- Prior to 1992 - More than 400 local governments were responsible for building codes.
- 1992 - Hurricane Andrew revealed the deficiencies of the State's existing building codes.
- 1998 - The Florida Building Code Commission was created.
- 2002 - The 1st Edition of the Florida Building Code went into effect, which created one unified code.
- 2017 - The 6th Edition of the Florida Building Code will go into effect on December 31, 2017.

Prior Process of Adopting the Code

- Updated triennially
- New editions of the model codes are used as the base of the Code. Technical committees review proposed changes and recommend changes to the Commission.
- The Commission approves a draft of the Code.
- The draft Code goes through several periods of public review and comment.
- The Commission approves a final draft of the Code.
- The formal rulemaking process is initiated to adopt the new edition of the Code.

Recent Changes to the Adoption Process

- The passage of HB 1021 (2017) changed the process for developing the Code.
 - Under the new process, the Commission has discretion to incorporate “model codes.” Before HB 1021, incorporation of the model codes was mandatory.
 - The first Code that will be developed using the new process will be the 7th Edition of the Florida Building Code in 2020.
- Will the recent changes weaken the Code?
 - No, development of future editions of the Code will still go through a rigorous development process. Health and safety will remain the top priority.
 - Florida law prohibits the weakening wind mitigation and water intrusion standards. In addition, the Commission must adopt standards required by the Federal Emergency Management Agency (FEMA), the Department of Housing & Urban Development (HUD), and the National Flood Insurance Program (NFIP).



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Contact Information

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 299 Florida Building Commission

SPONSOR(S): McClain

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Careers & Competition Subcommittee		Brackett <i>DB</i>	Anstead <i>Lo</i>
2) Commerce Committee			

SUMMARY ANALYSIS

The Florida Building Commission (Commission) located under the Department of Business and Professional Regulation (DBPR) implements and adopts the Florida Building Code (Code). The Code includes all of the statewide building requirements and standards for construction in the state. The Commission is made up of 27 members who are appointed by the Governor and confirmed by the Senate.

The bill:

- Reduces the number of members on the Commission from 27 to 11.
- Amends the qualifications for the architect and electrical contractor members of the Commission.

The bill is not expected to have a fiscal impact on state or local government.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. 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 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. After the state filled the property insurer void left by failed and fleeing private insurance companies, and the federal government poured billions of dollars of aid into disaster areas, the Governor appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhancing the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Code), and that first edition replaced all local codes on March 1, 2002.²

In 2004, for the second edition of the Code, the state adopted the International Code Council's I-Codes. 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." Every three years the ICC publishes the 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 adopted the I-Codes.³

All subsequent Florida Building Codes have been adopted utilizing the I-Codes as the base code. The most recent Code is the 5th edition, which is referred to as the 2014 Florida Building Code. The 5th edition of the Code went into effect June 30, 2015.⁴ In 2017, the Legislature enacted legislation requiring the Florida Building Commission (Commission) to review the I-Codes every three years to determine if the Code needs to be updated, instead of requiring automatic adoption of the latest code.⁵

The Commission also reviews the National Electric Code (NEC) every three years to determine if the Code needs to be updated. The NEC is published every three years by the National Fire Protection Association (NFPA) and has been adopted by all 50 states. The NFPA develops codes to address the installation of electrical conductors, equipment, and raceways; signaling and communications

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 Oct. 18, 2017).

² *Id.* & DBPR, *Overview of the Florida Building Code*, <https://www.floridahousing.org/.../aboutflorida/.../overview-of-the-florida-building-commission-and-standard.pptx> (last visited on Oct. 18, 2017).

³ International Code Council, *About the ICC*, <http://www.iccsafe.org/about-icc/overview/about-international-code-council/> (last visited on Oct. 18, 2017) & International Code Council, *ICC Code Development Process*, <https://cdn-web.iccsafe.org/wp-content/uploads/ICC-Code-Development-Process.pdf> (last visited on Oct. 18, 2017).

