

By Senator Constantine

22-1201-06

1 A bill to be entitled
2 An act relating to building codes; authorizing
3 the Florida Building Commission to update and
4 modify the standard for wind design; repealing
5 s. 553.71(10), F.S., relating to a definition
6 of the term "exposure category C"; amending s.
7 553.73, F.S.; revising the requirements for
8 selecting codes to form the updated Florida
9 Building Code; authorizing the Florida Building
10 Commission to approve and publish amendments to
11 the Florida Building Code under certain
12 circumstances; authorizing certain authorities
13 to enforce the amendments to the Florida
14 Building Code; amending s. 553.775, F.S.;
15 prohibiting certain procedures from being
16 invoked to interpret the Florida Accessibility
17 Code for Building Construction and chapter 11
18 of the Florida Building Code; providing an
19 effective date.

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21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Notwithstanding section 109 of chapter
24 2000-141, Laws of Florida, the Florida Building Commission may
25 update and modify the standard for wind design applicable to
26 construction in this state as adopted in the Florida Building
27 Code in accordance with the requirements of s. 553.73, Florida
28 Statutes. Subsection (3) of section 109 of chapter 2000-141,
29 Laws of Florida, is expressly superseded.

30 Section 2. Subsection (10) of section 553.71, Florida
31 Statutes, is repealed.

1 Section 3. Subsection (6) of section 553.73, Florida
2 Statutes, is amended to read:

3 553.73 Florida Building Code.--

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

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

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

1 amendments have been subject to the conditions set forth in
2 paragraphs (3)(a)-(d). Amendments to the foundation codes
3 which are adopted in accordance with this subsection shall be
4 clearly marked in printed versions of the Florida Building
5 Code so that the fact that the provisions are Florida-specific
6 amendments to the foundation codes is readily apparent.

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

23 (e) A rule updating the Florida Building Code in
24 accordance with this subsection shall take effect no sooner
25 than 6 months after publication of the updated code. Any
26 amendment to the Florida Building Code which is adopted upon a
27 finding by the commission that the amendment is necessary to
28 protect the public from immediate threat of harm takes effect
29 immediately.

30 (f) Upon the conclusion of a triennial update to the
31 Florida Building Code and notwithstanding other provisions of

1 this subsection or subsection (3), the commission may address
2 the issues identified in this subsection by amending the
3 Florida Building Code, subject only to the rule-adoption
4 procedures of chapter 120. Following the approval of any
5 amendments to the Florida Building Code by the commission and
6 publication on the commission's website, authorities having
7 jurisdiction to enforce the Florida Building Code are
8 authorized to enforce the amendments. The commission may
9 approve only amendments that are needed to:

10 1. Address conflicts within the updated Florida
11 Building Code;

12 2. Address conflicts between the updated Florida
13 Building Code and the Florida Fire Prevention Code adopted
14 pursuant to chapter 633;

15 3. Address the omission of Florida-specific amendments
16 that were previously adopted in the Florida Building Code if
17 the omission is not supported by a specific recommendation of
18 a technical advisory committee or a particular action by the
19 commission; or

20 4. Address unintended results from the integration of
21 Florida-specific amendments that were previously adopted with
22 the model code.

23 Section 4. Subsection (5) is added to section 553.775,
24 Florida Statutes, to read:

25 553.775 Interpretations.--

26 (5) Notwithstanding other provisions of this section,
27 the Florida Accessibility Code for Building Construction and
28 chapter 11 of the Florida Building Code may not be interpreted
29 by, and is not subject to review under, any of the procedures
30 specified in this section. This subsection has no effect on
31 the authority of the commission to waive the Florida

1 Accessibility Code for Building Construction as provided in s.
2 553.512.

3 Section 5. This act shall take effect July 1, 2006.

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6 SENATE SUMMARY

7 Authorizes the Florida Building Commission to update and
8 modify the standard for wind design. Deletes a definition
9 of the term "exposure category C." Revises the
10 requirements for selecting codes to form the updated
11 Florida Building Code. Authorizes the Florida Building
12 Commission to approve and publish amendments to the
13 Florida Building Code under certain circumstances.
14 Authorizes certain authorities to enforce amendments to
15 the Florida Building Code. Prohibits certain procedures
16 from being invoked to interpret the Florida Accessibility
17 Code for Building Construction and chapter 11 of the
18 Florida Building Code.
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