

Bill No. CS for CS for CS for SB 442

Barcode 750660

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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The Committee on Government Efficiency Appropriations  
(Haridopolos) recommended the following **amendment to amendment**  
(155634):

**Senate Amendment**

On page 7, line 8, through  
page 11, line 12, delete those lines

and insert:

Section 9. Paragraph (c) of subsection (4), subsection  
(6), and paragraphs (a) and (c) of subsection (7) of section  
553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.--

(4)

(c) Any amendment adopted by a local enforcing agency  
pursuant to this subsection shall not apply to state or school  
district owned buildings, manufactured buildings or  
factory-built school buildings approved by the commission, or  
prototype buildings approved pursuant to s. 553.77(3)(5). The  
respective responsible entities shall consider the physical  
performance parameters substantiating such amendments when

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1 designing, specifying, and constructing such exempt buildings.

2       (6)(a) The commission, by rule adopted pursuant to ss.  
3 120.536(1) and 120.54, shall update the Florida Building Code  
4 every 3 years. When updating the Florida Building Code, the  
5 commission shall select the most current version of the  
6 International Building Code, the International Fuel Gas Code,  
7 the International Mechanical Code, the International Plumbing  
8 Code, and the International Residential Code, all of which are  
9 adopted by the International Code Council, and the National  
10 Electrical Code, which is adopted by the National Fire  
11 Protection Association, to form the foundation codes of the  
12 updated Florida Building Code, if the version has been adopted  
13 by the International Code Council and made available to the  
14 public at least 6 months prior to its selection by the  
15 commission.

16       (b) Codes regarding noise contour lines shall be  
17 reviewed annually, and the most current federal guidelines  
18 shall be adopted.

19       (c) The commission may modify any portion of the  
20 foundation codes only as needed to accommodate the specific  
21 needs of this state, maintaining Florida-specific amendments  
22 previously adopted by the commission and not addressed by the  
23 updated foundation code. Standards or criteria referenced by  
24 the codes shall be incorporated by reference. If a referenced  
25 standard or criterion requires amplification or modification  
26 to be appropriate for use in this state, only the  
27 amplification or modification shall be set forth in the  
28 Florida Building Code. The commission may approve technical  
29 amendments to the updated Florida Building Code after the  
30 amendments have been subject to the conditions set forth in  
31 paragraphs (3)(a)-(d). Amendments to the foundation codes

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1 which are adopted in accordance with this subsection shall be  
2 clearly marked in printed versions of the Florida Building  
3 Code so that the fact that the provisions are Florida-specific  
4 amendments to the foundation codes is readily apparent.

5 ~~consider changes made by the adopting entity of any selected~~  
6 ~~model code for any model code incorporated into the Florida~~  
7 ~~Building Code, and may subsequently adopt the new edition or~~  
8 ~~successor of the model code or any part of such code, no~~  
9 ~~sooner than 6 months after such model code has been adopted by~~  
10 ~~the adopting organization, which may then be modified for this~~  
11 ~~state as provided in this section, and~~

12 (d) The commission shall further consider the  
13 commission's own interpretations, declaratory statements,  
14 appellate decisions, and approved statewide and local  
15 technical amendments and shall incorporate such  
16 interpretations, statements, decisions, and amendments into  
17 the updated Florida Building Code only to the extent that they  
18 are needed to modify the foundation codes to accommodate the  
19 specific needs of the state. A change made by an institute or  
20 standards organization to any standard or criterion that is  
21 adopted by reference in the Florida Building Code does not  
22 become effective statewide until it has been adopted by the  
23 commission. Furthermore, the edition of the Florida Building  
24 Code which is in effect on the date of application for any  
25 permit authorized by the code governs the permitted work for  
26 the life of the permit and any extension granted to the  
27 permit.

28 (e) A rule updating the Florida Building Code in  
29 accordance with this subsection shall take effect no sooner  
30 than 6 months after publication of the updated code. Any  
31 amendment to the Florida Building Code which is adopted upon a

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1 finding by the commission that the amendment is necessary to  
2 protect the public from immediate threat of harm takes effect  
3 immediately.

4 (7)(a) The commission may approve technical amendments  
5 to the Florida Building Code once each year for statewide or  
6 regional application upon a finding that the amendment:

7 1. Is needed in order to accommodate the specific  
8 needs of this state.

9 ~~2.1.~~ Has a reasonable and substantial connection with  
10 the health, safety, and welfare of the general public.

11 ~~3.2.~~ Strengthens or improves the Florida Building  
12 Code, or in the case of innovation or new technology, will  
13 provide equivalent or better products or methods or systems of  
14 construction.

15 ~~4.3.~~ Does not discriminate against materials,  
16 products, methods, or systems of construction of demonstrated  
17 capabilities.

18 ~~5.4.~~ Does not degrade the effectiveness of the Florida  
19 Building Code.

20  
21 Furthermore, the Florida Building Commission may approve  
22 technical amendments to the code once each year to incorporate  
23 into the Florida Building Code its own interpretations of the  
24 code which are embodied in its opinions, final orders, and  
25 declaratory statements, and interpretations of hearing officer  
26 panels under s. 553.775(3)(c), but shall do so only to the  
27 extent that incorporation of interpretations is needed to  
28 modify the foundation codes to accommodate the specific needs  
29 of this state. Amendments approved under this paragraph shall

30 be adopted by rule pursuant to ss. 120.536(1) and 120.54,  
31 after the amendments have been subjected to the provisions of

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1 subsection (3).

2 (c) The commission may not approve any proposed  
3 amendment that does not accurately and completely address all  
4 requirements for amendment which are set forth in this  
5 section. The commission shall require all proposed amendments  
6 and information submitted with proposed amendments to be  
7 reviewed by commission staff prior to consideration by any  
8 technical advisory committee. These reviews shall be for  
9 sufficiency only and are not intended to be qualitative in  
10 nature. Staff members shall reject any proposed amendment that  
11 fails to include a fiscal impact statement. Proposed  
12 amendments rejected by members of the staff may not be  
13 considered by the commission or any technical advisory  
14 committee.

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