

By the Committee on Community Affairs

578-00930-17

20177000__

1 A bill to be entitled
2 An act relating to the Florida Building Commission;
3 amending s. 553.73, F.S.; requiring the commission to
4 use the 6th edition, and subsequent editions, of the
5 Florida Building Code as the foundation for the
6 development of and updates to the code; requiring the
7 commission to review, rather than update, the Florida
8 Building Code every 3 years; deleting a provision that
9 specifies how long amendments or modifications to the
10 foundation remain effective; deleting provisions
11 limiting how long an amendment or modification is
12 effective; deleting a provision requiring certain
13 amendments or modifications to be carried forward into
14 the next edition of the code, subject to certain
15 conditions; deleting certain requirements for the
16 resubmission of expired amendments; deleting a
17 provision prohibiting a proposed amendment from being
18 included in the foundation if it has been addressed in
19 the international code; conforming provisions to
20 changes made by the act; amending s. 553.76, F.S.;
21 requiring the commission to adopt the Florida Building
22 Code, and amendments thereto, by a minimum percentage
23 of votes; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsections (3), (7), and (8) of section 553.73,
28 Florida Statutes, and paragraphs (a) and (b) of subsection (9)
29 of that section, are amended to read:

30 553.73 Florida Building Code.—

31 (3) The commission shall use the 6th edition, and
32 subsequent editions, of the Florida Building Code as the

578-00930-17

20177000__

33 ~~International Codes published by the International Code Council,~~
34 ~~the National Electric Code (NEPA 70), or other nationally~~
35 ~~adopted model codes and standards needed to develop the base~~
36 ~~code in Florida to form the~~ foundation for the development of
37 and updates to the Florida Building Code. The ~~Florida Building~~
38 commission may approve technical amendments to the code as
39 provided in, ~~subject to~~ subsections (8) and (9), ~~after the~~
40 ~~amendments have been~~ subject to all of the following conditions:

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

46 (b) In order for a technical advisory committee to make a
47 favorable recommendation to the commission, the proposal must
48 receive a three-fourths vote of the members present at the
49 ~~technical advisory committee meeting.~~ and At least half of the
50 regular members must be present in order to conduct a meeting. ~~†~~

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

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

59
60 The commission shall incorporate within ~~sections of~~ the Florida
61 Building Code provisions that ~~which~~ address regional and local

578-00930-17

20177000__

62 concerns and variations. The commission shall make every effort
63 to minimize conflicts between the Florida Building Code, the
64 Florida Fire Prevention Code, and the Life Safety Code.

65 (7) (a) The commission, by rule ~~adopted pursuant to ss.~~
66 ~~120.536(1) and 120.54,~~ shall review ~~update~~ the Florida Building
67 Code every 3 years to consider whether it needs to be revised.
68 The commission shall adopt code revisions by rule. When
69 evaluating potential revisions to ~~updating~~ the Florida Building
70 Code, the commission shall review ~~select~~ the most current
71 version of the International Building Code, the International
72 Fuel Gas Code, the International Mechanical Code, the
73 International Plumbing Code, and the International Residential
74 Code, all of which are adopted by the International Code
75 Council, and the National Electrical Code, which is adopted by
76 the National Fire Protection Association, ~~to form the foundation~~
77 ~~codes of the updated Florida Building Code, if the version has~~
78 ~~been adopted by the applicable model code entity.~~ The commission
79 shall also review ~~select~~ the most current version of the
80 International Energy Conservation Code (IECC) ~~as a foundation~~
81 ~~code; however, the IECC shall be modified by the commission~~ must
82 ~~to~~ maintain the efficiencies of the Florida Energy Efficiency
83 Code for Building Construction adopted and amended pursuant to
84 s. 553.901.

85 (b) Codes regarding noise contour lines shall be reviewed
86 annually, and the most current federal guidelines shall be
87 adopted.

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

578-00930-17

20177000__

91 the specific needs of this state. Standards or criteria adopted
92 from such ~~referenced by the~~ codes shall be incorporated by
93 reference to the specific provisions of such codes which are
94 adopted. If a referenced standard or criterion requires
95 amplification or modification to be appropriate for use in this
96 state, only the amplification or modification shall be set forth
97 in the Florida Building Code. The commission may approve
98 technical amendments to the updated Florida Building Code after
99 the amendments have been subject to the conditions set forth in
100 paragraphs (3) (a)-(d). Amendments that ~~to the foundation codes~~
101 ~~which~~ are adopted in accordance with this subsection shall be
102 clearly marked in printed versions of the Florida Building Code
103 so that the fact that the provisions are ~~Florida-specific~~
104 amendments ~~to the foundation codes~~ is readily apparent.