⁴ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Oct. 18, 2017).

⁵ Section 553.73(7)(a), F.S.

conductors, equipment, and raceways; and optical fiber cables and raceways in commercial, residential, and industrial occupancies in order to protect people and property from electrical hazards.⁶

The Florida Building Commission

The Commission was statutorily created to implement the 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 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 Code. Members, who must be certified to do business in the state and must be actively engaged in the designated profession, include the following:

- One architect;
- One structural engineer;
- One air-conditioning or mechanical contractor;
- One electrical contractor;
- One member from fire protection engineering or technology;
- One general contractor;
- One plumbing contractor;
- One roofing or sheet metal contractor;
- One residential contractor;
- Three members who are municipal or district code enforcement officials, one of whom is also a fire marshal;
- One member who represents the Department of Financial Services;
- One member who is a county code enforcement official;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in the state;
- One member of the manufactured buildings industry;
- One mechanical or electrical engineer;
- One member who is a representative of a municipality or a charter county;
- One member of the building products manufacturing industry;
- One member who is a representative of the commercial building owners and managers industry;
- One member who is a representative of the insurance industry;
- One member who is a representative of public education;
- One member who is a swimming pool contractor;
- One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED);
- One member who is a representative of a natural gas distribution system;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is the chair.⁷

The Commission has 11 Technical Advisory Committees (TAC) ranging from the building structural TAC to the swimming pool TAC.⁸ TACs are made up of Commission members and other parties who advise the

⁶ NFPA, *Codes and Standards*, <http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards?mode=code&code=70> (last visited on Oct. 18, 2017) & NFPA, *National Electric Code: Current and Past editions*, <http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards?mode=code&code=70&tab=editions> (last visited on Oct. 18, 2017).

⁷ s. 553.74, F.S.

⁸ DBPR, *Florida Building Code Online*, https://www.floridabuilding.org/c/c_commission.aspx (last visited on Oct. 18, 2017).

Commission on declaratory statements, proposed amendments, and any other areas of interest of the Commission.⁹

The Commission is currently in the process of adopting the 6th Edition of the Florida Building Code, which is tentatively expected to go into effect on December 31, 2017.¹⁰

Effect of the Bill

The bill reduces the number of members on the Commission from 27 to 11. The bill removes members representing the following:

- Air-conditioning or mechanical contractors;
- Two of the municipal or district code enforcement officials, including a fire marshall;
- The Department of Financial Services;
- County code enforcement officials;
- The representative for persons with disabilities;
- Manufactured buildings industry;
- Mechanical or electrical engineers;
- Municipal or charter counties;
- Building products manufacturing industry;
- Commercial building owners and managers industry;
- Public education;
- The green building industry;
- The natural gas distribution system; and
- The Department of Agriculture and Consumer Services' Office of Energy.

The bill amends:

- The qualifications of the architect member from an architect who is "registered and actively practicing in the state" to an architect who is "licensed in the state and has at least 5 years of experience in the design and construction of buildings containing Group R occupancy(ies) at or above 210 feet above the lowest level of emergency service access." A Group R Occupancy is any building containing sleeping units either for permanent dwellings or transient occupancy;¹¹ and
- The qualifications for the electrical contractor member from an electrical contractor to an electrical contractor "or an electrical engineer."

The bill also appears to remove the requirement for a member to be appointed the Chair of the Commission.

B. SECTION DIRECTORY:

Section 1. Amends s. 553.74, F.S., by reducing the number of members on the commission.

Section 2. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

⁹ DBPR, *Florida Building Code Standards*, http://www.myfloridalicense.com/dbpr/bcs/program_committees.html (last visited on Oct. 18, 2017), & Rule 61G20-2.001 F.A.C.

¹⁰ 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 Oct. 18, 2017).

¹¹ Section 310, Florida Building Code: Building (5th ed. 2014).

