

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Careers & Competition
2 Subcommittee

3 Representative McClain offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (b) of subsection (4) and paragraphs
8 (a) and (g) of subsection (7) of section 553.73, Florida
9 Statutes, are amended to read:

10 553.73 Florida Building Code.—

11 (4)

12 (b) Local governments may, subject to the limitations of
13 this section, adopt amendments to the technical provisions of
14 the Florida Building Code which apply solely within the
15 jurisdiction of such government and which provide for more
16 stringent requirements than those specified in the Florida

Amendment No. 1

17 Building Code, not more than once every 6 months. A local
18 government may adopt technical amendments that address local
19 needs if:

20 1. The local governing body determines, following a public
21 hearing which has been advertised in a newspaper of general
22 circulation at least 10 days before the hearing, that there is a
23 need to strengthen the requirements of the Florida Building
24 Code. The determination must be based upon a review of local
25 conditions by the local governing body, which review
26 demonstrates by evidence or data that the geographical
27 jurisdiction governed by the local governing body exhibits a
28 local need to strengthen the Florida Building Code beyond the
29 needs or regional variation addressed by the Florida Building
30 Code, that the local need is addressed by the proposed local
31 amendment, and that the amendment is no more stringent than
32 necessary to address the local need.

33 2. Such additional requirements are not discriminatory
34 against materials, products, or construction techniques of
35 demonstrated capabilities.

36 3. Such additional requirements may not introduce a new
37 subject not addressed in the Florida Building Code.

38 4. The enforcing agency shall make readily available, in a
39 usable format, all amendments adopted pursuant to this section.

40 5. Any amendment to the Florida Building Code shall be
41 transmitted within 30 days by the adopting local government to

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Amendment No. 1

42 the commission. The commission shall maintain copies of all such
43 amendments in a format that is usable and obtainable by the
44 public. Local technical amendments shall not become effective
45 until 30 days after the amendment has been received and
46 published by the commission.

47 6. Any amendment to the Florida Building Code adopted by a
48 local government pursuant to this paragraph shall be effective
49 only until the adoption by the commission of the new edition of
50 the Florida Building Code every fifth ~~third~~ year. At such time,
51 the commission shall review such amendment for consistency with
52 the criteria in paragraph (9) (a) and adopt such amendment as
53 part of the Florida Building Code or rescind the amendment. The
54 commission shall immediately notify the respective local
55 government of the rescission of any amendment. After receiving
56 such notice, the respective local government may readopt the
57 rescinded amendment pursuant to the provisions of this
58 paragraph.

59 7. Each county and municipality desiring to make local
60 technical amendments to the Florida Building Code shall by
61 interlocal agreement establish a countywide compliance review
62 board to review any amendment to the Florida Building Code,
63 adopted by a local government within the county pursuant to this
64 paragraph, that is challenged by any substantially affected
65 party for purposes of determining the amendment's compliance
66 with this paragraph. If challenged, the local technical

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Published On: 3/27/2017 8:55:35 PM

Amendment No. 1

67 amendments shall not become effective until time for filing an
68 appeal pursuant to subparagraph 8. has expired or, if there is
69 an appeal, until the commission issues its final order
70 determining the adopted amendment is in compliance with this
71 subsection.

72 8. If the compliance review board determines such
73 amendment is not in compliance with this paragraph, the
74 compliance review board shall notify such local government of
75 the noncompliance and that the amendment is invalid and
76 unenforceable until the local government corrects the amendment
77 to bring it into compliance. The local government may appeal the
78 decision of the compliance review board to the commission. If
79 the compliance review board determines such amendment to be in
80 compliance with this paragraph, any substantially affected party
81 may appeal such determination to the commission. Any such appeal
82 shall be filed with the commission within 14 days of the board's
83 written determination. The commission shall promptly refer the
84 appeal to the Division of Administrative Hearings by electronic
85 means through the division's website for the assignment of an
86 administrative law judge. The administrative law judge shall
87 conduct the required hearing within 30 days, and shall enter a
88 recommended order within 30 days of the conclusion of such
89 hearing. The commission shall enter a final order within 30 days
90 thereafter. The provisions of chapter 120 and the uniform rules
91 of procedure shall apply to such proceedings. The local

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Published On: 3/27/2017 8:55:35 PM

Amendment No. 1

92 government adopting the amendment that is subject to challenge
93 has the burden of proving that the amendment complies with this
94 paragraph in proceedings before the compliance review board and
95 the commission, as applicable. Actions of the commission are
96 subject to judicial review pursuant to s. 120.68. The compliance
97 review board shall determine whether its decisions apply to a
98 respective local jurisdiction or apply countywide.

