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576-02488-17

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to the Florida Building Commission;
amending s. 553.73, F.S.; requiring the commission to
use the 6th edition, and subsequent editions, of the
Florida Building Code as the foundation for the
development of and updates to the code; revising
voting requirements for a technical advisory committee
to make a favorable recommendation to the commission;
providing that certain technical amendments to the
Florida Building Code which are adopted by a local
government are not rendered void when the code is
updated; specifying that such amendments are subject
to review or modification if carried forward into the
next edition of the code; requiring the commission to
review, rather than update, the Florida Building Code
every 3 years; requiring the commission to adopt
specified provisions from certain codes; deleting a
provision that specifies how long amendments or
modifications to the foundation remain effective;
deleting provisions limiting how long an amendment or
modification is effective; deleting a provision
requiring certain amendments or modifications to be
carried forward into the next edition of the code,
subject to certain conditions; deleting certain
requirements for the resubmission of expired
amendments; deleting a provision prohibiting a
proposed amendment from being included in the



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28 foundation if it has been addressed in the
29 international code; conforming provisions to changes
30 made by the act; amending s. 553.76, F.S.; requiring
31 the commission to adopt the Florida Building Code, and
32 amendments thereto, by a minimum percentage of votes;
33 providing an effective date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. Subsection (3) of section 553.73, Florida
38 Statutes, is amended, paragraph (d) is added to subsection (4)
39 of that section, and subsections (7) and (8) and paragraphs (a)
40 and (b) of subsection (9) of that section are amended, to read:
41 553.73 Florida Building Code.—

42 (3) The commission shall use the 6th edition, and
43 subsequent editions, of the Florida Building Code as the
44 ~~International Codes published by the International Code Council,~~
45 ~~the National Electric Code (NFPA 70), or other nationally~~
46 ~~adopted model codes and standards needed to develop the base~~
47 ~~code in Florida to form the~~ foundation for the development of
48 and updates to the Florida Building Code. The ~~Florida Building~~
49 commission may approve technical amendments to the code as
50 provided in, ~~subject to~~ subsections (8) and (9), ~~after the~~
51 ~~amendments have been~~ subject to all of the following conditions:

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



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57 (b) In order for a technical advisory committee to make a
58 favorable recommendation to the commission, the proposal must
59 receive a two-thirds ~~three-fourths~~ vote of the members present
60 at the ~~technical advisory committee meeting.~~ and At least half
61 of the regular members must be present in order to conduct a
62 meeting.~~†~~

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

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

71
72 The commission shall incorporate within ~~sections of~~ the Florida
73 Building Code provisions that ~~which~~ address regional and local
74 concerns and variations. The commission shall make every effort
75 to minimize conflicts between the Florida Building Code, the
76 Florida Fire Prevention Code, and the Life Safety Code.

77 (4)

78 (d) A technical amendment to the Florida Building Code
79 related to water conservation practices or design criteria
80 adopted by a local government pursuant to this subsection is not
81 rendered void when the code is updated if the technical
82 amendment is necessary to protect or provide for more efficient
83 use of water resources as provided in s. 373.621. However, any
84 such technical amendment carried forward into the next edition
85 of the code pursuant to this paragraph is subject to review or



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86 modification as provided in this part.

87 (7) (a) The commission, by rule ~~adopted pursuant to ss.~~
88 ~~120.536(1) and 120.54,~~ shall review ~~update~~ the Florida Building
89 Code every 3 years to consider whether it needs to be revised.
90 The commission shall adopt code revisions by rule. When
91 evaluating potential revisions to ~~updating~~ the Florida Building
92 Code, the commission shall review ~~select~~ the most current
93 version of the International Building Code, the International
94 Fuel Gas Code, the International Mechanical Code, the
95 International Plumbing Code, and the International Residential
96 Code, all of which are adopted by the International Code
97 Council, and the National Electrical Code, which is adopted by
98 the National Fire Protection Association. At a minimum, the
99 commission must adopt any provision from such codes or any other
100 code necessary to maintain eligibility for federal funding from
101 the National Flood Insurance Program, the Federal Emergency
102 Management Agency, and the United States Department of Housing
103 and Urban Development, ~~to form the foundation codes of the~~
104 ~~updated Florida Building Code, if the version has been adopted~~
105 ~~by the applicable model code entity.~~ The commission shall also
106 review ~~select~~ the most current version of the International
107 Energy Conservation Code (IECC) ~~as a foundation code;~~ however,
108 ~~the IECC shall be modified by~~ the commission must ~~to~~ maintain
109 the efficiencies of the Florida Energy Efficiency Code for
110 Building Construction adopted and amended pursuant to s.
111 553.901.

