

FOR CONSIDERATION By the Committee on Community Affairs

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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 most recent published edition of the Florida  
5           Building Code as the foundation code; requiring the  
6           commission to review, rather than update, the Florida  
7           Building Code every 3 years; deleting a provision that  
8           specifies how long amendments or modifications to the  
9           foundation code remain effective; deleting a provision  
10          prohibiting a proposed amendment from being included  
11          in the foundation code if it has been addressed in the  
12          international code; conforming provisions to changes  
13          made by the act; providing an effective date.

15 Be It Enacted by the Legislature of the State of Florida:

17          Section 1. Subsections (3), (7), and (8) of section 553.73,  
18          Florida Statutes, and paragraphs (a) and (b) of subsection (9)  
19          of that section, are amended to read:

20                553.73 Florida Building Code.—

21                (3) The commission shall use the 6th edition, and  
22                ~~subsequent editions, of the Florida Building Code as the~~  
23                ~~International Codes published by the International Code Council,~~  
24                ~~the National Electric Code (NFPA 70), or other nationally~~  
25                ~~adopted model codes and standards needed to develop the base~~  
26                ~~code in Florida to form the foundation for the development of~~  
27                ~~and updates to the Florida Building Code. The Florida Building~~  
28                commission may approve technical amendments to the code as  
29                provided in, ~~subject to~~ subsections (8) and (9), ~~after the~~  
30                ~~amendments have been~~ subject to all of the following conditions:

31                (a) The proposed amendment must have ~~has~~ been published on  
32                the commission's website for a minimum of 45 days and all the

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33 associated documentation must have ~~has~~ been made available to  
34 any interested party before ~~any~~ consideration by a technical  
35 advisory committee.~~†~~

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

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

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

49  
50 The commission shall incorporate within ~~sections of~~ the Florida  
51 Building Code provisions that ~~which~~ address regional and local  
52 concerns and variations. The commission shall make every effort  
53 to minimize conflicts between the Florida Building Code, the  
54 Florida Fire Prevention Code, and the Life Safety Code.

55 (7) (a) The commission, by rule ~~adopted pursuant to ss.~~  
56 ~~120.536(1) and 120.54,~~ shall review ~~update~~ the Florida Building  
57 Code every 3 years to consider whether it needs to be revised.  
58 The commission shall adopt code revisions by rule. When  
59 evaluating potential revisions to ~~updating~~ the Florida Building  
60 Code, the commission shall review ~~select~~ the most current  
61 version of the International Building Code, the International

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62 Fuel Gas Code, the International Mechanical Code, the  
63 International Plumbing Code, and the International Residential  
64 Code, all of which are adopted by the International Code  
65 Council, and the National Electrical Code, which is adopted by  
66 the National Fire Protection Association, ~~to form the foundation~~  
67 ~~codes of the updated Florida Building Code, if the version has~~  
68 ~~been adopted by the applicable model code entity.~~ The commission  
69 shall also review ~~select~~ the most current version of the  
70 International Energy Conservation Code (IECC) ~~as a foundation~~  
71 ~~code~~; however, ~~the IECC shall be modified by~~ the commission must  
72 ~~to~~ maintain the efficiencies of the Florida Energy Efficiency  
73 Code for Building Construction adopted and amended pursuant to  
74 s. 553.901.

75 (b) Codes regarding noise contour lines shall be reviewed  
76 annually, and the most current federal guidelines shall be  
77 adopted.

78 (c) The commission may adopt as a technical amendment to  
79 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~  
80 ~~codes~~ identified in paragraph (a) only as needed to accommodate  
81 the specific needs of this state. Standards or criteria adopted  
82 from such ~~referenced by the~~ codes shall be incorporated by  
83 reference to the specific provisions of such codes which are  
84 adopted. If a referenced standard or criterion requires  
85 amplification or modification to be appropriate for use in this  
86 state, only the amplification or modification shall be set forth  
87 in the Florida Building Code. The commission may approve  
88 technical amendments to the updated Florida Building Code after  
89 the amendments have been subject to the conditions set forth in  
90 paragraphs (3) (a)-(d). Amendments that ~~to the foundation codes~~

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91 ~~which~~ are adopted in accordance with this subsection shall be  
92 clearly marked in printed versions of the Florida Building Code  
93 so that the fact that the provisions are ~~Florida-specific~~  
94 amendments ~~to the foundation codes~~ is readily apparent.

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

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

116 (f) Provisions of the Florida Building Code ~~foundation~~  
117 ~~codes~~, including those contained in referenced standards and  
118 criteria, relating to wind resistance or the prevention of water  
119 intrusion may not be modified to diminish those construction

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120 requirements; however, the commission may, subject to conditions  
121 in this subsection, modify the provisions to enhance those  
122 construction requirements.

