

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

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

Representative(s) Bennett offered the following:

Amendment to Amendment (703277) (with title amendment)

On page 40, between lines 1 and 2,

insert:

Section 19. Paragraph (b) of subsection (4) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.--

(4)

(b) Local governments may, subject to the limitations of this section, adopt amendments to the technical provisions of the Florida Building Code which apply solely within the jurisdiction of such government and which provide for more stringent requirements than those specified in the Florida Building Code, not more than once every 6 months, provided:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review

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1 of local conditions by the local governing body, which review
2 demonstrates that local conditions justify more stringent
3 requirements than those specified in the Florida Building Code
4 for the protection of life and property.

5 2. Such additional requirements are not discriminatory
6 against materials, products, or construction techniques of
7 demonstrated capabilities.

8 3. Such additional requirements may not introduce a
9 new subject not addressed in the Florida Building Code.

10 4. The enforcing agency shall make readily available,
11 in a usable format, all amendments adopted pursuant to this
12 section.

13 5. Any amendment to the Florida Building Code shall be
14 transmitted within 30 days by the adopting local government to
15 the commission. The commission shall maintain copies of all
16 such amendments in a format that is usable and obtainable by
17 the public. Local technical amendments shall not become
18 effective until 60 days after the amendment has been received
19 and published by the Florida Building Commission. If
20 challenged within 30 days after publication by the Florida
21 Building Commission, the local technical amendment shall not
22 become effective until the Florida Building Commission issues
23 a final order determining the adopted amendment is in
24 compliance with this subsection.

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 the compliance review board
14 determines such amendment is not in compliance with this
15 paragraph, the compliance review board shall notify such local
16 government of the noncompliance and that the amendment is
17 invalid and unenforceable until the local government corrects
18 the amendment to bring it into compliance. The local
19 government may appeal the decision of the compliance review
20 board to the commission, which shall conduct a hearing under
21 chapter 120 and the uniform rules of procedure. If the
22 compliance review board determines such amendment to be in
23 compliance with this paragraph, any substantially affected
24 party may appeal such determination to the commission, which
25 shall conduct a hearing under chapter 120 and the uniform
26 rules of procedure. Actions of the commission are subject to
27 judicial review pursuant to s. 120.68. The compliance review
28 board shall determine whether its decisions apply to a
29 respective local jurisdiction or apply countywide.

30 8. An amendment adopted under this paragraph shall
31 include a fiscal impact statement which documents the costs

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1 and benefits of the proposed amendment. Criteria for the
 2 fiscal impact statement shall include the impact to local
 3 government relative to enforcement, the impact to property and
 4 building owners, as well as to industry, relative to the cost
 5 of compliance. The fiscal impact statement may not be used as
 6 a basis for challenging the amendment for compliance.

7 9. In addition to subparagraphs 7. and 8., the
 8 commission may review any amendments adopted pursuant to this
 9 subsection and make nonbinding recommendations related to
 10 compliance of such amendments with this subsection.

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13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 43, line 14, after the semicolon,

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17 insert:

18 amending s. 553.73, F.S.; revising language
 19 with respect to the Florida Building Code;
 20 providing requirements with respect to local
 21 technical amendments;

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