

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Bennett offered the following:

13 **Amendment to Amendment (703277)**

14 On page 23, line 28, through page 25, line 19,
15 remove: all of said lines

17 and insert:

18 5. Any amendment to the Florida Building Code shall be
19 transmitted within 30 days by the adopting local government to
20 the commission. The commission shall maintain copies of all
21 such amendments in a format that is usable and obtainable by
22 the public. Local technical amendments shall not become
23 effective until 30 days after the amendment has been received
24 and published by the commission.

25 6. Any amendment to the Florida Building Code adopted
26 by a local government pursuant to this paragraph shall be
27 effective only until the adoption by the commission of the new
28 edition of the Florida Building Code every third year. At such
29 time, the commission shall review such amendment for
30 consistency with the criteria in paragraph (6)(a) and adopt
31 such amendment as part of the Florida Building Code or rescind

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1 the amendment. The commission shall immediately notify the
2 respective local government of the rescission of any
3 amendment. After receiving such notice, the respective local
4 government may readopt the rescinded amendment pursuant to the
5 provisions of this paragraph.

6 7. Each county and municipality desiring to make local
7 technical amendments to the Florida Building Code shall by
8 interlocal agreement establish a countywide compliance review
9 board to review any amendment to the Florida Building Code,
10 adopted by a local government within the county pursuant to
11 this paragraph, that is challenged by any substantially
12 affected party for purposes of determining the amendment's
13 compliance with this paragraph. If challenged, the local
14 technical amendments shall not become effective until time for
15 filing an appeal pursuant to subparagraph 8 has expired or, if
16 there is an appeal, until the commission issues its final
17 order determining the adopted amendment is in compliance with
18 this subsection.

19 8. If the compliance review board determines such
20 amendment is not in compliance with this paragraph, the
21 compliance review board shall notify such local government of
22 the noncompliance and that the amendment is invalid and
23 unenforceable until the local government corrects the
24 amendment to bring it into compliance. The local government
25 may appeal the decision of the compliance review board to the
26 commission, ~~which shall conduct a hearing under chapter 120~~
27 ~~and the uniform rules of procedure.~~ If the compliance review
28 board determines such amendment to be in compliance with this
29 paragraph, any substantially affected party may appeal such
30 determination to the commission, ~~which shall conduct a hearing~~
31 ~~under chapter 120 and the uniform rules of procedure.~~ any such

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1 appeal shall be filed with the commission within 14 days of
2 the board's written determination. The commission shall
3 promptly refer the appeal to the Division of Administrative
4 Hearings for the assignment of an administrative law judge.
5 The administrative law judge shall conduct the required
6 hearing within 30 days, and shall enter a recommended order
7 within 30 days of the conclusion of such hearing. The
8 commission shall enter a final order within 30 days
9 thereafter. The provisions of chapter 120 and the uniform
10 rules of procedure shall apply to such proceedings. The local
11 government adopting the amendment that is subject to challenge
12 has the burden of proving that the amendment complies with
13 this paragraph in proceedings before the compliance review
14 board and the commission, as applicable.Actions of the
15 commission are subject to judicial review pursuant to s.
16 120.68. The compliance review board shall determine whether
17 its decisions apply to a respective local jurisdiction or
18 apply countywide.

19 ~~9.8.~~ An amendment adopted under this paragraph shall
20 include a fiscal impact statement which documents the costs
21 and benefits of the proposed amendment. Criteria for the
22 fiscal impact statement shall include the impact to local
23 government relative to enforcement, the impact to property and
24 building owners, as well as to industry, relative to the cost
25 of compliance. The fiscal impact statement may not be used as
26 a basis for challenging the amendment for compliance.

27 ~~10.9.~~ In addition to subparagraphs 7. and ~~9.8.~~, the
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