

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 6th edition, and subsequent editions, of the  
5           Florida Building Code as the foundation for the  
6           development of and updates to the code; requiring the  
7           commission to review, rather than update, the Florida  
8           Building Code every 3 years; deleting a provision that  
9           specifies how long amendments or modifications to the  
10          foundation remain effective; deleting provisions  
11          limiting how long an amendment or modification is  
12          effective; deleting a provision requiring certain  
13          amendments or modifications to be carried forward into  
14          the next edition of the code, subject to certain  
15          conditions; deleting certain requirements for the  
16          resubmission of expired amendments; deleting a  
17          provision prohibiting a proposed amendment from being  
18          included in the foundation if it has been addressed in  
19          the international code; conforming provisions to  
20          changes made by the act; amending s. 553.76, F.S.;  
21          requiring the commission to adopt the Florida Building  
22          Code, and amendments thereto, by a minimum percentage  
23          of votes; providing an effective date.

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

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

553.73 Florida Building Code.—

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

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

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

51 (c) After the technical advisory committee has considered  
 52 and recommended ~~consideration and a recommendation for~~ approval  
 53 of any proposed amendment, the proposal must be published on the  
 54 commission's website for at least 45 days before ~~any~~  
 55 consideration by the commission.~~;~~ ~~and~~

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

59  
 60 The commission shall incorporate within ~~sections of~~ the Florida  
 61 Building Code provisions that ~~which~~ address regional and local  
 62 concerns and variations. The commission shall make every effort  
 63 to minimize conflicts between the Florida Building Code, the  
 64 Florida Fire Prevention Code, and the Life Safety Code.

65 (7) (a) The commission, by rule ~~adopted pursuant to ss.~~  
 66 ~~120.536(1) and 120.54,~~ shall review ~~update~~ the Florida Building  
 67 Code every 3 years to consider whether it needs to be revised.  
 68 The commission shall adopt code revisions by rule. When  
 69 evaluating potential revisions to ~~updating~~ the Florida Building  
 70 Code, the commission shall review ~~select~~ the most current  
 71 version of the International Building Code, the International  
 72 Fuel Gas Code, the International Mechanical Code, the  
 73 International Plumbing Code, and the International Residential  
 74 Code, all of which are adopted by the International Code  
 75 Council, and the National Electrical Code, which is adopted by

76 | the National Fire Protection Association, ~~to form the foundation~~  
77 | ~~codes of the updated Florida Building Code, if the version has~~  
78 | ~~been adopted by the applicable model code entity.~~ The commission  
79 | shall also review ~~select~~ the most current version of the  
80 | International Energy Conservation Code (IECC) ~~as a foundation~~  
81 | ~~code~~; however, ~~the IECC shall be modified by~~ the commission must  
82 | ~~to~~ maintain the efficiencies of the Florida Energy Efficiency  
83 | Code for Building Construction adopted and amended pursuant to  
84 | s. 553.901.

85 | (b) Codes regarding noise contour lines shall be reviewed  
86 | annually, and the most current federal guidelines shall be  
87 | adopted.

88 | (c) The commission may adopt as a technical amendment to  
89 | the Florida Building Code ~~modify~~ any portion of the ~~foundation~~  
90 | codes identified in paragraph (a) only as needed to accommodate  
91 | the specific needs of this state. Standards or criteria adopted  
92 | from such ~~referenced by the~~ codes shall be incorporated by  
93 | reference to the specific provisions of such codes which are  
94 | adopted. If a referenced standard or criterion requires  
95 | amplification or modification to be appropriate for use in this  
96 | state, only the amplification or modification shall be set forth  
97 | in the Florida Building Code. The commission may approve  
98 | technical amendments to the updated Florida Building Code after  
99 | the amendments have been subject to the conditions set forth in  
100 | paragraphs (3) (a)-(d). Amendments that ~~to the foundation codes~~

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

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

120 (e) A rule updating the Florida Building Code in  
121 accordance with this subsection shall take effect no sooner than  
122 6 months after publication of the updated code. Any amendment to  
123 the Florida Building Code which is adopted upon a finding by the  
124 commission that the amendment is necessary to protect the public  
125 from immediate threat of harm takes effect immediately.

