



641648

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2017	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (3), (7), and (8) of section 553.73, Florida Statutes, 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 6th edition, and subsequent editions, of the Florida Building Code as the



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11 ~~International Codes published by the International Code Council,~~
12 ~~the National Electric Code (NFPA 70), or other nationally~~
13 ~~adopted model codes and standards needed to develop the base~~
14 ~~code in Florida to form the foundation for the development of~~
15 ~~and updates to the Florida Building Code. The ~~Florida Building~~~~
16 ~~commission may approve technical amendments to the code as~~
17 ~~provided in, subject to subsections (8) and (9), after the~~
18 ~~amendments have been subject to all of the following 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 three-fourths vote of the members present at the
27 ~~technical advisory committee meeting.~~ and At least half of the
28 regular members must be present in order to conduct a meeting.†

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

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

37
38 The commission shall incorporate within ~~sections of~~ the Florida
39 Building Code provisions that ~~which~~ address regional and local



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40 concerns and variations. The commission shall make every effort
41 to minimize conflicts between the Florida Building Code, the
42 Florida Fire Prevention Code, and the Life Safety Code.

43 (7) (a) The commission, by rule ~~adopted pursuant to ss.~~
44 ~~120.536(1) and 120.54,~~ shall review ~~update~~ the Florida Building
45 Code every 3 years to consider whether it needs to be revised.
46 The commission shall adopt code revisions by rule. When
47 evaluating potential revisions to ~~updating~~ the Florida Building
48 Code, the commission shall review ~~select~~ the most current
49 version of the International Building Code, the International
50 Fuel Gas Code, the International Mechanical Code, the
51 International Plumbing Code, and the International Residential
52 Code, all of which are adopted by the International Code
53 Council, and the National Electrical Code, which is adopted by
54 the National Fire Protection Association, ~~to form the foundation~~
55 ~~codes of the updated Florida Building Code, if the version has~~
56 ~~been adopted by the applicable model code entity.~~ The commission
57 shall also review ~~select~~ the most current version of the
58 International Energy Conservation Code (IECC) ~~as a foundation~~
59 ~~code; however, the IECC shall be modified by the commission~~ must
60 ~~to~~ maintain the efficiencies of the Florida Energy Efficiency
61 Code for Building Construction adopted and amended pursuant to
62 s. 553.901.

63 (b) Codes regarding noise contour lines shall be reviewed
64 annually, and the most current federal guidelines shall be
65 adopted.

66 (c) The commission may adopt as a technical amendment to
67 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~
68 codes identified in paragraph (a) only as needed to accommodate



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69 the specific needs of this state. Standards or criteria adopted
70 from such ~~referenced by the~~ codes shall be incorporated by
71 reference to the specific provisions of such codes which are
72 adopted. If a referenced standard or criterion requires
73 amplification or modification to be appropriate for use in this
74 state, only the amplification or modification shall be set forth
75 in the Florida Building Code. The commission may approve
76 technical amendments to the updated Florida Building Code after
77 the amendments have been subject to the conditions set forth in
78 paragraphs (3) (a)-(d). Amendments that ~~to the foundation codes~~
79 ~~which~~ are adopted in accordance with this subsection shall be
80 clearly marked in printed versions of the Florida Building Code
81 so that the fact that the provisions are ~~Florida-specific~~
82 ~~amendments to the foundation codes~~ is readily apparent.

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



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

104 (f) Provisions of the Florida Building Code foundation
105 ~~codes~~, including those contained in referenced standards and
106 criteria, relating to wind resistance or the prevention of water
107 intrusion may not be modified to diminish those construction
108 requirements; however, the commission may, subject to conditions
109 in this subsection, modify the provisions to enhance those
110 construction requirements.