112 (b) Codes regarding noise contour lines shall be reviewed
113 annually, and the most current federal guidelines shall be
114 adopted.



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115 (c) The commission may adopt as a technical amendment to
116 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~
117 codes identified in paragraph (a) only as needed to accommodate
118 the specific needs of this state. Standards or criteria adopted
119 from such ~~referenced by the~~ codes shall be incorporated by
120 reference to the specific provisions of such codes which are
121 adopted. If a referenced standard or criterion requires
122 amplification or modification to be appropriate for use in this
123 state, only the amplification or modification shall be set forth
124 in the Florida Building Code. The commission may approve
125 technical amendments to the updated Florida Building Code after
126 the amendments have been subject to the conditions set forth in
127 paragraphs (3)(a)-(d). Amendments that ~~to the foundation codes~~
128 ~~which~~ are adopted in accordance with this subsection shall be
129 clearly marked in printed versions of the Florida Building Code
130 so that the fact that the provisions are ~~Florida-specific~~
131 ~~amendments to the foundation codes~~ is readily apparent.

132 (d) The commission shall further consider the commission's
133 own interpretations, declaratory statements, appellate
134 decisions, and approved statewide and local technical amendments
135 and shall incorporate such interpretations, statements,
136 decisions, and amendments into the updated Florida Building Code
137 only to the extent that they are needed to ~~modify the foundation~~
138 ~~codes~~ to accommodate the specific needs of the state. A change
139 made by an institute or standards organization to any standard
140 or criterion that is adopted by reference in the Florida
141 Building Code does not become effective statewide until it has
142 been adopted by the commission. Furthermore, the edition of the
143 Florida Building Code which is in effect on the date of



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144 application for any permit authorized by the code governs the
145 permitted work for the life of the permit and any extension
146 granted to the permit.

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

153 (f) Provisions of the Florida Building Code foundation
154 ~~codes~~, including those contained in referenced standards and
155 criteria, relating to wind resistance or the prevention of water
156 intrusion may not be modified to diminish those construction
157 requirements; however, the commission may, subject to conditions
158 in this subsection, modify the provisions to enhance those
159 construction requirements.

160 ~~(g) Amendments or modifications to the foundation code~~
161 ~~pursuant to this subsection shall remain effective only until~~
162 ~~the effective date of a new edition of the Florida Building Code~~
163 ~~every third year. Amendments or modifications related to state~~
164 ~~agency regulations which are adopted and integrated into an~~
165 ~~edition of the Florida Building Code shall be carried forward~~
166 ~~into the next edition of the code, subject to modification as~~
167 ~~provided in this part. Amendments or modifications related to~~
168 ~~the wind resistance design of buildings and structures within~~
169 ~~the high-velocity hurricane zone of Miami-Dade and Broward~~
170 ~~Counties which are adopted to an edition of the Florida Building~~
171 ~~Code do not expire and shall be carried forward into the next~~
172 ~~edition of the code, subject to review or modification as~~



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173 ~~provided in this part. If amendments that expire pursuant to~~
174 ~~this paragraph are resubmitted through the Florida Building~~
175 ~~commission code adoption process, the amendments must~~
176 ~~specifically address whether:~~

177 ~~1. The provisions contained in the proposed amendment are~~
178 ~~addressed in the applicable international code.~~

179 ~~2. The amendment demonstrates by evidence or data that the~~
180 ~~geographical jurisdiction of Florida exhibits a need to~~
181 ~~strengthen the foundation code beyond the needs or regional~~
182 ~~variations addressed by the foundation code, and why the~~
183 ~~proposed amendment applies to this state.~~

184 ~~3. The proposed amendment was submitted or attempted to be~~
185 ~~included in the foundation codes to avoid resubmission to the~~
186 ~~Florida Building Code amendment process.~~

