

By the Committees on Appropriations; Community Affairs; and Regulated Industries; and Senator Perry

576-04736A-17

20171372c3

1 A bill to be entitled
2 An act relating to building-related contracting;
3 amending s. 468.603, F.S.; revising definitions;
4 amending s. 468.609, F.S.; revising eligibility
5 requirements for the examination for certification as
6 a building code inspector or plans examiner to include
7 an internship certification program; removing an
8 eligibility condition from provisions related to
9 provisional certificates; requiring the Florida
10 Building Code Administrators and Inspectors Board to
11 establish rules; amending s. 468.617, F.S.;
12 authorizing specified entities to contract for the
13 provision of building code administrator and building
14 official services; amending s. 553.791, F.S.; revising
15 a definition; conforming cross-references, conforming
16 provisions to changes made by the act; amending ss.
17 471.045 and 481.222, F.S.; conforming cross-
18 references; amending s. 489.516, F.S.; specifying that
19 provisions regulating certified electrical contractors
20 and certified alarm system contractors do not prevent
21 such contractors from acting as a prime contractor or
22 from subcontracting work to other licensed contractors
23 under certain circumstances; amending s. 553.73, F.S.;
24 requiring the Florida Building Commission to use
25 certain entities and codes for updates to the Florida
26 Building Code; revising voting requirements for a
27 technical advisory committee to make a favorable
28 recommendation to the commission; providing that
29 certain technical amendments to the Florida Building

576-04736A-17

20171372c3

30 Code which are adopted by a local government are not
31 rendered void when the code is updated; specifying
32 that such amendments are subject to review or
33 modification if carried forward into the next edition
34 of the code; requiring the commission to update the
35 Florida Building Code through a review of the most
36 current updates of specified codes; requiring the
37 commission to adopt specified provisions from certain
38 codes; deleting provisions limiting how long an
39 amendment or modification is effective; deleting a
40 provision requiring certain amendments or
41 modifications to be carried forward into the next
42 edition of the code, subject to certain conditions;
43 deleting certain requirements for the resubmission of
44 expired amendments; deleting a provision prohibiting a
45 proposed amendment from being included in the code if
46 it has been addressed in the international code;
47 prohibiting the commission from adopting certain
48 provisions into the Florida Building Code; conforming
49 provisions to changes made by the act; amending s.
50 553.76, F.S.; requiring the commission to adopt the
51 Florida Building Code, and amendments thereto, by a
52 minimum percentage of votes; providing an effective
53 date.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Section 468.603, Florida Statutes, is reordered
58 and amended to read:

576-04736A-17

20171372c3

59 468.603 Definitions.—As used in this part:

60 (2)~~(1)~~ "Building code administrator" or "building official"
61 means any of those employees of municipal or county governments,
62 or any person contracted, with building construction regulation
63 responsibilities who are charged with the responsibility for
64 direct regulatory administration or supervision of plan review,
65 enforcement, or inspection of building construction, erection,
66 repair, addition, remodeling, demolition, or alteration projects
67 that require permitting indicating compliance with building,
68 plumbing, mechanical, electrical, gas, fire prevention, energy,
69 accessibility, and other construction codes as required by state
70 law or municipal or county ordinance. This term is synonymous
71 with "building official" as used in the ~~administrative chapter~~
72 ~~of the Standard Building Code and the South Florida Building~~
73 Code. One person employed or contracted by each municipal or
74 county government as a building code administrator or building
75 official and who is so certified under this part may be
76 authorized to perform any plan review or inspection for which
77 certification is required by this part, including performing any
78 plan review or inspection as a currently designated standard
79 certified building official under an interagency service
80 agreement with a jurisdiction having a population of 50,000 or
81 less.

82 (4)~~(2)~~ "Building code inspector" means any of those
83 employees of local governments or state agencies, or any person
84 contracted, with building construction regulation
85 responsibilities who themselves conduct inspections of building
86 construction, erection, repair, addition, or alteration projects
87 that require permitting indicating compliance with building,

576-04736A-17

20171372c3

88 plumbing, mechanical, electrical, gas, fire prevention, energy,
89 accessibility, and other construction codes as required by state
90 law or municipal or county ordinance.

91 (1)~~(3)~~ "Board" means the Florida Building Code
92 Administrators and Inspectors Board.