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:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to the Florida Building Commission;
 3 amending s. 553.74, F.S.; revising the membership of
 4 the Florida Building Commission; revising membership
 5 qualifications; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:
 8

9 Section 1. Subsection (1) of section 553.74, Florida
 10 Statutes, is amended to read:

11 553.74 Florida Building Commission.—

12 (1) The Florida Building Commission is created and located
 13 within the Department of Business and Professional Regulation
 14 for administrative purposes. Members are appointed by the
 15 Governor subject to confirmation by the Senate. The commission
 16 is composed of 11 ~~27~~ members, consisting of the following:

17 (a) One architect licensed pursuant to chapter 481 with at
 18 least 5 years of experience in the design and construction of
 19 buildings containing Florida Building Code designated Group R
 20 occupancy at or above 210 feet in height above the elevation of
 21 the lowest level of emergency services access ~~registered to~~
 22 ~~practice in this state and actively engaged in the profession.~~
 23 ~~The American Institute of Architects, Florida Section, is~~
 24 ~~encouraged to recommend a list of candidates for consideration.~~

25 (b) One structural engineer registered to practice in this

26 state and actively engaged in the profession. The Florida
 27 Engineering Society is encouraged to recommend a list of
 28 candidates for consideration.

29 ~~(c) One air conditioning or mechanical contractor~~
 30 ~~certified to do business in this state and actively engaged in~~
 31 ~~the profession. The Florida Air Conditioning Contractors~~
 32 ~~Association, the Florida Refrigeration and Air Conditioning~~
 33 ~~Contractors Association, and the Mechanical Contractors~~
 34 ~~Association of Florida are encouraged to recommend a list of~~
 35 ~~candidates for consideration.~~

36 (c)(d) One electrical contractor or electrical engineer
 37 certified to do business in this state and actively engaged in
 38 the profession. The Florida Association of Electrical
 39 Contractors and the National Electrical Contractors Association,
 40 Florida Chapter, are encouraged to recommend a list of
 41 candidates for consideration.

42 (d)(e) One member from fire protection engineering or
 43 technology who is actively engaged in the profession. The
 44 Florida Chapter of the Society of Fire Protection Engineers and
 45 the Florida Fire Marshals and Inspectors Association are
 46 encouraged to recommend a list of candidates for consideration.

47 (e)(f) One general contractor certified to do business in
 48 this state and actively engaged in the profession. The
 49 Associated Builders and Contractors of Florida, the Florida
 50 Associated General Contractors Council, and the Union

51 Contractors Association are encouraged to recommend a list of
 52 candidates for consideration.

53 ~~(f)~~(g) One plumbing contractor licensed to do business in
 54 this state and actively engaged in the profession. The Florida
 55 Association of Plumbing, Heating, and Cooling Contractors is
 56 encouraged to recommend a list of candidates for consideration.

57 ~~(g)~~(h) One roofing or sheet metal contractor certified to
 58 do business in this state and actively engaged in the
 59 profession. The Florida Roofing, Sheet Metal, and Air
 60 Conditioning Contractors Association and the Sheet Metal and Air
 61 Conditioning Contractors' National Association are encouraged to
 62 recommend a list of candidates for consideration.

63 ~~(h)~~(i) One residential contractor licensed to do business
 64 in this state and actively engaged in the profession. The
 65 Florida Home Builders Association is encouraged to recommend a
 66 list of candidates for consideration.

