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LEGISLATIVE ACTION

Senate . House

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Floor: 6/AD/2R

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04/29/2011 09:43 AM

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Senator Bennett moved the following:

Senate Amendment (with title amendment)

Delete lines 1329 - 1522

and insert:

Section 29. Effective January 1, 2012, subsections (3), (7), (8), and (9) and paragraph (h) of subsection (10) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards needed to develop the state base code in order ~~select from available national or international model building~~



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14 ~~codes, or other available building codes and standards currently~~
15 ~~recognized by the laws of this state,~~ to form the foundation for
16 the Florida Building Code. ~~The commission may modify the~~
17 ~~selected model codes and standards as needed to accommodate the~~
18 ~~specific needs of this state. Standards or criteria referenced~~
19 ~~by the selected model codes shall be similarly incorporated by~~
20 ~~reference. If a referenced standard or criterion requires~~
21 ~~amplification or modification to be appropriate for use in this~~
22 ~~state, only the amplification or modification shall be~~
23 ~~specifically set forth in the Florida Building Code.~~ The Florida
24 Building Commission may approve technical amendments to the
25 code, subject to ~~the requirements of~~ subsections (8) and (9),
26 after the amendments have been subject to the following
27 conditions:

28 (a) The proposed amendment has been published on the
29 commission's website for a minimum of 45 days and all the
30 associated documentation has been made available to any
31 interested party before any consideration by a ~~any~~ technical
32 advisory committee;

33 (b) In order for a technical advisory committee to make a
34 favorable recommendation to the commission, the proposal must
35 receive a three-fourths vote of the members present at the
36 ~~Technical Advisory~~ committee meeting and at least half of the
37 regular members must be present in order to conduct a meeting;

38 (c) After technical advisory committee consideration and a
39 recommendation for approval of any proposed amendment, the
40 proposal must be published on the commission's website for at
41 least ~~not less than~~ 45 days before any consideration by the
42 commission; and



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43 (d) ~~A Any~~ proposal may be modified by the commission based
44 on public testimony and evidence from a public hearing held in
45 accordance with chapter 120.

46
47 The commission shall incorporate within sections of the Florida
48 Building Code provisions that ~~which~~ address regional and local
49 concerns and variations. The commission shall make every effort
50 to minimize conflicts between the Florida Building Code, the
51 Florida Fire Prevention Code, and the Life Safety Code.

52 (7) (a) The commission, ~~by rule adopted pursuant to ss.~~
53 ~~120.536(1) and 120.54,~~ shall update the Florida Building Code by
54 rule every 3 years. When updating the Florida Building Code, the
55 commission shall select the most current version of the
56 International Building Code, the International Fuel Gas Code,
57 the International Mechanical Code, the International Plumbing
58 Code, and the International Residential Code, all of which are
59 adopted by the International Code Council, and the National
60 Electrical Code, which is adopted by the National Fire
61 Protection Association, to form the foundation codes of the
62 updated Florida Building Code, if the version has been adopted
63 by the applicable model code entity. The commission shall select
64 the most current version of the International Energy
65 Conservation Code (IECC) as a foundation code; however, the IECC
66 must ~~shall~~ be modified by the commission to maintain the
67 efficiencies of the Florida Energy Efficiency Code for Building
68 Construction adopted and amended pursuant to s. 553.901.

69 (b) Codes regarding noise contour lines shall be reviewed
70 annually, and the most current federal guidelines shall be
71 adopted.



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72 (c) The commission may modify any portion of the foundation
73 codes only as needed to accommodate the specific needs of this
74 state, maintaining Florida-specific amendments previously
75 adopted by the commission and not addressed by the updated
76 foundation code. Standards or criteria referenced by the codes
77 shall be incorporated by reference. If a referenced standard or
78 criterion requires amplification or modification to be
79 appropriate for use in this state, only the amplification or
80 modification shall be set forth in the Florida Building Code.
81 The commission may approve technical amendments to the updated
82 Florida Building Code after the amendments have been subject to
83 the conditions set forth in paragraphs (3) (a)-(d). Amendments to
84 the foundation codes which are adopted in accordance with this
85 subsection must ~~shall~~ be clearly marked in printed versions of
86 the Florida Building Code so that ~~the fact that the provisions~~
87 ~~are~~ Florida-specific amendments to the foundation codes are ~~is~~
88 readily apparent.