93 (7)~~(4)~~ "Department" means the Department of Business and
94 Professional Regulation.

95 (6)~~(5)~~ "Certificate" means a certificate of qualification
96 issued by the department as provided in this part.

97 (5)~~(6)~~ "Categories of building code inspectors" include the
98 following:

99 (a) "Building inspector" means a person who is qualified to
100 inspect and determine that buildings and structures are
101 constructed in accordance with the provisions of the governing
102 building codes and state accessibility laws.

103 (b) "Coastal construction inspector" means a person who is
104 qualified to inspect and determine that buildings and structures
105 are constructed to resist near-hurricane and hurricane velocity
106 winds in accordance with the provisions of the governing
107 building code.

108 (c) "Commercial electrical inspector" means a person who is
109 qualified to inspect and determine the electrical safety of
110 commercial buildings and structures by inspecting for compliance
111 with the provisions of the National Electrical Code.

112 (h)~~(d)~~ "Residential electrical inspector" means a person
113 who is qualified to inspect and determine the electrical safety
114 of one and two family dwellings and accessory structures by
115 inspecting for compliance with the applicable provisions of the
116 governing electrical code.

576-04736A-17

20171372c3

117 (e) "Mechanical inspector" means a person who is qualified
118 to inspect and determine that the mechanical installations and
119 systems for buildings and structures are in compliance with the
120 provisions of the governing mechanical code.

121 (g)~~(f)~~ "Plumbing inspector" means a person who is qualified
122 to inspect and determine that the plumbing installations and
123 systems for buildings and structures are in compliance with the
124 provisions of the governing plumbing code.

125 (f)~~(g)~~ "One and two family dwelling inspector" means a
126 person who is qualified to inspect and determine that one and
127 two family dwellings and accessory structures are constructed in
128 accordance with the provisions of the governing building,
129 plumbing, mechanical, accessibility, and electrical codes.

130 (d)~~(h)~~ "Electrical inspector" means a person who is
131 qualified to inspect and determine the electrical safety of
132 commercial and residential buildings and accessory structures by
133 inspecting for compliance with the provisions of the National
134 Electrical Code.

135 (8)~~(7)~~ "Plans examiner" means a person who is qualified to
136 determine that plans submitted for purposes of obtaining
137 building and other permits comply with the applicable building,
138 plumbing, mechanical, electrical, gas, fire prevention, energy,
139 accessibility, and other applicable construction codes. The term
140 includes a residential plans examiner who is qualified to
141 determine that plans submitted for purposes of obtaining
142 building and other permits comply with the applicable
143 residential building, plumbing, mechanical, electrical, gas,
144 energy, accessibility, and other applicable construction codes.
145 Categories of plans examiners include:

576-04736A-17

20171372c3

146 (a) Building plans examiner.

147 (b) Plumbing plans examiner.

148 (c) Mechanical plans examiner.

149 (d) Electrical plans examiner.

150 (3)~~(8)~~ "Building code enforcement official" or "enforcement
151 official" means a licensed building code administrator, building
152 code inspector, or plans examiner.

153 Section 2. Paragraph (c) of subsection (2), paragraphs (a)
154 and (d) of subsection (7), and subsection (10) of section
155 468.609, Florida Statutes, are amended to read:

156 468.609 Administration of this part; standards for
157 certification; additional categories of certification.—

158 (2) A person may take the examination for certification as
159 a building code inspector or plans examiner pursuant to this
160 part if the person:

161 (c) Meets eligibility requirements according to one of the
162 following criteria:

163 1. Demonstrates 5 years' combined experience in the field
164 of construction or a related field, building code inspection, or
165 plans review corresponding to the certification category sought;

166 2. Demonstrates a combination of postsecondary education in
167 the field of construction or a related field and experience
168 which totals 4 years, with at least 1 year of such total being
169 experience in construction, building code inspection, or plans
170 review;

171 3. Demonstrates a combination of technical education in the
172 field of construction or a related field and experience which
173 totals 4 years, with at least 1 year of such total being
174 experience in construction, building code inspection, or plans

576-04736A-17

20171372c3

175 review;