67 ~~(i)~~(j) One member ~~Three members~~ who is ~~are~~ a municipal or
 68 district code ~~codes~~ enforcement official ~~officials~~, ~~one of whom~~
 69 ~~is also a fire official. The Building Officials Association of~~
 70 ~~Florida and the Florida Fire Marshals and Inspectors Association~~
 71 ~~are encouraged to recommend a list of candidates for~~
 72 ~~consideration.~~

73 ~~(k)~~ ~~One member who represents the Department of Financial~~
 74 ~~Services.~~

75 ~~(l)~~ ~~One member who is a county codes enforcement official.~~

76 ~~The Building Officials Association of Florida is encouraged to~~
 77 ~~recommend a list of candidates for consideration.~~

78 ~~(m) One member of a Florida-based organization of persons~~
 79 ~~with disabilities or a nationally chartered organization of~~
 80 ~~persons with disabilities with chapters in this state.~~

81 ~~(n) One member of the manufactured buildings industry who~~
 82 ~~is licensed to do business in this state and is actively engaged~~
 83 ~~in the industry. The Florida Manufactured Housing Association is~~
 84 ~~encouraged to recommend a list of candidates for consideration.~~

85 ~~(o) One mechanical or electrical engineer registered to~~
 86 ~~practice in this state and actively engaged in the profession.~~
 87 ~~The Florida Engineering Society is encouraged to recommend a~~
 88 ~~list of candidates for consideration.~~

89 ~~(p) One member who is a representative of a municipality~~
 90 ~~or a charter county. The Florida League of Cities and the~~
 91 ~~Florida Association of Counties are encouraged to recommend a~~
 92 ~~list of candidates for consideration.~~

93 ~~(q) One member of the building products manufacturing~~
 94 ~~industry who is authorized to do business in this state and is~~
 95 ~~actively engaged in the industry. The Florida Building Material~~
 96 ~~Association, the Florida Concrete and Products Association, and~~
 97 ~~the Fenestration Manufacturers Association are encouraged to~~
 98 ~~recommend a list of candidates for consideration.~~

99 ~~(r) One member who is a representative of the building~~
 100 ~~owners and managers industry who is actively engaged in~~

101 ~~commercial building ownership or management. The Building Owners~~
 102 ~~and Managers Association is encouraged to recommend a list of~~
 103 ~~candidates for consideration.~~

104 (j)~~(s)~~ One member who is a representative of the insurance
 105 industry. The Florida Insurance Council is encouraged to
 106 recommend a list of candidates for consideration.

107 ~~(t) One member who is a representative of public~~
 108 ~~education.~~

109 (k)~~(u)~~ One member who is a swimming pool contractor
 110 licensed to do business in this state and actively engaged in
 111 the profession. The Florida Swimming Pool Association and the
 112 United Pool and Spa Association are encouraged to recommend a
 113 list of candidates for consideration.

114 ~~(v) One member who is a representative of the green~~
 115 ~~building industry and who is a third-party commission agent, a~~
 116 ~~Florida board member of the United States Green Building Council~~
 117 ~~or Green Building Initiative, a professional who is accredited~~
 118 ~~under the International Green Construction Code (IGCC), or a~~
 119 ~~professional who is accredited under Leadership in Energy and~~
 120 ~~Environmental Design (LEED).~~

121 ~~(w) One member who is a representative of a natural gas~~
 122 ~~distribution system and who is actively engaged in the~~
 123 ~~distribution of natural gas in this state. The Florida Natural~~
 124 ~~Gas Association is encouraged to recommend a list of candidates~~
 125 ~~for consideration.~~

126 ~~(x) One member who is a representative of the Department~~
127 ~~of Agriculture and Consumer Services' Office of Energy. The~~
128 ~~Commissioner of Agriculture is encouraged to recommend a list of~~
129 ~~candidates for consideration.~~

130 ~~(y) One member who shall be the chair.~~

131 Section 2. This act shall take effect July 1, 2018.

CAREERS & COMPETITION SUBCOMMITTEE

HB 299 by Rep. McClain FLORIDA BUILDING COMMISSION

AMENDMENT SUMMARY October 25, 2017

Amendment 1 by Rep. McClain (Strike-all amendment):

