



299742

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2011	.	
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The Committee on Community Affairs (Bennett) recommended the following:

1           **Senate Amendment to Amendment (460854) (with title**  
2 **amendment)**

3  
4           Delete lines 628 - 630

5 and insert:

6           Section 18. Subsections (1), (2), (3), (9), and (15) of  
7 section 553.73, Florida Statutes, are amended to read:

8           553.73 Florida Building Code.—

9           (1) ~~(a)~~ The commission shall adopt, by rule ~~pursuant to ss.~~  
10 ~~120.536(1) and 120.54~~, the Florida Building Code and a Florida  
11 supplement to the International Code Council's set of codes  
12 which contains or incorporates ~~shall contain or incorporate~~ by



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13 reference all laws and rules that ~~which~~ pertain to and govern  
14 the design, construction, erection, alteration, modification,  
15 repair, and demolition of public and private buildings,  
16 structures, and facilities and enforcement of such laws and  
17 rules, except as otherwise provided in this section.

18 (a) ~~(b)~~ The technical portions of the Florida Accessibility  
19 Code for Building Construction shall be contained ~~in their~~  
20 ~~entirety~~ in the Florida Building Code supplement to the  
21 International Accessibility Code. The civil rights portions and  
22 the technical portions of the accessibility laws of this state  
23 shall remain as currently provided by law. Any revision or  
24 amendments to the Florida Accessibility Code for Building  
25 Construction pursuant to part II shall be placed in the next  
26 edition of the supplement ~~considered adopted by the commission~~  
27 ~~as part of the Florida Building Code~~. Neither the commission nor  
28 any local government shall revise or amend any standard of the  
29 Florida Accessibility Code for Building Construction except as  
30 provided for in part II.

31 (b) ~~(e)~~ The Florida Fire Prevention Code and the Life Safety  
32 Code shall be referenced in the Florida Building Code, but shall  
33 be adopted, modified, revised, or amended, interpreted, and  
34 maintained by the Department of Financial Services by rule  
35 ~~adopted pursuant to ss. 120.536(1) and 120.54~~. The Florida  
36 Building Commission may not adopt a fire prevention or  
37 lifesafety code, and nothing in the Florida Building Code shall  
38 affect the statutory powers, duties, and responsibilities of any  
39 fire official or the Department of Financial Services.

40 (c) ~~(d)~~ Conflicting requirements between the Florida  
41 Building Code and the Florida Fire Prevention Code and Life



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42 Safety Code ~~of the state~~ established pursuant to ss. 633.022 and  
43 633.025 shall be resolved by agreement between the commission  
44 and the State Fire Marshal in favor of the requirement that  
45 offers the greatest degree of lifesafety or alternatives that  
46 ~~would~~ provide an equivalent degree of lifesafety and an  
47 equivalent method of construction. If the commission and State  
48 Fire Marshal are unable to agree on a resolution, the question  
49 shall be referred to a mediator, mutually agreeable to both  
50 parties, to resolve the conflict in favor of the provision that  
51 offers the greatest lifesafety, or alternatives that ~~would~~  
52 provide an equivalent degree of lifesafety and an equivalent  
53 method of construction.

54 (d) ~~(e)~~ Subject to the provisions of this act,  
55 responsibility for enforcement, interpretation, and regulation  
56 of the Florida Building Code shall be vested in a specified  
57 local board or agency, and the terms ~~words~~ "local government"  
58 and "local governing body" as used in this part shall be  
59 construed to refer exclusively to such local board or agency.

60 (2) The Florida Building Code and supplement must ~~shall~~  
61 contain provisions or requirements for public and private  
62 buildings, structures, and facilities relative to structural,  
63 mechanical, electrical, plumbing, energy, and gas systems,  
64 existing buildings, historical buildings, manufactured  
65 buildings, elevators, coastal construction, lodging facilities,  
66 food sales and food service facilities, health care facilities,  
67 including assisted living facilities, adult day care facilities,  
68 hospice residential and inpatient facilities and units, and  
69 facilities for the control of radiation hazards, public or  
70 private educational facilities, swimming pools, and correctional



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71 facilities and enforcement of and compliance with such  
72 provisions or requirements. Further, the Florida Building Code  
73 and supplement must provide for uniform implementation of ss.  
74 515.25, 515.27, and 515.29 by including standards and criteria  
75 for residential swimming pool barriers, pool covers, latching  
76 devices, door and window exit alarms, and other equipment  
77 required therein, which are consistent with the intent of s.  
78 515.23. Technical provisions ~~to be~~ contained within the Florida  
79 Building Code are restricted to requirements related to the  
80 types of materials used and construction methods and standards  
81 employed in order to meet criteria specified in the ~~Florida~~  
82 ~~Building~~ code. Provisions relating to the personnel, supervision  
83 or training of personnel, or any other professional  
84 qualification requirements relating to contractors or their  
85 workforce may not be included within the Florida Building Code,  
86 and subsections (4), (6), (7), (8), and (9) are not to be  
87 construed to allow the inclusion of such provisions within the  
88 ~~Florida Building~~ code by amendment. This restriction applies to  
89 both initial development and amendment of the Florida Building  
90 Code and supplement.