176 4. Currently holds a standard certificate issued by the
177 board or a firesafety inspector license issued pursuant to
178 chapter 633, has a minimum of 3 years' verifiable full-time
179 experience in inspection or plan review, and has satisfactorily
180 completed a building code inspector or plans examiner training
181 program that provides at least 100 hours but not more than 200
182 hours of cross-training in the certification category sought.
183 The board shall establish by rule criteria for the development
184 and implementation of the training programs. The board shall
185 accept all classroom training offered by an approved provider if
186 the content substantially meets the intent of the classroom
187 component of the training program;

188 5. Demonstrates a combination of the completion of an
189 approved training program in the field of building code
190 inspection or plan review and a minimum of 2 years' experience
191 in the field of building code inspection, plan review, fire code
192 inspections and fire plans review of new buildings as a
193 firesafety inspector certified under s. 633.216, or
194 construction. The approved training portion of this requirement
195 shall include proof of satisfactory completion of a training
196 program that provides at least 200 hours but not more than 300
197 hours of cross-training that is approved by the board in the
198 chosen category of building code inspection or plan review in
199 the certification category sought with at least 20 hours but not
200 more than 30 hours of instruction in state laws, rules, and
201 ethics relating to professional standards of practice, duties,
202 and responsibilities of a certificateholder. The board shall
203 coordinate with the Building Officials Association of Florida,

576-04736A-17

20171372c3

204 Inc., to establish by rule the development and implementation of
205 the training program. However, the board shall accept all
206 classroom training offered by an approved provider if the
207 content substantially meets the intent of the classroom
208 component of the training program; ~~or~~

209 6. Currently holds a standard certificate issued by the
210 board or a firesafety inspector license issued pursuant to
211 chapter 633 and:

212 a. Has at least 5 years' verifiable full-time experience as
213 an inspector or plans examiner in a standard certification
214 category currently held or has a minimum of 5 years' verifiable
215 full-time experience as a firesafety inspector licensed pursuant
216 to chapter 633; ~~or~~

217 b. Has satisfactorily completed a building code inspector
218 or plans examiner classroom training course or program that
219 provides at least 200 but not more than 300 hours in the
220 certification category sought, except for one-family and two-
221 family dwelling training programs, which must provide at least
222 500 but not more than 800 hours of training as prescribed by the
223 board. The board shall establish by rule criteria for the
224 development and implementation of classroom training courses and
225 programs in each certification category; or

226 7.a. Has completed a 4-year internship certification
227 program as a building code inspector or plans examiner while
228 employed full-time by a municipality, county, or other
229 governmental jurisdiction, under the direct supervision of a
230 certified building official. Proof of graduation with a related
231 vocational degree or college degree or of verifiable work
232 experience may be exchanged for the internship experience

576-04736A-17

20171372c3

233 requirement year-for-year, but may reduce the requirement to no
234 less than 1 year;

235 b. Has passed an examination administered by the
236 International Code Council in the certification category sought.
237 Such examination must be passed before beginning the internship
238 certification program;

239 c. Has passed the principles and practice examination
240 before completing the internship certification program;

241 d. Has passed a board-approved 40-hour code training course
242 in the certification category sought before completing the
243 internship certification program; and

244 e. Has obtained a favorable recommendation from the
245 supervising building official after completion of the internship
246 certification program.

247 (7) (a) The board shall provide for the issuance of
248 provisional certificates valid for 1 year, as specified by board
249 rule, to any ~~newly employed or promoted~~ building code inspector
250 or plans examiner who meets the eligibility requirements
251 described in subsection (2) and any newly employed or promoted
252 building code administrator who meets the eligibility
253 requirements described in subsection (3). The provisional
254 license may be renewed by the board for just cause; however, a
255 provisional license is not valid for longer than 3 years.

256 (d) A ~~newly employed or hired~~ person may perform the duties
257 of a plans examiner or building code inspector for 120 days if a
258 provisional certificate application has been submitted if such
259 person is under the direct supervision of a certified building
260 code administrator who holds a standard certification and who
261 has found such person qualified for a provisional certificate.

576-04736A-17

20171372c3

262 Direct supervision and the determination of qualifications may
263 also be provided by a building code administrator who holds a
264 limited or provisional certificate in a county having a
265 population of fewer than 75,000 and in a municipality located
266 within such county.