- Reduces the number of Florida Building Commissioners from 27 members to 15 members. (The bill reduced membership to 11 from 27.)
- Maintains current law for the qualifications of the architect member.
- Amends the qualifications of the member who is a general contractor from a general contractor to a certified general contractor or a certified building contractor.
- Adds the Florida Home Builders Association to the list of associations who are encouraged to recommend a list of candidates for the contractor member.
- Removes the plumbing contractor member.
- Reduces the number of members who are municipal or district code enforcement officials from three members to two.
- Removes the requirement that a members include municipal or district code enforcement officials. Instead requiring a municipal, county, or district official.
- Maintains current law related to the following members (The bill removed these members):
 - An air-conditioning or mechanical contractor;
 - A member of the manufactured buildings industry;
 - A member of the building products manufacturing industry; and
 - A member who represents a natural gas distribution system.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Careers & Competition
 2 Subcommittee

3 Representative McClain offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (1) of section 553.74, Florida

8 Statutes, is amended to read:

9 553.74 Florida Building Commission.—

10 (1) The Florida Building Commission is created and located
 11 within the Department of Business and Professional Regulation
 12 for administrative purposes. Members are appointed by the
 13 Governor subject to confirmation by the Senate. The commission
 14 is composed of 15 ~~27~~ members, consisting of the following:

15 (a) One architect registered to practice in this state and
 16 actively engaged in the profession. The American Institute of



Amendment No. 1

17 Architects, Florida Section, is encouraged to recommend a list
18 of candidates for consideration.

19 (b) One structural engineer registered to practice in this
20 state and actively engaged in the profession. The Florida
21 Engineering Society is encouraged to recommend a list of
22 candidates for consideration.

23 (c) One air-conditioning or mechanical contractor
24 certified to do business in this state and actively engaged in
25 the profession. The Florida Air Conditioning Contractors
26 Association, the Florida Refrigeration and Air Conditioning
27 Contractors Association, and the Mechanical Contractors
28 Association of Florida are encouraged to recommend a list of
29 candidates for consideration.

30 (d) One electrical contractor or electrical engineer
31 certified to do business in this state and actively engaged in
32 the profession. The Florida Association of Electrical
33 Contractors and the National Electrical Contractors Association,
34 Florida Chapter, are encouraged to recommend a list of
35 candidates for consideration.

36 ~~(e) One member from fire protection engineering or~~
37 ~~technology who is actively engaged in the profession. The~~
38 ~~Florida Chapter of the Society of Fire Protection Engineers and~~
39 ~~the Florida Fire Marshals and Inspectors Association are~~
40 ~~encouraged to recommend a list of candidates for consideration.~~

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Amendment No. 1

41 ~~(e)(f)~~ One certified general contractor or one certified
42 building contractor certified to do business in this state and
43 actively engaged in the profession. The Associated Builders and
44 Contractors of Florida, the Florida Associated General
45 Contractors Council, the Florida Home Builders Association, and
46 the Union Contractors Association are encouraged to recommend a
47 list of candidates for consideration.

48 ~~(g)~~ ~~One plumbing contractor licensed to do business in~~
49 ~~this state and actively engaged in the profession. The Florida~~
50 ~~Association of Plumbing, Heating, and Cooling Contractors is~~
51 ~~encouraged to recommend a list of candidates for consideration.~~

52 ~~(f)(h)~~ One roofing or sheet metal contractor certified to
53 do business in this state and actively engaged in the
54 profession. The Florida Roofing, Sheet Metal, and Air
55 Conditioning Contractors Association and the Sheet Metal and Air
56 Conditioning Contractors' National Association are encouraged to
57 recommend a list of candidates for consideration.

58 ~~(g)(i)~~ One certified residential contractor licensed to do
59 business in this state and actively engaged in the profession.
60 The Florida Home Builders Association is encouraged to recommend
61 a list of candidates for consideration.

