

Construction 'Design Option' Eliminated

When the **Florida Legislature** passed its property insurance reform legislation last week, it contained a provision that **seriously impacts commercial and residential building designs**. At issue are legislative provisions that address a current construction design option outlined within the **Florida Building Code** and under which Florida's construction industry operates. This option involves how, and to what degree, homes are **protected from wind borne debris**. According to the Florida Building Code, structures (commercial and residential) are to be protected against wind borne debris by either (1) protecting all openings (windows, doors, garage doors, etc.) with disaster resistant shutters or impact resistant glass, or (2) building a stronger structure to withstand "breaching" the openings. The **design option** was slated to sunset on October 1, 2008 as outlined in the International Building Code - 18 months from now. However, under the recently passed property insurance reform bill, the Florida Legislature moved the design option elimination date forward. Under Section 9 of CS/HB 1-A (c1), local governments are to immediately begin denying construction permit applications for structures that do not meet the new design standard adopted by the Florida Legislature. However, Section 10 of CS/HB 1-A (c1) allows the Florida Building Commission to incorporate these design changes in a reasonable manner by July 1, 2007. Obviously, the two dates conflict and there is confusion as to what the true elimination date is on the design option. The Florida Home Builders Association believes that Section 9 and Section 10 of the property insurance reform bill should be read together, and that local governments should implement the newly required provisions **July 1, 2007** when the Florida Building Commission has amended the Florida Building Code. FHBA has communicated this problem to Governor Crist, and has requested that he issue the appropriate executive declaration to help ensure the design option not be eliminated until at least July 1, 2007 in an effort to not impair existing contracts or to delay the construction of hundreds and hundreds of projects throughout the state. This request is under consideration. As soon as additional information on this issue is received from the Governor's Office, FHBA will alert members.