89 (d) The commission shall further consider the commission's
90 own interpretations, declaratory statements, appellate
91 decisions, and approved statewide and local technical amendments
92 and ~~shall~~ incorporate such interpretations, statements,
93 decisions, and amendments into the updated Florida Building Code
94 only to the extent that they are needed to modify the foundation
95 codes to accommodate the specific needs of the state. A change
96 made by an institute or standards organization to any standard
97 or criterion that is adopted by reference in the Florida
98 Building Code does not become effective statewide until it has
99 been adopted by the commission. Furthermore, the edition of the
100 Florida Building Code which is in effect on the date of



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101 application for any permit authorized by the code governs the
102 permitted work for the life of the permit and any extension
103 granted to the permit.

104 (e) A rule updating the Florida Building Code in accordance
105 with this subsection shall take effect no sooner than 6 months
106 after publication of the updated code. Any amendment to the
107 Florida Building Code which is adopted upon a finding by the
108 commission that the amendment is necessary to protect the public
109 from immediate threat of harm takes effect immediately.

110 (f) Provisions of the foundation codes, including those
111 contained in referenced standards and criteria, relating to wind
112 resistance or the prevention of water intrusion may not be
113 modified to diminish those construction requirements; however,
114 the commission may, subject to ~~conditions in~~ this subsection,
115 modify the provisions to enhance those construction
116 requirements.

117 (g) Amendments or modifications to the foundation code
118 pursuant to this subsection remain effective only until the
119 effective date of a new edition of the Florida Building Code
120 available every third year. Modifications and amendments
121 included in the Florida Building Code related to state agency
122 regulations that have been adopted and integrated into the
123 Florida Building Code shall be carried forward into the next
124 edition of the code subject to modification as provided in this
125 part. If amendments that expire pursuant to this paragraph are
126 resubmitted through the Florida Building Commission code
127 adoption process, the amendments must specifically address
128 whether:

129 1. The provisions contained in the proposed amendment are



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130 addressed in the applicable international code.

131 2. The amendment demonstrates by evidence or data that the
132 state's geographical jurisdiction exhibits a need to strengthen
133 the foundation code beyond the needs or regional variations
134 addressed by the foundation code, and why the proposed amendment
135 applies to this state.

136 3. The proposed amendment was submitted or attempted to be
137 included in the foundation codes to avoid resubmission to the
138 Florida Building Code amendment process.

139
140 If the proposed amendment has been addressed in the applicable
141 international code in a substantially equivalent manner, the
142 Florida Building Commission may not include the proposed
143 amendment in the foundation code.

144 (8) Notwithstanding ~~the provisions of~~ subsection (3) or
145 subsection (7), the commission may address issues identified in
146 this subsection by amending the code pursuant only to the rule
147 adoption procedures contained in chapter 120. Provisions of the
148 Florida Building Code, including those contained in referenced
149 standards and criteria, relating to wind resistance or the
150 prevention of water intrusion may not be amended pursuant to
151 this subsection to diminish those construction requirements;
152 however, the commission may, subject to ~~conditions in~~ this
153 subsection, amend the provisions to enhance those construction
154 requirements. Following the approval of any amendments to the
155 Florida Building Code by the commission and publication of the
156 amendments on the commission's website, authorities having
157 jurisdiction to enforce the Florida Building Code may enforce
158 the amendments. The commission may approve amendments that are



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159 needed to address:

160 (a) Conflicts within the updated code;

161 (b) Conflicts between the updated code and the Florida Fire
162 Prevention Code adopted pursuant to chapter 633;

163 ~~(c) The omission of previously adopted Florida-specific~~
164 ~~amendments to the updated code if such omission is not supported~~
165 ~~by a specific recommendation of a technical advisory committee~~
166 ~~or particular action by the commission;~~

167 (c) ~~(d)~~ Unintended results from the integration of
168 previously adopted Florida-specific amendments with the model
169 code;

170 (d) ~~(e)~~ Equivalency of standards;

171 (e) ~~(f)~~ Changes to or inconsistencies with federal or state
172 law; or

173 (f) ~~(g)~~ Adoption of an updated edition of the National
174 Electrical Code if the commission finds that delay of
175 implementing the updated edition causes undue hardship to
176 stakeholders or otherwise threatens the public health, safety,
177 and welfare.

178 (9) (a) The commission may approve technical amendments to
179 the Florida Building Code once each year for statewide or
180 regional application upon a finding that the amendment:

181 1. Is needed in order to accommodate the specific needs of
182 this state.

183 2. Has a reasonable and substantial connection with the
184 health, safety, and welfare of the general public.

185 3. Strengthens or improves the Florida Building Code, or in
186 the case of innovation or new technology, will provide
187 equivalent or better products or methods or systems of



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188 construction.