99 9. An amendment adopted under this paragraph shall include
100 a fiscal impact statement which documents the costs and benefits
101 of the proposed amendment. Criteria for the fiscal impact
102 statement shall include the impact to local government relative
103 to enforcement, the impact to property and building owners, as
104 well as to industry, relative to the cost of compliance. The
105 fiscal impact statement may not be used as a basis for
106 challenging the amendment for compliance.

107 10. In addition to subparagraphs 7. and 9., the commission
108 may review any amendments adopted pursuant to this subsection
109 and make nonbinding recommendations related to compliance of
110 such amendments with this subsection.

111 (7) (a) The commission, by rule adopted pursuant to ss.
112 120.536(1) and 120.54, shall update the Florida Building Code
113 every 5 ~~3~~ years. When updating the Florida Building Code, the
114 commission shall select the most current version of the
115 International Building Code, the International Fuel Gas Code,
116 the International Mechanical Code, the International Plumbing

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Published On: 3/27/2017 8:55:35 PM

Amendment No. 1

117 Code, and the International Residential Code, all of which are
118 adopted by the International Code Council, and the National
119 Electrical Code, which is adopted by the National Fire
120 Protection Association, to form the foundation codes of the
121 updated Florida Building Code, if the version has been adopted
122 by the applicable model code entity. The commission shall select
123 the most current version of the International Energy
124 Conservation Code (IECC) as a foundation code; however, the IECC
125 shall be modified by the commission to maintain the efficiencies
126 of the Florida Energy Efficiency Code for Building Construction
127 adopted and amended pursuant to s. 553.901. The commission may
128 adopt an updated edition of the National Electrical Code if the
129 commission finds that the delay of implementing the updated
130 edition causes undue hardship to stakeholders or otherwise
131 threatens the public health, safety, and welfare. When updating
132 the Florida Building Code, the commission shall include a fiscal
133 impact statement which documents the costs and benefits of the
134 updated Florida Building Code. Criteria for the fiscal impact
135 statement shall include the impact to local government relative
136 to enforcement, the impact to property and building owners, as
137 well as to industry, relative to the cost of compliance. The
138 fiscal impact statement may not be used as a basis for
139 challenging the updated Florida Building Code for compliance.

140 (g) Amendments or modifications to the foundation code
141 pursuant to this subsection shall remain effective only until

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Published On: 3/27/2017 8:55:35 PM

Amendment No. 1

142 the effective date of a new edition of the Florida Building Code
143 every fifth ~~third~~ year. Amendments or modifications related to
144 state agency regulations which are adopted and integrated into
145 an edition of the Florida Building Code shall be carried forward
146 into the next edition of the code, subject to modification as
147 provided in this part. Amendments or modifications related to
148 the wind-resistance design of buildings and structures within
149 the high-velocity hurricane zone of Miami-Dade and Broward
150 Counties which are adopted to an edition of the Florida Building
151 Code do not expire and shall be carried forward into the next
152 edition of the code, subject to review or modification as
153 provided in this part. If amendments that expire pursuant to
154 this paragraph are resubmitted through the Florida Building
155 Commission code adoption process, the amendments must
156 specifically address whether:

157 1. The provisions contained in the proposed amendment are
158 addressed in the applicable international code.

159 2. The amendment demonstrates by evidence or data that the
160 geographical jurisdiction of Florida exhibits a need to
161 strengthen the foundation code beyond the needs or regional
162 variations addressed by the foundation code, and why the
163 proposed amendment applies to this state.

164 3. The proposed amendment was submitted or attempted to be
165 included in the foundation codes to avoid resubmission to the
166 Florida Building Code amendment process.

