



587522

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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	.	
	.	

The Committee on Community Affairs (Lee) recommended the following:

Senate Amendment (with title amendment)

Between lines 23 and 24
insert:

Section 2. Subsection (3) of section 553.73, Florida Statutes, is amended, paragraph (d) is added to subsection (4) of that section, and subsections (7) and (8) and paragraphs (a) and (b) of subsection (9) of that section are amended, to read:

553.73 Florida Building Code.—

(3) The commission shall use the ~~International Codes~~



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11 ~~published by the~~ International Code Council, the National
12 Electric Code (NFPA 70), or other nationally adopted model codes
13 and standards for updates to needed to develop the base code in
14 ~~Florida to form the foundation for~~ the Florida Building Code.
15 The ~~Florida Building~~ commission may approve technical amendments
16 to the code as provided in, ~~subject to~~ subsections (8) and (9),
17 ~~after the amendments have been~~ subject to all of the following
18 conditions:

19 (a) The proposed amendment must have ~~has~~ been published on
20 the commission's website for a minimum of 45 days and all the
21 associated documentation must have ~~has~~ been made available to
22 any interested party before ~~any~~ consideration by a technical
23 advisory committee.†

24 (b) In order for a technical advisory committee to make a
25 favorable recommendation to the commission, the proposal must
26 receive a two-thirds ~~three-fourths~~ vote of the members present
27 at the ~~technical advisory committee~~ meeting. ~~and~~ At least half
28 of the regular members must be present in order to conduct a
29 meeting.†

30 (c) After the technical advisory committee has considered
31 and recommended ~~consideration and a recommendation for~~ approval
32 of any proposed amendment, the proposal must be published on the
33 commission's website for at least 45 days before ~~any~~
34 consideration by the commission.† ~~and~~

35 (d) A proposal may be modified by the commission based on
36 public testimony and evidence from a public hearing held in
37 accordance with chapter 120.

38
39 The commission shall incorporate within ~~sections of~~ the Florida



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40 Building Code provisions that ~~which~~ address regional and local
41 concerns and variations. The commission shall make every effort
42 to minimize conflicts between the Florida Building Code, the
43 Florida Fire Prevention Code, and the Life Safety Code.

44 (4)

45 (d) A technical amendment to the Florida Building Code
46 related to water conservation practices or design criteria
47 adopted by a local government pursuant to this subsection is not
48 rendered void when the code is updated if the technical
49 amendment is necessary to protect or provide for more efficient
50 use of water resources as provided in s. 373.621. However, any
51 such technical amendment carried forward into the next edition
52 of the code pursuant to this paragraph is subject to review or
53 modification as provided in this part.

54 (7) (a) The commission, ~~by rule adopted pursuant to ss.~~
55 ~~120.536(1) and 120.54,~~ shall adopt an updated ~~update~~ the Florida
56 Building Code every 3 years through review of. ~~when updating the~~
57 ~~Florida Building Code, the commission shall select~~ the most
58 current updates ~~version~~ of the International Building Code, the
59 International Fuel Gas Code, the International Mechanical Code,
60 the International Plumbing Code, and the International
61 Residential Code, all of which are copyrighted and published by
62 ~~adopted~~ by the International Code Council, and the National
63 Electrical Code, which is copyrighted and published ~~adopted~~ by
64 the National Fire Protection Association. At a minimum, the
65 commission shall adopt any updates to such codes or any other
66 code necessary to maintain eligibility for federal funding from
67 the National Flood Insurance Program, the Federal Emergency
68 Management Agency, and the United States Department of Housing



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69 ~~and Urban Development, to form the foundation codes of the~~
70 ~~updated Florida Building Code, if the version has been adopted~~
71 ~~by the applicable model code entity. The commission shall also~~
72 ~~review and adopt updates based substantially on select the most~~
73 ~~current version of the International Energy Conservation Code~~
74 ~~(IECC) as a foundation code; however, the IECC shall be modified~~
75 ~~by the commission shall to maintain the efficiencies of the~~
76 ~~Florida Energy Efficiency Code for Building Construction adopted~~
77 ~~and amended pursuant to s. 553.901. The commission shall adopt~~
78 ~~updated codes by rule.~~

79 (b) Codes regarding noise contour lines shall be reviewed
80 annually, and the most current federal guidelines shall be
81 adopted.