267 (10) (a) The board may by rule create categories of
268 certification in addition to those defined in s. 468.603(5) and
269 (8) ~~468.603(6) and (7)~~. Such certification categories shall not
270 be mandatory and shall not act to diminish the scope of any
271 certificate created by statute.

272 (b) The board shall by rule establish:

273 1. Reciprocity of certification with any other state that
274 requires an examination administered by the International Code
275 Council.

276 2. An applicant for certification as a building code
277 inspector or plans examiner may apply for a provisional
278 certificate valid for the duration of the internship period.

279 3. Partial completion of an internship program may be
280 transferred between jurisdictions on a form prescribed by the
281 board.

282 4. An applicant may apply for a standard certificate on a
283 form prescribed by the board upon successful completion of an
284 internship certification program.

285 5. An applicant may apply for a standard certificate at
286 least 30 days and no more than 60 days before completing the
287 internship certification program.

288 6. A building code inspector or plans examiner who has
289 standard certification may seek an additional certification in
290 another category by completing an additional nonconcurrent 1-

576-04736A-17

20171372c3

291 year internship program in the certification category sought and
292 passing an examination administered by the International Code
293 Council and a board-approved 40-hour code training course.

294 Section 3. Subsection (3) of section 468.617, Florida
295 Statutes, is amended to read:

296 468.617 Joint building code inspection department; other
297 arrangements.—

298 (3) Nothing in this part shall prohibit any county or
299 municipal government, school board, community college board,
300 state university, or state agency from entering into any
301 contract with any person or entity for the provision of building
302 code administrator, building official, or building code
303 inspection services regulated under this part, and
304 notwithstanding any other statutory provision, such county or
305 municipal governments may enter into contracts.

306 Section 4. Paragraphs (d) and (i) of subsection (1) of
307 section 553.791, Florida Statutes, are amended to read:

308 553.791 Alternative plans review and inspection.—

309 (1) As used in this section, the term:

310 (d) "Building code inspection services" means those
311 services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
312 involving the review of building plans to determine compliance
313 with applicable codes and those inspections required by law of
314 each phase of construction for which permitting by a local
315 enforcement agency is required to determine compliance with
316 applicable codes.

317 (i) "Private provider" means a person licensed as a
318 building code administrator under part XII of chapter 468, as an
319 engineer under chapter 471, or as an architect under chapter

576-04736A-17

20171372c3

320 481. For purposes of performing inspections under this section
321 for additions and alterations that are limited to 1,000 square
322 feet or less to residential buildings, the term "private
323 provider" also includes a person who holds a standard
324 certificate under part XII of chapter 468.

325 Section 5. Section 471.045, Florida Statutes, is amended to
326 read:

327 471.045 Professional engineers performing building code
328 inspector duties.—Notwithstanding any other provision of law, a
329 person who is currently licensed under this chapter to practice
330 as a professional engineer may provide building code inspection
331 services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
332 to a local government or state agency upon its request, without
333 being certified by the Florida Building Code Administrators and
334 Inspectors Board under part XII of chapter 468. When performing
335 these building code inspection services, the professional
336 engineer is subject to the disciplinary guidelines of this
337 chapter and s. 468.621(1)(c)-(h). Any complaint processing,
338 investigation, and discipline that arise out of a professional
339 engineer's performing building code inspection services shall be
340 conducted by the Board of Professional Engineers rather than the
341 Florida Building Code Administrators and Inspectors Board. A
342 professional engineer may not perform plans review as an
343 employee of a local government upon any job that the
344 professional engineer or the professional engineer's company
345 designed.

346 Section 6. Section 481.222, Florida Statutes, is amended to
347 read:

348 481.222 Architects performing building code inspection

576-04736A-17

20171372c3

349 services.—Notwithstanding any other provision of law, a person
350 who is currently licensed to practice as an architect under this
351 part may provide building code inspection services described in
352 s. 468.603(5) and (8) ~~468.603(6) and (7)~~ to a local government
353 or state agency upon its request, without being certified by the
354 Florida Building Code Administrators and Inspectors Board under
355 part XII of chapter 468. With respect to the performance of such
356 building code inspection services, the architect is subject to
357 the disciplinary guidelines of this part and s. 468.621(1)(c)-
358 (h). Any complaint processing, investigation, and discipline
359 that arise out of an architect's performance of building code
360 inspection services shall be conducted by the Board of
361 Architecture and Interior Design rather than the Florida
362 Building Code Administrators and Inspectors Board. An architect
363 may not perform plans review as an employee of a local
364 government upon any job that the architect or the architect's
365 company designed.