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Published On: 3/27/2017 8:55:35 PM

Amendment No. 1

167 If the proposed amendment has been addressed in the
168 international code in a substantially equivalent manner, the
169 Florida Building Commission may not include the proposed
170 amendment in the foundation code.

171

172 Section 2. Subsection (1) of section 553.74, Florida
173 Statutes, is amended to read:

174 553.74 Florida Building Commission.—

175 (1) The Florida Building Commission is created and located
176 within the Department of Business and Professional Regulation
177 for administrative purposes. Members are appointed by the
178 Governor subject to confirmation by the Senate. The commission
179 is composed of 11 ~~27~~ members, consisting of the following:

180 (a) One architect who is a Florida licensed architect with
181 at least five years of experience in the design and construction
182 of buildings containing Florida Building Code designated Group R
183 occupany(ies) at or above 210 feet in height above the elevation
184 of the lowest level of emergency services access ~~registered to~~
185 ~~practice in this state and actively engaged in the profession.~~
186 ~~The American Institute of Architects, Florida Section, is~~
187 ~~encouraged to recommend a list of candidates for consideration.~~

188 (b) One structural engineer registered to practice in this
189 state and actively engaged in the profession. The Florida
190 Engineering Society is encouraged to recommend a list of
191 candidates for consideration.

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Published On: 3/27/2017 8:55:35 PM

Amendment No. 1

192 ~~(c) One air-conditioning or mechanical contractor~~
193 ~~certified to do business in this state and actively engaged in~~
194 ~~the profession. The Florida Air Conditioning Contractors~~
195 ~~Association, the Florida Refrigeration and Air Conditioning~~
196 ~~Contractors Association, and the Mechanical Contractors~~
197 ~~Association of Florida are encouraged to recommend a list of~~
198 ~~candidates for consideration.~~

199 ~~(c)~~(d) One electrical contractor or electrical engineer
200 certified to do business in this state and actively engaged in
201 the profession. The Florida Association of Electrical
202 Contractors and the National Electrical Contractors Association,
203 Florida Chapter, are encouraged to recommend a list of
204 candidates for consideration.

205 ~~(d)~~(e) One member from fire protection engineering or
206 technology who is actively engaged in the profession. The
207 Florida Chapter of the Society of Fire Protection Engineers and
208 the Florida Fire Marshals and Inspectors Association are
209 encouraged to recommend a list of candidates for consideration.

210 ~~(e)~~(f) One general contractor certified to do business in
211 this state and actively engaged in the profession. The
212 Associated Builders and Contractors of Florida, the Florida
213 Associated General Contractors Council, and the Union
214 Contractors Association are encouraged to recommend a list of
215 candidates for consideration.

Amendment No. 1

216 ~~(f)-(g)~~ One plumbing contractor licensed to do business in
217 this state and actively engaged in the profession. The Florida
218 Association of Plumbing, Heating, and Cooling Contractors is
219 encouraged to recommend a list of candidates for consideration.

220 ~~(g)-(h)~~ One roofing or sheet metal contractor certified to
221 do business in this state and actively engaged in the
222 profession. The Florida Roofing, Sheet Metal, and Air
223 Conditioning Contractors Association and the Sheet Metal and Air
224 Conditioning Contractors' National Association are encouraged to
225 recommend a list of candidates for consideration.

226 ~~(h)-(i)~~ Two ~~One~~ residential contractors licensed to do
227 business in this state and actively engaged in the profession,
228 one of whom builds 100 or more homes per year and the other whom
229 builds less than 20 custom homes per year. The Florida Home
230 Builders Association is encouraged to recommend a list of
231 candidates for consideration.