111 ~~(g) Amendments or modifications to the foundation code~~
112 ~~pursuant to this subsection shall remain effective only until~~
113 ~~the effective date of a new edition of the Florida Building Code~~
114 ~~every third year. Amendments or modifications related to state~~
115 ~~agency regulations which are adopted and integrated into an~~
116 ~~edition of the Florida Building Code shall be carried forward~~
117 ~~into the next edition of the code, subject to modification as~~
118 ~~provided in this part. Amendments or modifications related to~~
119 ~~the wind-resistance design of buildings and structures within~~
120 ~~the high-velocity hurricane zone of Miami-Dade and Broward~~
121 ~~Counties which are adopted to an edition of the Florida Building~~
122 ~~Code do not expire and shall be carried forward into the next~~
123 ~~edition of the code, subject to review or modification as~~
124 ~~provided in this part. If amendments that expire pursuant to~~
125 ~~this paragraph are resubmitted through the Florida Building~~
126 ~~commission code adoption process, the amendments must~~



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127 ~~specifically address whether:~~

128 ~~1. The provisions contained in the proposed amendment are~~
129 ~~addressed in the applicable international code.~~

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

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

138

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

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



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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
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) Unintended results from the integration of previously
164 adopted ~~Florida-specific~~ amendments with the model code;

165 (d) Equivalency of standards;

166 (e) Changes to or inconsistencies with federal or state
167 law; or

168 (f) Adoption of an updated edition of the National
169 Electrical Code if the commission finds that delay of
170 implementing the updated edition causes undue hardship to
171 stakeholders or otherwise threatens the public health, safety,
172 and welfare.

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

176 1. Is needed in order to accommodate the specific needs of
177 this state.

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

180 3. Strengthens or improves the Florida Building Code, or in
181 the case of innovation or new technology, will provide
182 equivalent or better products or methods or systems of
183 construction.

184 4. Does not discriminate against materials, products,



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185 methods, or systems of construction of demonstrated
186 capabilities.

187 5. Does not degrade the effectiveness of the Florida
188 Building Code.

189
190 The Florida Building Commission may approve technical amendments
191 to the code once each year to incorporate into the Florida
192 Building Code its own interpretations of the code which are
193 embodied in its opinions, final orders, declaratory statements,
194 and interpretations of hearing officer panels under s.
195 553.775(3)(c), but only to the extent that the incorporation of
196 interpretations is needed to modify the code ~~foundation codes~~ to
197 accommodate the specific needs of this state. Amendments
198 approved under this paragraph shall be adopted by rule after the
199 amendments have been subjected to subsection (3).

200 (b) A proposed amendment must include a fiscal impact
201 statement that documents the costs and benefits of the proposed
202 amendment. Criteria for the fiscal impact statement shall be
203 established by rule by the commission and shall include the
204 impact to local government relative to enforcement, the impact
205 to property and building owners, and the impact to industry,
206 relative to the cost of compliance. The amendment must
207 demonstrate by evidence or data that the state's geographical
208 jurisdiction exhibits a need to strengthen the ~~foundation~~ code
209 beyond the needs or regional variations addressed by the
210 ~~foundation~~ code and why the proposed amendment applies to this
211 state.

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



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214 553.76 General powers of the commission.—The commission is
215 authorized to:

216 (2) Issue memoranda of procedure for its internal
217 management and control. The commission may adopt rules related
218 to its consensus-based decisionmaking process, including, but
219 not limited to, super majority voting requirements ~~for~~
220 ~~commission actions relating to the adoption of the Florida~~
221 ~~Building Code or amendments to the code. However, the commission~~
222 must adopt the Florida Building Code, and amendments thereto, by
223 at least a three-fourths vote of the members present at a
224 meeting.

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

226
227 ===== T I T L E A M E N D M E N T =====

228 And the title is amended as follows:

229 Delete everything before the enacting clause
230 and insert:

231 A bill to be entitled
232 An act relating to the Florida Building Commission;
233 amending s. 553.73, F.S.; requiring the commission to
234 use the 6th edition, and subsequent editions, of the
235 Florida Building Code as the foundation for the
236 development of and updates to the code; requiring the
237 commission to review, rather than update, the Florida
238 Building Code every 3 years; deleting a provision that
239 specifies how long amendments or modifications to the
240 foundation remain effective; deleting provisions
241 limiting how long an amendment or modification is
242 effective; deleting a provision requiring certain



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243 amendments or modifications to be carried forward into
244 the next edition of the code, subject to certain
245 conditions; deleting certain requirements for the
246 resubmission of expired amendments; deleting a
247 provision prohibiting a proposed amendment from being
248 included in the foundation if it has been addressed in
249 the international code; conforming provisions to
250 changes made by the act; amending s. 553.76, F.S. ;
251 requiring the commission to adopt the Florida Building
252 Code, and amendments thereto, by a minimum percentage
253 of votes; providing an effective date.