82 (c) The commission may adopt as a technical amendment to
83 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~
84 codes identified in paragraph (a), but only as needed to
85 accommodate the specific needs of this state. Standards or
86 criteria adopted from these ~~referenced by the~~ codes shall be
87 incorporated by reference to the specific provisions adopted. If
88 a referenced standard or criterion requires amplification or
89 modification to be appropriate for use in this state, only the
90 amplification or modification shall be set forth in the Florida
91 Building Code. The commission may approve technical amendments
92 to the updated Florida Building Code after the amendments have
93 been subject to the conditions set forth in paragraphs (3)(a)-
94 (d). Amendments that ~~to the foundation codes which~~ are adopted
95 in accordance with this subsection shall be clearly marked in
96 printed versions of the Florida Building Code so that the fact
97 that the provisions are ~~Florida-specific~~ amendments ~~to the~~



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98 ~~foundation codes~~ is readily apparent.

99 (d) The commission shall further consider the commission's
100 own interpretations, declaratory statements, appellate
101 decisions, and approved statewide and local technical amendments
102 and shall incorporate such interpretations, statements,
103 decisions, and amendments into the updated Florida Building Code
104 only to the extent that they are needed to ~~modify the foundation~~
105 ~~codes~~ to accommodate the specific needs of the state. A change
106 made by an institute or standards organization to any standard
107 or criterion that is adopted by reference in the Florida
108 Building Code does not become effective statewide until it has
109 been adopted by the commission. Furthermore, the edition of the
110 Florida Building Code which is in effect on the date of
111 application for any permit authorized by the code governs the
112 permitted work for the life of the permit and any extension
113 granted to the permit.

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

120 (f) Provisions of the Florida Building Code ~~foundation~~
121 ~~codes~~, including those contained in referenced standards and
122 criteria, relating to wind resistance or the prevention of water
123 intrusion may not be modified to diminish those construction
124 requirements; however, the commission may, subject to conditions
125 in this subsection, modify the provisions to enhance those
126 construction requirements.



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127 ~~(g) Amendments or modifications to the foundation code~~
128 ~~pursuant to this subsection shall remain effective only until~~
129 ~~the effective date of a new edition of the Florida Building Code~~
130 ~~every third year. Amendments or modifications related to state~~
131 ~~agency regulations which are adopted and integrated into an~~
132 ~~edition of the Florida Building Code shall be carried forward~~
133 ~~into the next edition of the code, subject to modification as~~
134 ~~provided in this part. Amendments or modifications related to~~
135 ~~the wind-resistance design of buildings and structures within~~
136 ~~the high-velocity hurricane zone of Miami-Dade and Broward~~
137 ~~Counties which are adopted to an edition of the Florida Building~~
138 ~~Code do not expire and shall be carried forward into the next~~
139 ~~edition of the code, subject to review or modification as~~
140 ~~provided in this part. If amendments that expire pursuant to~~
141 ~~this paragraph are resubmitted through the Florida Building~~
142 ~~commission code adoption process, the amendments must~~
143 ~~specifically address whether:~~

144 ~~1. The provisions contained in the proposed amendment are~~
145 ~~addressed in the applicable international code.~~

146 ~~2. The amendment demonstrates by evidence or data that the~~
147 ~~geographical jurisdiction of Florida exhibits a need to~~
148 ~~strengthen the foundation code beyond the needs or regional~~
149 ~~variations addressed by the foundation code, and why the~~
150 ~~proposed amendment applies to this state.~~

151 ~~3. The proposed amendment was submitted or attempted to be~~
152 ~~included in the foundation codes to avoid resubmission to the~~
153 ~~Florida Building Code amendment process.~~

154
155 ~~If the proposed amendment has been addressed in the~~



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156 ~~international code in a substantially equivalent manner, the~~
157 ~~Florida Building commission may not include the proposed~~
158 ~~amendment in the foundation Code.~~

159 (8) Notwithstanding ~~the provisions of~~ subsection (3) or
160 subsection (7), the commission may address issues identified in
161 this subsection by amending the code pursuant ~~only~~ to the rule
162 adoption procedures ~~contained~~ in chapter 120. ~~Provisions of The~~
163 Florida Building Code, including provisions ~~those~~ contained in
164 referenced standards and criteria which relate, ~~relating~~ to wind
165 resistance or the prevention of water intrusion, may not be
166 amended pursuant to this subsection to diminish those standards
167 ~~construction requirements~~; however, the commission may, ~~subject~~
168 ~~to conditions in this subsection~~, amend the Florida Building
169 Code ~~the provisions~~ to enhance such standards ~~those construction~~
170 ~~requirements~~. Following the approval of any amendments to the
171 Florida Building Code by the commission and publication of the
172 amendments on the commission's website, authorities having
173 jurisdiction to enforce the Florida Building Code may enforce
174 the amendments. The commission may approve amendments that are
175 needed to address:

- 176 (a) Conflicts within the updated code;
- 177 (b) Conflicts between the updated code and the Florida Fire
178 Prevention Code adopted pursuant to chapter 633;
- 179 (c) Unintended results from the integration of previously
180 adopted ~~Florida-specific~~ amendments with the model code;
- 181 (d) Equivalency of standards;
- 182 (e) Changes to or inconsistencies with federal or state
183 law; or
- 184 (f) Adoption of an updated edition of the National



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185 Electrical Code if the commission finds that delay of
186 implementing the updated edition causes undue hardship to
187 stakeholders or otherwise threatens the public health, safety,
188 and welfare.

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

192 1. Is needed in order to accommodate the specific needs of
193 this state.

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

196 3. Strengthens or improves the Florida Building Code, or in
197 the case of innovation or new technology, will provide
198 equivalent or better products or methods or systems of
199 construction.

200 4. Does not discriminate against materials, products,
201 methods, or systems of construction of demonstrated
202 capabilities.

203 5. Does not degrade the effectiveness of the Florida
204 Building Code.

205

206 The Florida Building Commission may approve technical amendments
207 to the code once each year to incorporate into the Florida
208 Building Code its own interpretations of the code which are
209 embodied in its opinions, final orders, declaratory statements,
210 and interpretations of hearing officer panels under s.

211 553.775(3)(c), but only to the extent that the incorporation of
212 interpretations is needed to modify the code ~~foundation codes~~ to
213 accommodate the specific needs of this state. Amendments



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214 approved under this paragraph shall be adopted by rule after the
215 amendments have been subjected to subsection (3).

216 (b) A proposed amendment must include a fiscal impact
217 statement that documents the costs and benefits of the proposed
218 amendment. Criteria for the fiscal impact statement shall be
219 established by rule by the commission and shall include the
220 impact to local government relative to enforcement, the impact
221 to property and building owners, and the impact to industry,
222 relative to the cost of compliance. The amendment must
223 demonstrate by evidence or data that the state's geographical
224 jurisdiction exhibits a need to strengthen the ~~foundation~~ code
225 beyond the needs or regional variations addressed by the
226 ~~foundation~~ code and why the proposed amendment applies to this
227 state.

228 Section 3. Subsection (2) of section 553.76, Florida
229 Statutes, is amended to read:

230 553.76 General powers of the commission.—The commission is
231 authorized to:

232 (2) Issue memoranda of procedure for its internal
233 management and control. The commission may adopt rules related
234 to its consensus-based decisionmaking process, including, but
235 not limited to, super majority voting requirements ~~for~~
236 ~~commission actions relating to the adoption of the Florida~~
237 ~~Building Code or amendments to the code.~~ However, the commission
238 must adopt the Florida Building Code, and amendments thereto, by
239 at least a two-thirds vote of the members present at a meeting.

240
241 ===== T I T L E A M E N D M E N T =====

242 And the title is amended as follows:



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243 Delete lines 2 - 8
244 and insert:
245 An act relating to building-related contracting;
246 amending s. 489.516, F.S.; specifying that provisions
247 regulating certified electrical contractors and
248 certified alarm system contractors do not prevent such
249 contractors from acting as a prime contractor or from
250 subcontracting work to other licensed contractors
251 under certain circumstances; amending s. 553.73, F.S.;
252 requiring the Florida Building Commission to use
253 certain entities and codes for updates to the Florida
254 Building Code; revising voting requirements for a
255 technical advisory committee to make a favorable
256 recommendation to the commission; providing that
257 certain technical amendments to the Florida Building
258 Code which are adopted by a local government are not
259 rendered void when the code is updated; specifying
260 that such amendments are subject to review or
261 modification if carried forward into the next edition
262 of the code; requiring the commission to update the
263 Florida Building Code through a review of the most
264 current updates of specified codes; requiring the
265 commission to adopt specified provisions from certain
266 codes; deleting provisions limiting how long an
267 amendment or modification is effective; deleting a
268 provision requiring certain amendments or
269 modifications to be carried forward into the next
270 edition of the code, subject to certain conditions;
271 deleting certain requirements for the resubmission of



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272 expired amendments; deleting a provision prohibiting a
273 proposed amendment from being included in the code if
274 it has been addressed in the international code;
275 conforming provisions to changes made by the act;
276 amending s. 553.76, F.S.; requiring the commission to
277 adopt the Florida Building Code, and amendments
278 thereto, by a minimum percentage of votes;