

1 A bill to be entitled
 2 An act relating to the Florida Building Code; amending s.
 3 553.71, F.S.; deleting the definition of "exposure
 4 category C"; amending s. 553.73, F.S.; authorizing the
 5 Florida Building Commission to make certain limited
 6 amendments to the Florida Building Code pursuant to rule
 7 adoption procedures for certain purposes after triennial
 8 updates; amending s. 553.775, F.S.; prohibiting
 9 interpretation and review of certain accessibility
 10 provisions of certain codes under certain procedures;
 11 authorizing the commission to update or modify certain
 12 wind design standards; authorizing the Florida Building
 13 Commission to identify in the code certain areas of the
 14 northwest portion of the state subject to certain wind
 15 debris requirements of the code; specifying such areas as
 16 subject to certain rule adoption procedures without being
 17 subject to certain code development procedures;
 18 superseding certain provisions of general law relating to
 19 wind protection requirements; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Subsections (10) and (11) of section 553.71,
 24 Florida Statutes, are amended to read:
 25 553.71 Definitions.--As used in this part, the term:
 26 ~~(10) "Exposure category C" means, except in the high~~
 27 ~~velocity hurricane zone, that area which lies within 1,500 feet~~
 28 ~~of the coastal construction control line, or within 1,500 feet~~

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29 ~~of the mean high tide line, whichever is less. On barrier~~
30 ~~islands, exposure category C shall be applicable in the coastal~~
31 ~~building zone set forth in s. 161.55(5).~~

32 (10)~~(11)~~ "Prototype building" means a building constructed
33 in accordance with architectural or engineering plans intended
34 for replication on various sites and which will be updated to
35 comply with the Florida Building Code and applicable laws
36 relating to firesafety, health and sanitation, casualty safety,
37 and requirements for persons with disabilities which are in
38 effect at the time a construction contract is to be awarded.

39 Section 2. Subsection (6) of section 553.73, Florida
40 Statutes, is amended to read:

41 553.73 Florida Building Code.--

42 (6) (a) The commission, by rule adopted pursuant to ss.
43 120.536(1) and 120.54, shall update the Florida Building Code
44 every 3 years. When updating the Florida Building Code, the
45 commission shall select the most current version of the
46 International Building Code, the International Fuel Gas Code,
47 the International Mechanical Code, the International Plumbing
48 Code, and the International Residential Code, all of which are
49 adopted by the International Code Council, and the National
50 Electrical Code, which is adopted by the National Fire
51 Protection Association, to form the foundation codes of the
52 updated Florida Building Code, if the version has been adopted
53 by the applicable model code entity ~~International Code Council~~
54 and made available to the public at least 6 months prior to its
55 selection by the commission.

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56 (b) Codes regarding noise contour lines shall be reviewed
57 annually, and the most current federal guidelines shall be
58 adopted.

59 (c) The commission may modify any portion of the
60 foundation codes only as needed to accommodate the specific
61 needs of this state, maintaining Florida-specific amendments
62 previously adopted by the commission and not addressed by the
63 updated foundation code. Standards or criteria referenced by the
64 codes shall be incorporated by reference. If a referenced
65 standard or criterion requires amplification or modification to
66 be appropriate for use in this state, only the amplification or
67 modification shall be set forth in the Florida Building Code.
68 The commission may approve technical amendments to the updated
69 Florida Building Code after the amendments have been subject to
70 the conditions set forth in paragraphs (3)(a)-(d). Amendments to
71 the foundation codes which are adopted in accordance with this
72 subsection shall be clearly marked in printed versions of the
73 Florida Building Code so that the fact that the provisions are
74 Florida-specific amendments to the foundation codes is readily
75 apparent.

76 (d) The commission shall further consider the commission's
77 own interpretations, declaratory statements, appellate
78 decisions, and approved statewide and local technical amendments
79 and shall incorporate such interpretations, statements,
80 decisions, and amendments into the updated Florida Building Code
81 only to the extent that they are needed to modify the foundation
82 codes to accommodate the specific needs of the state. A change
83 made by an institute or standards organization to any standard

84 or criterion that is adopted by reference in the Florida
 85 Building Code does not become effective statewide until it has
 86 been adopted by the commission. Furthermore, the edition of the
 87 Florida Building Code which is in effect on the date of
 88 application for any permit authorized by the code governs the
 89 permitted work for the life of the permit and any extension
 90 granted to the permit.

91 (e) A rule updating the Florida Building Code in
 92 accordance with this subsection shall take effect no sooner than
 93 6 months after publication of the updated code. Any amendment to
 94 the Florida Building Code which is adopted upon a finding by the
 95 commission that the amendment is necessary to protect the public
 96 from immediate threat of harm takes effect immediately.

97 (f) Upon the conclusion of a triennial update to the
 98 Florida Building Code, notwithstanding the provisions of this
 99 subsection or subsection (3), the commission may address issues
 100 identified in this subsection by amending the code pursuant only
 101 to the rule adoption procedures contained in chapter 120.
 102 Authorities having jurisdiction to enforce the Florida Building
 103 Code may enforce the recommended corrections to the code upon
 104 approval by the commission and publication of the corrections on
 105 the commission's website. The commission shall approve
 106 amendments pursuant to this paragraph only to the extent
 107 necessary to address:

- 108 1. Conflicts within the updated code.
- 109 2. Conflicts between the updated code and the Florida Fire
 110 Prevention Code adopted pursuant to chapter 633.
- 111 3. Omission of previously adopted Florida-specific

112 amendments to the updated code if such omission is not supported
 113 by a specific recommendation of a technical advisory committee
 114 or particular action by the commission.

115 4. Unintended results from the integration of previously
 116 adopted Florida-specific amendments with the model code.

117 Section 3. Subsection (5) is added to section 553.775,
 118 Florida Statutes, to read:

119 553.775 Interpretations.--

120 (5) Notwithstanding the other provisions of this section,
 121 the Florida Accessibility Code for Building Construction and
 122 chapter 11 of the Florida Building Code may not be interpreted
 123 through or subject to review by any of the procedures in this
 124 section. This subsection has no effect upon the commission's
 125 authority to waive the accessibility code as provided by s.
 126 553.512.

127 Section 4. Notwithstanding subsection (3) of section 109,
 128 2000-141, Laws of Florida, the Florida Building Commission may
 129 update or modify the wind design standard applicable to
 130 construction in this state as adopted within the Florida
 131 Building Code in accordance with the requirements of s. 553.73,
 132 Florida Statutes. The Florida Building Commission is
 133 specifically authorized to identify within the Florida Building
 134 Code those areas of the state from the western border of
 135 Jefferson County west to the Florida-Alabama line that are
 136 subject to the windborne debris requirements of the code. The
 137 initial designation of those areas after July 1, 2006, is
 138 subject to only the rule adoption procedures of chapter 120,
 139 Florida Statutes, notwithstanding the code development

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140 procedures of chapter 553, Florida Statutes. The provisions of
141 subsection (3) of section 109, 2000-141, Laws of Florida, are
142 expressly superseded.

143 Section 5. This act shall take effect July 1, 2006.