366 Section 7. Present subsection (5) of section 489.516,
367 Florida Statutes, is renumbered as subsection (6), and a new
368 subsection (5) is added to that section, to read:

369 489.516 Qualifications to practice; restrictions;
370 prerequisites.—

371 (5) This part does not prevent any certified electrical or
372 alarm system contractor from acting as a prime contractor where
373 the majority of the work to be performed under the contract is
374 within the scope of his or her license or from subcontracting to
375 other licensed contractors that remaining work that is part of
376 the project contracted.

377 Section 8. Subsection (3) of section 553.73, Florida

576-04736A-17

20171372c3

378 Statutes, is amended, paragraph (d) is added to subsection (4)
379 of that section, subsections (7) and (8) and paragraphs (a) and
380 (b) of subsection (9) of that section are amended, and
381 subsection (20) is added to that section, to read:

382 553.73 Florida Building Code.—

383 (3) The commission shall use the ~~International Codes~~
384 ~~published by the~~ International Code Council, the National
385 Electric Code (NFPA 70), or other nationally adopted model codes
386 and standards for updates to ~~needed to develop the base code in~~
387 ~~Florida to form the foundation for~~ the Florida Building Code.
388 The ~~Florida Building~~ commission may approve technical amendments
389 to the code as provided in, ~~subject to~~ subsections (8) and (9),
390 ~~after the amendments have been~~ subject to all of the following
391 conditions:

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

397 (b) In order for a technical advisory committee to make a
398 favorable recommendation to the commission, the proposal must
399 receive a two-thirds ~~three-fourths~~ vote of the members present
400 at the ~~technical advisory committee~~ meeting. ~~and~~ At least half
401 of the regular members must be present in order to conduct a
402 meeting. ~~†~~

403 (c) After the technical advisory committee has considered
404 and recommended ~~consideration and a recommendation for~~ approval
405 of any proposed amendment, the proposal must be published on the
406 commission's website for at least 45 days before ~~any~~

576-04736A-17

20171372c3

407 consideration by the commission. ~~and~~

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

411
412 The commission shall incorporate within ~~sections of~~ the Florida
413 Building Code provisions that ~~which~~ address regional and local
414 concerns and variations. The commission shall make every effort
415 to minimize conflicts between the Florida Building Code, the
416 Florida Fire Prevention Code, and the Life Safety Code.

417 (4)

418 (d) A technical amendment to the Florida Building Code
419 related to water conservation practices or design criteria
420 adopted by a local government pursuant to this subsection is not
421 rendered void when the code is updated if the technical
422 amendment is necessary to protect or provide for more efficient
423 use of water resources as provided in s. 373.621. However, any
424 such technical amendment carried forward into the next edition
425 of the code pursuant to this paragraph is subject to review or
426 modification as provided in this part.

427 (7) (a) The commission, ~~by rule adopted pursuant to ss.~~
428 ~~120.536(1) and 120.54,~~ shall adopt an updated ~~update~~ the Florida
429 Building Code every 3 years through review of. ~~when updating the~~
430 ~~Florida Building Code, the commission shall select~~ the most
431 current updates ~~version~~ of the International Building Code, the
432 International Fuel Gas Code, the International Mechanical Code,
433 the International Plumbing Code, and the International
434 Residential Code, all of which are copyrighted and published by
435 ~~adopted~~ by the International Code Council, and the National

576-04736A-17

20171372c3

436 Electrical Code, which is copyrighted and published ~~adopted~~ by
437 the National Fire Protection Association. At a minimum, the
438 commission shall adopt any updates to such codes or any other
439 code necessary to maintain eligibility for federal funding from
440 the National Flood Insurance Program, the Federal Emergency
441 Management Agency, and the United States Department of Housing
442 and Urban Development, ~~to form the foundation codes of the~~
443 ~~updated Florida Building Code, if the version has been adopted~~
444 ~~by the applicable model code entity.~~ The commission shall also
445 review and adopt updates based substantially on select the most
446 ~~current version of the International Energy Conservation Code~~
447 ~~(IECC) as a foundation code; however, the IECC shall be modified~~
448 ~~by the commission shall~~ ~~to~~ maintain the efficiencies of the
449 Florida Energy Efficiency Code for Building Construction adopted
450 and amended pursuant to s. 553.901. The commission shall adopt
451 updated codes by rule.