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

578-00930-17

20177000__

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

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

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

578-00930-17

20177000__

149 ~~specifically address whether:~~

150 ~~1. The provisions contained in the proposed amendment are~~
151 ~~addressed in the applicable international code.~~

152 ~~2. The amendment demonstrates by evidence or data that the~~
153 ~~geographical jurisdiction of Florida exhibits a need to~~
154 ~~strengthen the foundation code beyond the needs or regional~~
155 ~~variations addressed by the foundation code, and why the~~
156 ~~proposed amendment applies to this state.~~

157 ~~3. The proposed amendment was submitted or attempted to be~~
158 ~~included in the foundation codes to avoid resubmission to the~~
159 ~~Florida Building Code amendment process.~~

160

161 ~~If the proposed amendment has been addressed in the~~
162 ~~international code in a substantially equivalent manner, the~~
163 ~~Florida Building commission may not include the proposed~~
164 ~~amendment in the foundation Code.~~

165 (8) Notwithstanding ~~the provisions of~~ subsection (3) or
166 subsection (7), the commission may address issues identified in
167 this subsection by amending the code pursuant ~~only~~ to the rule
168 adoption procedures ~~contained~~ in chapter 120. ~~Provisions of The~~
169 ~~Florida Building Code, including provisions those~~ contained in
170 referenced standards and criteria ~~which relate,~~ relating to wind
171 resistance or the prevention of water intrusion, may not be
172 amended pursuant to this subsection to diminish those standards
173 ~~construction requirements; however, the commission may,~~ subject
174 ~~to conditions in this subsection,~~ amend the Florida Building
175 Code ~~the provisions~~ to enhance such standards ~~those construction~~
176 ~~requirements~~. Following the approval of any amendments to the
177 Florida Building Code by the commission and publication of the

578-00930-17

20177000__

178 amendments on the commission's website, authorities having
179 jurisdiction to enforce the Florida Building Code may enforce
180 the amendments. The commission may approve amendments that are
181 needed to address:

182 (a) Conflicts within the updated code;

183 (b) Conflicts between the updated code and the Florida Fire
184 Prevention Code adopted pursuant to chapter 633;

185 (c) Unintended results from the integration of previously
186 adopted ~~Florida-specific~~ amendments with the model code;

187 (d) Equivalency of standards;

188 (e) Changes to or inconsistencies with federal or state
189 law; or

190 (f) Adoption of an updated edition of the National
191 Electrical Code if the commission finds that delay of
192 implementing the updated edition causes undue hardship to
193 stakeholders or otherwise threatens the public health, safety,
194 and welfare.

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

198 1. Is needed in order to accommodate the specific needs of
199 this state.

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

202 3. Strengthens or improves the Florida Building Code, or in
203 the case of innovation or new technology, will provide
204 equivalent or better products or methods or systems of
205 construction.

206 4. Does not discriminate against materials, products,

578-00930-17

20177000__

207 methods, or systems of construction of demonstrated
208 capabilities.

209 5. Does not degrade the effectiveness of the Florida
210 Building Code.

211

212 The Florida Building Commission may approve technical amendments
213 to the code once each year to incorporate into the Florida
214 Building Code its own interpretations of the code which are
215 embodied in its opinions, final orders, declaratory statements,
216 and interpretations of hearing officer panels under s.

217 553.775(3)(c), but only to the extent that the incorporation of
218 interpretations is needed to modify the code ~~foundation codes~~ to
219 accommodate the specific needs of this state. Amendments
220 approved under this paragraph shall be adopted by rule after the
221 amendments have been subjected to subsection (3).

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

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

578-00930-17

20177000__

236 553.76 General powers of the commission.—The commission is
237 authorized to:

238 (2) Issue memoranda of procedure for its internal
239 management and control. The commission may adopt rules related
240 to its consensus-based decisionmaking process, including, but
241 not limited to, super majority voting requirements ~~for~~
242 ~~commission actions relating to the adoption of the Florida~~
243 ~~Building Code or amendments to the code.~~ However, the commission
244 must adopt the Florida Building Code, and amendments thereto, by
245 at least a three-fourths vote of the members present at a
246 meeting.

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