



740114

LEGISLATIVE ACTION

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

1 **Senate Amendment to Amendment (342646) (with title**
2 **amendment)**

3
4 Delete lines 601 - 603

5 and insert:

6 Section 15. 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, if such provisions are not otherwise covered in the
79 International Swimming Pool and Spa Code. Technical provisions
80 ~~to be~~ contained within the Florida Building Code are restricted
81 to requirements related to the types of materials used and
82 construction methods and standards employed in order to meet
83 criteria specified in the ~~Florida Building~~ code. Provisions
84 relating to the personnel, supervision or training of personnel,
85 or any other professional qualification requirements relating to
86 contractors or their workforce may not be included within the
87 Florida Building Code, and subsections (4), (6), (7), (8), and
88 (9) are not to be construed to allow the inclusion of such
89 provisions within the ~~Florida Building~~ code by amendment. This
90 restriction applies to both initial development and amendment of
91 the Florida Building Code and supplement.

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



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

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

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

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

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



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129 accordance with chapter 120.

130

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

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

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

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

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

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

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

152

153 ~~Furthermore,~~ The Florida Building Commission may also approve
154 technical amendments to the code once every 3 years in order
155 ~~each year~~ to incorporate into the Florida Building Code its own
156 interpretations of the code which are embodied in its opinions,
157 final orders, declaratory statements, and interpretations of



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158 hearing officer panels under s. 553.775(3)(c), but ~~shall do so~~
159 only to the extent that the incorporation of interpretations is
160 needed to modify the foundation codes to accommodate the
161 specific needs of this state. Amendments approved under this
162 paragraph shall be adopted by rule ~~pursuant to ss. 120.536(1)~~
163 ~~and 120.54~~, after the amendments have been subjected to ~~the~~
164 ~~provisions of~~ subsection (3).

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

177 (c) The commission may not approve a ~~any~~ proposed amendment
178 that does not accurately and completely address all requirements
179 for amendment which are set forth in this section. The
180 commission shall require all proposed amendments and information
181 submitted with proposed amendments to be reviewed by commission
182 staff or appropriate professional or organizational entities
183 involved in the enforcement of building codes in this state
184 where the amendment will apply before being considered ~~prior to~~
185 ~~consideration by~~ a ~~any~~ technical advisory committee. ~~These~~
186 ~~reviews shall be for sufficiency only and are not intended to be~~



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187 ~~qualitative in nature. Staff members shall reject any proposed~~
188 ~~amendment that fails to include a fiscal impact statement.~~
189 Proposed amendments rejected by members of the reviewing entity
190 ~~staff~~ may not be considered by the commission or any technical
191 advisory committee.

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

199
200 ===== T I T L E A M E N D M E N T =====

201 And the title is amended as follows:

202 After line 881

203 insert:

204 requirements relating to the Florida Building Code;
205 providing for a supplement to the code; specifying
206 national codes to form the foundation for state
207 building standards and codes; revising how often the
208 Florida Building Commission may approve technical
209 amendments to the code; requiring proposed amendments
210 to base codes to provide justifications; requiring
211 professional or organizational entities to review
212 proposed amendments; revising