452 (b) Codes regarding noise contour lines shall be reviewed
453 annually, and the most current federal guidelines shall be
454 adopted.

455 (c) The commission may adopt as a technical amendment to
456 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~
457 codes identified in paragraph (a), but only as needed to
458 accommodate the specific needs of this state. Standards or
459 criteria adopted from these ~~referenced by the~~ codes shall be
460 incorporated by reference to the specific provisions adopted. If
461 a referenced standard or criterion requires amplification or
462 modification to be appropriate for use in this state, only the
463 amplification or modification shall be set forth in the Florida
464 Building Code. The commission may approve technical amendments

576-04736A-17

20171372c3

465 to the updated Florida Building Code after the amendments have
466 been subject to the conditions set forth in paragraphs (3)(a)-
467 (d). Amendments that ~~to the foundation codes which~~ are adopted
468 in accordance with this subsection shall be clearly marked in
469 printed versions of the Florida Building Code so that the fact
470 that the provisions are ~~Florida-specific~~ amendments ~~to the~~
471 ~~foundation codes~~ is readily apparent.

472 (d) The commission shall further consider the commission's
473 own interpretations, declaratory statements, appellate
474 decisions, and approved statewide and local technical amendments
475 and shall incorporate such interpretations, statements,
476 decisions, and amendments into the updated Florida Building Code
477 only to the extent that they are needed to ~~modify the foundation~~
478 ~~codes~~ to accommodate the specific needs of the state. A change
479 made by an institute or standards organization to any standard
480 or criterion that is adopted by reference in the Florida
481 Building Code does not become effective statewide until it has
482 been adopted by the commission. Furthermore, the edition of the
483 Florida Building Code which is in effect on the date of
484 application for any permit authorized by the code governs the
485 permitted work for the life of the permit and any extension
486 granted to the permit.

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

493 (f) Provisions of the Florida Building Code ~~foundation~~

576-04736A-17

20171372c3

494 ~~codes~~, including those contained in referenced standards and
495 criteria, relating to wind resistance or the prevention of water
496 intrusion may not be modified to diminish those construction
497 requirements; however, the commission may, subject to conditions
498 in this subsection, modify the provisions to enhance those
499 construction requirements.

500 ~~(g) Amendments or modifications to the foundation code~~
501 ~~pursuant to this subsection shall remain effective only until~~
502 ~~the effective date of a new edition of the Florida Building Code~~
503 ~~every third year. Amendments or modifications related to state~~
504 ~~agency regulations which are adopted and integrated into an~~
505 ~~edition of the Florida Building Code shall be carried forward~~
506 ~~into the next edition of the code, subject to modification as~~
507 ~~provided in this part. Amendments or modifications related to~~
508 ~~the wind resistance design of buildings and structures within~~
509 ~~the high-velocity hurricane zone of Miami-Dade and Broward~~
510 ~~Counties which are adopted to an edition of the Florida Building~~
511 ~~Code do not expire and shall be carried forward into the next~~
512 ~~edition of the code, subject to review or modification as~~
513 ~~provided in this part. If amendments that expire pursuant to~~
514 ~~this paragraph are resubmitted through the Florida Building~~
515 ~~commission code adoption process, the amendments must~~
516 ~~specifically address whether:~~

517 ~~1. The provisions contained in the proposed amendment are~~
518 ~~addressed in the applicable international code.~~

519 ~~2. The amendment demonstrates by evidence or data that the~~
520 ~~geographical jurisdiction of Florida exhibits a need to~~
521 ~~strengthen the foundation code beyond the needs or regional~~
522 ~~variations addressed by the foundation code, and why the~~

576-04736A-17

20171372c3

523 ~~proposed amendment applies to this state.~~

524 ~~3. The proposed amendment was submitted or attempted to be~~
525 ~~included in the foundation codes to avoid resubmission to the~~
526 ~~Florida Building Code amendment process.~~