189 4. Does not discriminate against materials, products,
190 methods, or systems of construction of demonstrated
191 capabilities.

192 5. Does not degrade the effectiveness of the Florida
193 Building Code.

194

195 ~~Furthermore,~~ The Florida Building Commission may approve
196 technical amendments to the code once each year to incorporate
197 into the Florida Building Code its own interpretations of the
198 code which are embodied in its opinions, final orders,
199 declaratory statements, and interpretations of hearing officer
200 panels under s. 553.775(3)(c), but ~~shall do so~~ only to the
201 extent that the incorporation of interpretations is needed to
202 modify the foundation codes to accommodate the specific needs of
203 this state. Amendments approved under this paragraph shall be
204 adopted by rule ~~pursuant to ss. 120.536(1) and 120.54,~~ after the
205 amendments have been subjected to ~~the provisions of~~ subsection
206 (3).

207 (b) A proposed amendment must ~~shall~~ include a fiscal impact
208 statement that ~~which~~ documents the costs and benefits of the
209 proposed amendment. Criteria for the fiscal impact statement
210 shall be established by rule by the commission and shall include
211 the impact to local government relative to enforcement, the
212 impact to property and building owners, and the impact as well
213 as to industry, relative to the cost of compliance. The
214 amendment must demonstrate by evidence or data that the state's
215 geographical jurisdiction exhibits a need to strengthen the
216 foundation code beyond the needs or regional variations



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217 addressed by the foundation code, and why the proposed amendment
218 applies to this state.

219 (c) The commission may not approve any proposed amendment
220 that does not accurately and completely address all requirements
221 for amendment which are set forth in this section. The
222 commission shall require all proposed amendments and information
223 submitted with proposed amendments to be reviewed by commission
224 staff before ~~prior to~~ consideration by any technical advisory
225 committee. These reviews shall be for sufficiency only and are
226 not intended to be qualitative in nature. Staff members must
227 ~~shall~~ reject any proposed amendment that fails to include a
228 fiscal impact statement. Proposed amendments rejected by staff
229 members ~~of the staff~~ may not be considered by the commission or
230 any technical advisory committee.

231 (d) Provisions of the Florida Building Code, including
232 those contained in referenced standards and criteria, relating
233 to wind resistance or the prevention of water intrusion may not
234 be amended pursuant to this subsection to diminish those
235 construction requirements; however, the commission may, subject
236 to ~~conditions in~~ this subsection, amend the provisions to
237 enhance those construction requirements.

238 (10) The following buildings, structures, and facilities
239 are exempt from the Florida Building Code as provided by law,
240 and any further exemptions shall be as determined by the
241 Legislature and provided by law:

242 (h) Storage sheds that are not designed for human
243 habitation and that have a floor area of 720 square feet or less
244 are not required to comply with the mandatory wind-borne-debris-
245 impact standards of the Florida Building Code. Such buildings



246 that are for use in conjunction with one- and two-family
247 residences and are 400 square feet or less are also not subject
248 to the door height and width requirements of the code.

249
250 With the exception of paragraphs (a), (b), (c), and (f), in
251 order to preserve the health, safety, and welfare of the public,
252 the Florida Building Commission may, by rule adopted pursuant to
253 chapter 120, provide for exceptions to the broad categories of
254 buildings exempted in this section, including exceptions for
255 application of specific sections of the code or standards
256 adopted therein. The Department of Agriculture and Consumer
257 Services shall have exclusive authority to adopt by rule,
258 pursuant to chapter 120, exceptions to nonresidential farm
259 buildings exempted in paragraph (c) when reasonably necessary to
260 preserve public health, safety, and welfare. The exceptions must
261 be based upon specific criteria, such as under-roof floor area,
262 aggregate electrical service capacity, HVAC system capacity, or
263 other building requirements. Further, the commission may
264 recommend to the Legislature additional categories of buildings,
265 structures, or facilities which should be exempted from the
266 Florida Building Code, to be provided by law. The Florida
267 Building Code does not apply to temporary housing provided by
268 the Department of Corrections to any prisoner in the state
269 correctional system.

270
271 ===== T I T L E A M E N D M E N T =====

272 And the title is amended as follows:

273 Delete lines 80 - 87

274 and insert:



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275 specifying national codes to form the foundation for
276 state building standards and codes; providing for the
277 incorporation of amendments into the Florida Building
278 Code; requiring proposed amendments to the code to
279 demonstrate a need for the amendment; providing an
280 additional exemption from wind-borne debris standards
281 for certain storage sheds; amending s. 553.74,