123 (g) ~~Amendments or modifications to the foundation code~~  
124 ~~pursuant to this subsection shall remain effective only until~~  
125 ~~the effective date of a new edition of the Florida Building Code~~  
126 ~~every third year.~~ Amendments or modifications related to state  
127 agency regulations which are adopted and integrated into an  
128 edition of the Florida Building Code shall be carried forward  
129 into the next edition of the code, subject to modification as  
130 provided in this part. Amendments or modifications related to  
131 the wind-resistance design of buildings and structures within  
132 the high-velocity hurricane zone of Miami-Dade and Broward  
133 Counties which are adopted to an edition of the Florida Building  
134 Code do not expire and shall be carried forward into the next  
135 edition of the code, subject to review or modification as  
136 provided in this part. If amendments that expire pursuant to  
137 this paragraph are resubmitted through the ~~Florida Building~~  
138 commission code adoption process, the amendments must  
139 specifically address whether:

140 1. The provisions contained in the proposed amendment are  
141 addressed in the applicable international code.

142 2. The amendment demonstrates by evidence or data that the  
143 geographical jurisdiction of Florida exhibits a need to  
144 strengthen the ~~foundation~~ code beyond the needs or regional  
145 variations addressed by the ~~foundation~~ code, and why the  
146 proposed amendment applies to this state.

147 3. The proposed amendment was submitted or attempted to be  
148 included in the code ~~foundation codes~~ to avoid resubmission to

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149 the Florida Building Code amendment process.

150  
151 ~~If the proposed amendment has been addressed in the~~  
152 ~~international code in a substantially equivalent manner, the~~  
153 ~~Florida Building commission may not include the proposed~~  
154 ~~amendment in the foundation Code.~~

155 (8) Notwithstanding ~~the provisions of~~ subsection (3) or  
156 subsection (7), the commission may address issues identified in  
157 this subsection by amending the code pursuant ~~only~~ to the rule  
158 adoption procedures ~~contained~~ in chapter 120. ~~Provisions of The~~  
159 Florida Building Code, including provisions ~~those~~ contained in  
160 referenced standards and criteria which relate, ~~relating~~ to wind  
161 resistance or the prevention of water intrusion, may not be  
162 amended pursuant to this subsection to diminish those standards  
163 ~~construction requirements;~~ however, the commission may, ~~subject~~  
164 ~~to conditions in this subsection,~~ amend the Florida Building  
165 Code the provisions to enhance such standards ~~those construction~~  
166 ~~requirements.~~ Following the approval of any amendments to the  
167 Florida Building Code by the commission and publication of the  
168 amendments on the commission's website, authorities having  
169 jurisdiction to enforce the Florida Building Code may enforce  
170 the amendments. The commission may approve amendments that are  
171 needed to address:

172 (a) Conflicts within the updated code;

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

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

177 (d) Equivalency of standards;

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178 (e) Changes to or inconsistencies with federal or state  
179 law; or

180 (f) Adoption of an updated edition of the National  
181 Electrical Code if the commission finds that delay of  
182 implementing the updated edition causes undue hardship to  
183 stakeholders or otherwise threatens the public health, safety,  
184 and welfare.

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

188 1. Is needed in order to accommodate the specific needs of  
189 this state.

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

192 3. Strengthens or improves the Florida Building Code, or in  
193 the case of innovation or new technology, will provide  
194 equivalent or better products or methods or systems of  
195 construction.

196 4. Does not discriminate against materials, products,  
197 methods, or systems of construction of demonstrated  
198 capabilities.

199 5. Does not degrade the effectiveness of the Florida  
200 Building Code.

201  
202 The Florida Building Commission may approve technical amendments  
203 to the code once each year to incorporate into the Florida  
204 Building Code its own interpretations of the code which are  
205 embodied in its opinions, final orders, declaratory statements,  
206 and interpretations of hearing officer panels under s.

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207 553.775(3)(c), but only to the extent that the incorporation of  
208 interpretations is needed to modify the code ~~foundation codes~~ to  
209 accommodate the specific needs of this state. Amendments  
210 approved under this paragraph shall be adopted by rule after the  
211 amendments have been subjected to subsection (3).

212  
213 (b) A proposed amendment must include a fiscal impact  
214 statement that documents the costs and benefits of the proposed  
215 amendment. Criteria for the fiscal impact statement shall be  
216 established by rule by the commission and shall include the  
217 impact to local government relative to enforcement, the impact  
218 to property and building owners, and the impact to industry,  
219 relative to the cost of compliance. The amendment must  
220 demonstrate by evidence or data that the state's geographical  
221 jurisdiction exhibits a need to strengthen the ~~foundation~~ code  
222 beyond the needs or regional variations addressed by the  
223 ~~foundation~~ code and why the proposed amendment applies to this  
224 state.

225 Section 2. This act shall take effect July 1, 2017.