232 ~~(i)-(j)~~ One ~~Three~~ members who is ~~are~~ a municipal or
233 district codes enforcement officials, ~~one of whom is also a fire~~
234 ~~official. The Building Officials Association of Florida and the~~
235 ~~Florida Fire Marshals and Inspectors Association are encouraged~~
236 ~~to recommend a list of candidates for consideration.~~

237 ~~(k)~~ ~~One member who represents the Department of Financial~~
238 ~~Services.~~

Amendment No. 1

239 ~~(l) One member who is a county codes enforcement official.~~
240 ~~The Building Officials Association of Florida is encouraged to~~
241 ~~recommend a list of candidates for consideration.~~

242 ~~(m) One member of a Florida-based organization of persons~~
243 ~~with disabilities or a nationally chartered organization of~~
244 ~~persons with disabilities with chapters in this state.~~

245 ~~(n) One member of the manufactured buildings industry who~~
246 ~~is licensed to do business in this state and is actively engaged~~
247 ~~in the industry. The Florida Manufactured Housing Association is~~
248 ~~encouraged to recommend a list of candidates for consideration.~~

249 ~~(o) One mechanical or electrical engineer registered to~~
250 ~~practice in this state and actively engaged in the profession.~~
251 ~~The Florida Engineering Society is encouraged to recommend a~~
252 ~~list of candidates for consideration.~~

253 ~~(p) One member who is a representative of a municipality~~
254 ~~or a charter county. The Florida League of Cities and the~~
255 ~~Florida Association of Counties are encouraged to recommend a~~
256 ~~list of candidates for consideration.~~

257 ~~(q) One member of the building products manufacturing~~
258 ~~industry who is authorized to do business in this state and is~~
259 ~~actively engaged in the industry. The Florida Building Material~~
260 ~~Association, the Florida Concrete and Products Association, and~~
261 ~~the Fenestration Manufacturers Association are encouraged to~~
262 ~~recommend a list of candidates for consideration.~~

Amendment No. 1

263 ~~(r) One member who is a representative of the building~~
264 ~~owners and managers industry who is actively engaged in~~
265 ~~commercial building ownership or management. The Building Owners~~
266 ~~and Managers Association is encouraged to recommend a list of~~
267 ~~candidates for consideration.~~

268 ~~(j)(s)~~ One member who is a representative of the insurance
269 industry. The Florida Insurance Council is encouraged to
270 recommend a list of candidates for consideration.

271 ~~(t) One member who is a representative of public~~
272 ~~education.~~

273 ~~(u) One member who is a swimming pool contractor licensed~~
274 ~~to do business in this state and actively engaged in the~~
275 ~~profession. The Florida Swimming Pool Association and the United~~
276 ~~Pool and Spa Association are encouraged to recommend a list of~~
277 ~~candidates for consideration.~~

278 ~~(v) One member who is a representative of the green~~
279 ~~building industry and who is a third-party commission agent, a~~
280 ~~Florida board member of the United States Green Building Council~~
281 ~~or Green Building Initiative, a professional who is accredited~~
282 ~~under the International Green Construction Code (IGCC), or a~~
283 ~~professional who is accredited under Leadership in Energy and~~
284 ~~Environmental Design (LEED).~~

285 ~~(w) One member who is a representative of a natural gas~~
286 ~~distribution system and who is actively engaged in the~~
287 ~~distribution of natural gas in this state. The Florida Natural~~

Amendment No. 1

288 ~~Gas Association is encouraged to recommend a list of candidates~~
289 ~~for consideration.~~

290 ~~(x) One member who is a representative of the Department~~
291 ~~of Agriculture and Consumer Services' Office of Energy. The~~
292 ~~Commissioner of Agriculture is encouraged to recommend a list of~~
293 ~~candidates for consideration.~~

294 ~~(y) One member who shall be the chair.~~

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

296

297 -----

298 **T I T L E A M E N D M E N T**

299 Remove everything before the enacting clause and insert:
300 An act relating to the Florida Building Commission; amending s.
301 553.73, F.S.; requiring the commission to update the Florida
302 Building Code every 5 years instead of every 3 years; requiring
303 the Florida Building Commission to provide a fiscal impact
304 statement when updating the code; allowing the Florida Building
305 Commission to update the Florida Building Code by adopting the
306 National Electric Code if the delay in doing so would cause
307 undue hardship to stakeholders or threaten the public's health
308 and safety; amending s. 553.74, F.S.; reducing the number of
309 Florida Building Commissioners from 27 members to 11 members,
310 amending the qualifications for the Florida Building Commission
311 member who is an architect and the member who is an electrical
312 contractor; providing an effective date.