527

528 ~~If the proposed amendment has been addressed in the~~
529 ~~international code in a substantially equivalent manner, the~~
530 ~~Florida Building commission may not include the proposed~~
531 ~~amendment in the foundation Code.~~

532 (8) Notwithstanding ~~the provisions of~~ subsection (3) or
533 subsection (7), the commission may address issues identified in
534 this subsection by amending the code pursuant ~~only~~ to the rule
535 adoption procedures ~~contained~~ in chapter 120. ~~Provisions of The~~
536 ~~Florida Building Code, including provisions those~~ contained in
537 referenced standards and criteria which relate, ~~relating~~ to wind
538 resistance or the prevention of water intrusion, may not be
539 amended pursuant to this subsection to diminish those standards
540 ~~construction requirements~~; however, the commission may, ~~subject~~
541 ~~to conditions in this subsection,~~ amend the Florida Building
542 Code ~~the provisions~~ to enhance such standards ~~those construction~~
543 ~~requirements~~. Following the approval of any amendments to the
544 Florida Building Code by the commission and publication of the
545 amendments on the commission's website, authorities having
546 jurisdiction to enforce the Florida Building Code may enforce
547 the amendments. The commission may approve amendments that are
548 needed to address:

549 (a) Conflicts within the updated code;

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

576-04736A-17

20171372c3

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

554 (d) Equivalency of standards;

555 (e) Changes to or inconsistencies with federal or state
556 law; or

557 (f) Adoption of an updated edition of the National
558 Electrical Code if the commission finds that delay of
559 implementing the updated edition causes undue hardship to
560 stakeholders or otherwise threatens the public health, safety,
561 and welfare.

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

565 1. Is needed in order to accommodate the specific needs of
566 this state.

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

569 3. Strengthens or improves the Florida Building Code, or in
570 the case of innovation or new technology, will provide
571 equivalent or better products or methods or systems of
572 construction.

573 4. Does not discriminate against materials, products,
574 methods, or systems of construction of demonstrated
575 capabilities.

576 5. Does not degrade the effectiveness of the Florida
577 Building Code.

578

579 The Florida Building Commission may approve technical amendments
580 to the code once each year to incorporate into the Florida

576-04736A-17

20171372c3

581 Building Code its own interpretations of the code which are
582 embodied in its opinions, final orders, declaratory statements,
583 and interpretations of hearing officer panels under s.
584 553.775(3)(c), but only to the extent that the incorporation of
585 interpretations is needed to modify the code ~~foundation codes~~ to
586 accommodate the specific needs of this state. Amendments
587 approved under this paragraph shall be adopted by rule after the
588 amendments have been subjected to subsection (3).

589 (b) A proposed amendment must include a fiscal impact
590 statement that documents the costs and benefits of the proposed
591 amendment. Criteria for the fiscal impact statement shall be
592 established by rule by the commission and shall include the
593 impact to local government relative to enforcement, the impact
594 to property and building owners, and the impact to industry,
595 relative to the cost of compliance. The amendment must
596 demonstrate by evidence or data that the state's geographical
597 jurisdiction exhibits a need to strengthen the ~~foundation~~ code
598 beyond the needs or regional variations addressed by the
599 ~~foundation~~ code and why the proposed amendment applies to this
600 state.

601 (20) The commission may not:

602 (a) Adopt the 2016 version of the American Society of
603 Heating, Refrigerating and Air-Conditioning Engineers Standard
604 90.1, s. 9.4.1.1(g).

605 (b) Adopt any provision that requires a door located in the
606 opening between a garage and a residence to be equipped with a
607 self-closing device.

608 Section 9. Subsection (2) of section 553.76, Florida
609 Statutes, is amended to read:

576-04736A-17

20171372c3

610 553.76 General powers of the commission.—The commission is
611 authorized to:

612 (2) Issue memoranda of procedure for its internal
613 management and control. The commission may adopt rules related
614 to its consensus-based decisionmaking process, including, but
615 not limited to, super majority voting requirements ~~for~~
616 ~~commission actions relating to the adoption of the Florida~~
617 ~~Building Code or amendments to the code.~~ However, the commission
618 must adopt the Florida Building Code, and amendments thereto, by
619 at least a two-thirds vote of the members present at a meeting.

620 Section 10. This act shall take effect July 1, 2017.