91 (3) The commission shall use the International Codes  
92 published by the International Code Council, the National  
93 Electric Code (NFPA 70), or other nationally adopted model codes  
94 and standards needed to supplant or apply the base code in  
95 Florida ~~select from available national or international model~~  
96 ~~building codes, or other available building codes and standards~~  
97 ~~currently recognized by the laws of this state, to form the~~  
98 foundation for building code standards and the Florida Building  
99 Code and supplement. ~~The commission may modify the selected~~



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100 ~~model codes and standards as needed to accommodate the specific~~  
101 ~~needs of this state. Standards or criteria referenced by the~~  
102 ~~selected model codes shall be similarly incorporated by~~  
103 ~~reference. If a referenced standard or criterion requires~~  
104 ~~amplification or modification to be appropriate for use in this~~  
105 ~~state, only the amplification or modification shall be~~  
106 ~~specifically set forth in the Florida Building Code. The Florida~~  
107 Building Commission may approve technical amendments to the  
108 code, subject to ~~the requirements of~~ subsections (8) and (9),  
109 after the amendments have been subject to the following  
110 conditions:

111 (a) The proposed amendment has been published on the  
112 commission's website for a minimum of 45 days and all the  
113 associated documentation has been made available to any  
114 interested party before any consideration by a ~~any~~ technical  
115 advisory committee;

116 (b) In order for a technical advisory committee to make a  
117 favorable recommendation to the commission, the proposal must  
118 receive a three-fourths vote of the members present at the  
119 technical advisory committee meeting and at least half of the  
120 regular members must be present in order to conduct a meeting;

121 (c) After technical advisory committee consideration and a  
122 recommendation for approval of any proposed amendment, the  
123 proposal must be published on the commission's website for at  
124 least ~~not less than~~ 45 days before ~~any~~ consideration by the  
125 commission; and

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



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129  
130 The commission shall incorporate within sections of the Florida  
131 Building Code provisions which address regional and local  
132 concerns and variations. The commission shall make every effort  
133 to minimize conflicts between the Florida Building Code, the  
134 Florida Fire Prevention Code, and the Life Safety Code.

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

138 1. Is needed in order to accommodate the specific needs of  
139 this state.

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

142 3. Strengthens or improves the Florida Building Code, or in  
143 the case of innovation or new technology, will provide  
144 equivalent or better products or methods or systems of  
145 construction.

146 4. Does not discriminate against materials, products,  
147 methods, or systems of construction of demonstrated  
148 capabilities.

149 5. Does not degrade the effectiveness of the Florida  
150 Building Code.

151  
152 ~~Furthermore,~~ The Florida Building Commission may also approve  
153 technical amendments to the code once every 3 years in order  
154 ~~each year~~ to incorporate into the Florida Building Code its own  
155 interpretations of the code which are embodied in its opinions,  
156 final orders, declaratory statements, and interpretations of  
157 hearing officer panels under s. 553.775(3)(c), but ~~shall do so~~



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158 only to the extent that the incorporation of interpretations is  
159 needed to modify the foundation codes to accommodate the  
160 specific needs of this state. Amendments approved under this  
161 paragraph shall be adopted by rule ~~pursuant to ss. 120.536(1)~~  
162 ~~and 120.54,~~ after the amendments have been subjected to ~~the~~  
163 ~~provisions of~~ subsection (3).

164 (b) A proposed amendment must ~~shall~~ include a fiscal impact  
165 statement that ~~which~~ documents the costs and benefits of the  
166 proposed amendment. Criteria for the fiscal impact statement  
167 shall be established by rule by the commission and ~~shall~~ include  
168 the impact to local government relative to enforcement, the  
169 impact to property and building owners, and the impact as well  
170 ~~as~~ to industry, relative to the cost of compliance. A proposed  
171 amendment to the base code must also include specific  
172 justifications for why this state is different from other areas  
173 that have adopted the base code and why the proposed amendment  
174 applies to this state and no other area or region where the base  
175 code has been adopted.

176 (c) The commission may not approve a ~~any~~ proposed amendment  
177 that does not accurately and completely address all requirements  
178 for amendment which are set forth in this section. The  
179 commission shall require all proposed amendments and information  
180 submitted with proposed amendments to be reviewed by commission  
181 staff prior to consideration by any technical advisory  
182 committee. These reviews shall be for sufficiency only and are  
183 not intended to be qualitative in nature. Staff members shall  
184 reject any proposed amendment that fails to include a fiscal  
185 impact statement. Proposed amendments rejected by members of the  
186 staff may not be considered by the commission or any technical



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187 advisory committee.

188 (d) Provisions of the Florida Building Code, including those  
189 contained in referenced standards and criteria, relating to wind  
190 resistance or the prevention of water intrusion may not be  
191 amended pursuant to this subsection to diminish those  
192 construction requirements; however, the commission may, subject  
193 to conditions in this subsection, amend the provisions to  
194 enhance ~~those~~ construction requirements.

195

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

197 And the title is amended as follows:

198       Between lines 858 and 859

199 insert:

200       Florida Building Code; providing for a supplement to  
201       the code; specifying national codes to form the  
202       foundation for state building standards and codes;  
203       revising how often the Florida Building Commission may  
204       approve technical amendments to the code; requiring  
205       proposed amendments to base codes to provide  
206       justifications; revising requirements relating to the