



200984

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2017	.	
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The Committee on Community Affairs (Lee) recommended the following:

1 **Senate Amendment to Amendment (153030) (with title**
2 **amendment)**

3
4 Between lines 261 and 262
5 insert:

6 Section 5. Subsections (3), (7), and (8) of section 553.73,
7 Florida Statutes, and paragraphs (a) and (b) of subsection (9)
8 of that section, are amended to read:

9 553.73 Florida Building Code.—

10 (3) The commission shall use the 6th edition, and



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

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

25 (b) In order for a technical advisory committee to make a
26 favorable recommendation to the commission, the proposal must
27 receive a three-fourths vote of the members present at the
28 ~~technical advisory committee meeting.~~ and At least half of the
29 regular members must be present in order to conduct a 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 (7) (a) The commission, by rule ~~adopted pursuant to ss.~~
45 ~~120.536(1) and 120.54~~, shall review ~~update~~ the Florida Building
46 Code every 3 years to consider whether it needs to be revised.
47 The commission shall adopt code revisions by rule. When
48 evaluating potential revisions to ~~updating~~ the Florida Building
49 Code, the commission shall review ~~select~~ the most current
50 version of the International Building Code, the International
51 Fuel Gas Code, the International Mechanical Code, the
52 International Plumbing Code, and the International Residential
53 Code, all of which are adopted by the International Code
54 Council, and the National Electrical Code, which is adopted by
55 the National Fire Protection Association, ~~to form the foundation~~
56 ~~codes of the updated Florida Building Code, if the version has~~
57 ~~been adopted by the applicable model code entity.~~ The commission
58 shall also review ~~select~~ the most current version of the
59 International Energy Conservation Code (IECC) ~~as a foundation~~
60 ~~code; however, the IECC shall be modified by the commission~~ must
61 ~~to~~ maintain the efficiencies of the Florida Energy Efficiency
62 Code for Building Construction adopted and amended pursuant to
63 s. 553.901.

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

67 (c) The commission may adopt as a technical amendment to
68 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~



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

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



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98 granted to the permit.

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

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

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



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127 ~~commission code adoption process, the amendments must~~
128 ~~specifically address whether:~~

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

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

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

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

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



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156 Florida Building Code by the commission and publication of the
157 amendments on the commission's website, authorities having
158 jurisdiction to enforce the Florida Building Code may enforce
159 the amendments. The commission may approve amendments that are
160 needed to address:

- 161 (a) Conflicts within the updated code;
- 162 (b) Conflicts between the updated code and the Florida Fire
163 Prevention Code adopted pursuant to chapter 633;
- 164 (c) Unintended results from the integration of previously
165 adopted ~~Florida-specific~~ amendments with the model code;
- 166 (d) Equivalency of standards;
- 167 (e) Changes to or inconsistencies with federal or state
168 law; or
- 169 (f) Adoption of an updated edition of the National
170 Electrical Code if the commission finds that delay of
171 implementing the updated edition causes undue hardship to
172 stakeholders or otherwise threatens the public health, safety,
173 and welfare.

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

- 177 1. Is needed in order to accommodate the specific needs of
178 this state.
- 179 2. Has a reasonable and substantial connection with the
180 health, safety, and welfare of the general public.
- 181 3. Strengthens or improves the Florida Building Code, or in
182 the case of innovation or new technology, will provide
183 equivalent or better products or methods or systems of
184 construction.



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185 4. Does not discriminate against materials, products,
186 methods, or systems of construction of demonstrated
187 capabilities.

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

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

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

213 Section 6. Subsection (2) of section 553.76, Florida



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214 Statutes, is amended to read:

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

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

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 lines 329 - 358

230 and insert:

231 An act relating to the Florida Building Code; amending
232 s. 468.603, F.S.; revising and defining terms;
233 amending s. 468.609, F.S.; creating an internship path
234 to certification as an inspector or plans examiner;
235 specifying requirements for the internship periods;
236 requiring the board to authorize specified candidates
237 for certification as building code inspectors or plans
238 examiners to perform duties during a specified period
239 after initial application, to apply for a 1-year
240 provisional certificate under certain circumstances,
241 and to apply for standard certification within a
242 certain time before completing the internship period;



243 deleting being newly hired or promoted as a condition
244 for eligibility to qualify for a provisional
245 certificate; requiring rulemaking; requiring the board
246 to develop a form to transfer internship periods
247 completed in other jurisdictions under certain
248 circumstances; requiring the board to develop an
249 electronic application for standard certification for
250 certain persons; authorizing persons to seek
251 additional certifications if they meet certain
252 requirements; conforming cross-references; amending s.
253 468.617, F.S.; specifying that a county or municipal
254 government, school board, community college board,
255 state university, or state agency is not prohibited
256 from entering into a contract for the services of a
257 building code administrator or building code official;
258 amending s. 468.8313, F.S.; providing conditions for
259 the department to review and approve certain
260 examinations; amending s. 553.73, F.S.; requiring the
261 Florida Building Commission to use the 6th and
262 subsequent editions of the Florida Building Code as
263 the foundation for the development of and updates to
264 the code; requiring the commission to review, rather
265 than update, the Florida Building Code every 3 years;
266 deleting a provision that specifies how long
267 amendments or modifications to the foundation remain
268 effective; deleting provisions limiting the length of
269 time that an amendment or modification is effective;
270 deleting a provision requiring certain amendments or
271 modifications to be carried forward into the next



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272 edition of the code, subject to certain conditions;
273 deleting certain requirements for the resubmission of
274 expired amendments; deleting a provision prohibiting a
275 proposed amendment from being included in the
276 foundation code if it has been addressed in the
277 international code; conforming provisions to changes
278 made by the act; amending s. 553.76, F.S.; requiring
279 the commission to adopt the Florida Building Code, and
280 amendments thereto, by a minimum percentage of votes;
281 amending s. 553.791, F.S.; revising the