62 ~~(h)(j)~~ Two ~~Three~~ members who are municipal, county, or
63 district ~~codes enforcement~~ officials, ~~one of whom is also a~~
64 ~~fire official~~. The Building Officials Association of Florida and

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Published On: 10/24/2017 6:33:51 PM



Amendment No. 1

65 the Florida Fire Chiefs Marshals and Inspectors Association are
66 encouraged to recommend a list of candidates for consideration.

67 ~~(k) One member who represents the Department of Financial~~
68 ~~Services.~~

69 ~~(l) One member who is a county codes enforcement official.~~
70 ~~The Building Officials Association of Florida is encouraged to~~
71 ~~recommend a list of candidates for consideration.~~

72 (i) ~~(m)~~ One member of a Florida-based organization of
73 persons with disabilities or a nationally chartered organization
74 of persons with disabilities with chapters in this state which
75 complies with or is certified to be compliant with the
76 requirements of the Americans with Disability Act of 1990, as
77 amended.

78 (j) ~~(n)~~ One member of the manufactured buildings industry
79 who is licensed to do business in this state and is actively
80 engaged in the industry. The Florida Manufactured Housing
81 Association is encouraged to recommend a list of candidates for
82 consideration.

83 ~~(o) One mechanical or electrical engineer registered to~~
84 ~~practice in this state and actively engaged in the profession.~~
85 ~~The Florida Engineering Society is encouraged to recommend a~~
86 ~~list of candidates for consideration.~~

87 ~~(p) One member who is a representative of a municipality~~
88 ~~or a charter county. The Florida League of Cities and the~~

088725 - h0299-strike.docx

Published On: 10/24/2017 6:33:51 PM



Amendment No. 1

89 ~~Florida Association of Counties are encouraged to recommend a~~
90 ~~list of candidates for consideration.~~

91 ~~(k)(q)~~ One member of the building products manufacturing
92 industry who is authorized to do business in this state and is
93 actively engaged in the industry. The Florida Building Material
94 Association, the Florida Concrete and Products Association, and
95 the Fenestration Manufacturers Association are encouraged to
96 recommend a list of candidates for consideration.

97 ~~(r)~~ ~~One member who is a representative of the building~~
98 ~~owners and managers industry who is actively engaged in~~
99 ~~commercial building ownership or management. The Building Owners~~
100 ~~and Managers Association is encouraged to recommend a list of~~
101 ~~candidates for consideration.~~

102 ~~(l)(s)~~ One member who is a representative of the insurance
103 industry. The Florida Insurance Council is encouraged to
104 recommend a list of candidates for consideration.

105 ~~(t)~~ ~~One member who is a representative of public~~
106 ~~education.~~

107 ~~(m)(u)~~ One member who is a swimming pool contractor
108 licensed to do business in this state and actively engaged in
109 the profession. The Florida Swimming Pool Association and the
110 United Pool and Spa Association are encouraged to recommend a
111 list of candidates for consideration.

112 ~~(v)~~ ~~One member who is a representative of the green~~
113 ~~building industry and who is a third-party commission agent, a~~

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Published On: 10/24/2017 6:33:51 PM



Amendment No. 1

114 ~~Florida board member of the United States Green Building Council~~
115 ~~or Green Building Initiative, a professional who is accredited~~
116 ~~under the International Green Construction Code (IGCC), or a~~
117 ~~professional who is accredited under Leadership in Energy and~~
118 ~~Environmental Design (LEED).~~

119 (n)~~(w)~~ One member who is a representative of a natural gas
120 distribution system and who is actively engaged in the
121 distribution of natural gas in this state. The Florida Natural
122 Gas Association is encouraged to recommend a list of candidates
123 for consideration.

124 ~~(x) One member who is a representative of the Department~~
125 ~~of Agriculture and Consumer Services' Office of Energy. The~~
126 ~~Commissioner of Agriculture is encouraged to recommend a list of~~
127 ~~candidates for consideration.~~

128 ~~(y) One member who shall be the chair.~~

129 Section 2. This act shall take effect July 1, 2018.