187
188 ~~If the proposed amendment has been addressed in the~~
189 ~~international code in a substantially equivalent manner, the~~
190 ~~Florida Building commission may not include the proposed~~
191 ~~amendment in the foundation Code.~~

192 ~~(8) Notwithstanding the provisions of subsection (3) or~~
193 ~~subsection (7), the commission may address issues identified in~~
194 ~~this subsection by amending the code pursuant only to the rule~~
195 ~~adoption procedures contained in chapter 120. Provisions of The~~
196 ~~Florida Building Code, including provisions those contained in~~
197 ~~referenced standards and criteria which relate, relating to wind~~
198 ~~resistance or the prevention of water intrusion, may not be~~
199 ~~amended pursuant to this subsection to diminish those standards~~
200 ~~construction requirements; however, the commission may, subject~~
201 ~~to conditions in this subsection, amend the Florida Building~~



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202 ~~Code the provisions~~ to enhance such standards ~~those construction~~
203 ~~requirements~~. Following the approval of any amendments to the
204 Florida Building Code by the commission and publication of the
205 amendments on the commission's website, authorities having
206 jurisdiction to enforce the Florida Building Code may enforce
207 the amendments. The commission may approve amendments that are
208 needed to address:

- 209 (a) Conflicts within the updated code;
- 210 (b) Conflicts between the updated code and the Florida Fire
211 Prevention Code adopted pursuant to chapter 633;
- 212 (c) Unintended results from the integration of previously
213 adopted ~~Florida-specific~~ amendments with the model code;
- 214 (d) Equivalency of standards;
- 215 (e) Changes to or inconsistencies with federal or state
216 law; or
- 217 (f) Adoption of an updated edition of the National
218 Electrical Code if the commission finds that delay of
219 implementing the updated edition causes undue hardship to
220 stakeholders or otherwise threatens the public health, safety,
221 and welfare.

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

225 1. Is needed in order to accommodate the specific needs of
226 this state.

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

229 3. Strengthens or improves the Florida Building Code, or in
230 the case of innovation or new technology, will provide



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231 equivalent or better products or methods or systems of
232 construction.

233 4. Does not discriminate against materials, products,
234 methods, or systems of construction of demonstrated
235 capabilities.

236 5. Does not degrade the effectiveness of the Florida
237 Building Code.

238

239 The Florida Building Commission may approve technical amendments
240 to the code once each year to incorporate into the Florida
241 Building Code its own interpretations of the code which are
242 embodied in its opinions, final orders, declaratory statements,
243 and interpretations of hearing officer panels under s.
244 553.775(3)(c), but only to the extent that the incorporation of
245 interpretations is needed to modify the code ~~foundation codes~~ to
246 accommodate the specific needs of this state. Amendments
247 approved under this paragraph shall be adopted by rule after the
248 amendments have been subjected to subsection (3).

249 (b) A proposed amendment must include a fiscal impact
250 statement that documents the costs and benefits of the proposed
251 amendment. Criteria for the fiscal impact statement shall be
252 established by rule by the commission and shall include the
253 impact to local government relative to enforcement, the impact
254 to property and building owners, and the impact to industry,
255 relative to the cost of compliance. The amendment must
256 demonstrate by evidence or data that the state's geographical
257 jurisdiction exhibits a need to strengthen the ~~foundation~~ code
258 beyond the needs or regional variations addressed by the
259 ~~foundation~~ code and why the proposed amendment applies to this



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260 state.

261 Section 2. Subsection (2) of section 553.76, Florida
262 Statutes, is amended to read:

263 553.76 General powers of the commission.—The commission is
264 authorized to:

265 (2) Issue memoranda of procedure for its internal
266 management and control. The commission may adopt rules related
267 to its consensus-based decisionmaking process, including, but
268 not limited to, super majority voting requirements ~~for~~
269 ~~commission actions relating to the adoption of the Florida~~
270 ~~Building Code or amendments to the code. However, the commission~~
271 must adopt the Florida Building Code, and amendments thereto, by
272 at least a three-fourths vote of the members present at a
273 meeting.

274 Section 3. This act shall take effect July 1, 2017.