126 (f) Provisions of the Florida Building Code ~~foundation~~  
127 ~~codes~~, including those contained in referenced standards and  
128 criteria, relating to wind resistance or the prevention of water  
129 intrusion may not be modified to diminish those construction  
130 requirements; however, the commission may, subject to conditions  
131 in this subsection, modify the provisions to enhance those  
132 construction requirements.

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

150 1. ~~The provisions contained in the proposed amendment are~~

151 ~~addressed in the applicable international code.~~

152 ~~2. The amendment demonstrates by evidence or data that the~~  
153 ~~geographical jurisdiction of Florida exhibits a need to~~  
154 ~~strengthen the foundation code beyond the needs or regional~~  
155 ~~variations addressed by the foundation code, and why the~~  
156 ~~proposed amendment applies to this state.~~

157 ~~3. The proposed amendment was submitted or attempted to be~~  
158 ~~included in the foundation codes to avoid resubmission to the~~  
159 ~~Florida Building Code amendment process.~~

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161 ~~If the proposed amendment has been addressed in the~~  
162 ~~international code in a substantially equivalent manner, the~~  
163 ~~Florida Building commission may not include the proposed~~  
164 ~~amendment in the foundation Code.~~

165 (8) Notwithstanding ~~the provisions of~~ subsection (3) or  
166 subsection (7), the commission may address issues identified in  
167 this subsection by amending the code pursuant ~~only~~ to the rule  
168 adoption procedures ~~contained~~ in chapter 120. ~~Provisions of The~~  
169 ~~Florida Building Code, including provisions those~~ contained in  
170 referenced standards and criteria which relate, ~~relating~~ to wind  
171 resistance or the prevention of water intrusion, may not be  
172 amended pursuant to this subsection to diminish those standards  
173 ~~construction requirements;~~ however, the commission may, ~~subject~~  
174 ~~to conditions in this subsection,~~ amend the Florida Building  
175 Code ~~the provisions~~ to enhance such standards ~~those construction~~

HB 901

2017

176 ~~requirements~~. Following the approval of any amendments to the  
177 Florida Building Code by the commission and publication of the  
178 amendments on the commission's website, authorities having  
179 jurisdiction to enforce the Florida Building Code may enforce  
180 the amendments. The commission may approve amendments that are  
181 needed to address:

182 (a) Conflicts within the updated code;

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

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

187 (d) Equivalency of standards;

188 (e) Changes to or inconsistencies with federal or state  
189 law; or

190 (f) Adoption of an updated edition of the National  
191 Electrical Code if the commission finds that delay of  
192 implementing the updated edition causes undue hardship to  
193 stakeholders or otherwise threatens the public health, safety,  
194 and welfare.

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

198 1. Is needed in order to accommodate the specific needs of  
199 this state.

200 2. Has a reasonable and substantial connection with the

201 health, safety, and welfare of the general public.

202 3. Strengthens or improves the Florida Building Code, or  
 203 in the case of innovation or new technology, will provide  
 204 equivalent or better products or methods or systems of  
 205 construction.

206 4. Does not discriminate against materials, products,  
 207 methods, or systems of construction of demonstrated  
 208 capabilities.

209 5. Does not degrade the effectiveness of the Florida  
 210 Building Code.

211  
 212 The Florida Building Commission may approve technical amendments  
 213 to the code once each year to incorporate into the Florida  
 214 Building Code its own interpretations of the code which are  
 215 embodied in its opinions, final orders, declaratory statements,  
 216 and interpretations of hearing officer panels under s.  
 217 553.775(3)(c), but only to the extent that the incorporation of  
 218 interpretations is needed to modify the code ~~foundation codes~~ to  
 219 accommodate the specific needs of this state. Amendments  
 220 approved under this paragraph shall be adopted by rule after the  
 221 amendments have been subjected to subsection (3).

222 (b) A proposed amendment must include a fiscal impact  
 223 statement that documents the costs and benefits of the proposed  
 224 amendment. Criteria for the fiscal impact statement shall be  
 225 established by rule by the commission and shall include the

HB 901

2017

226 | impact to local government relative to enforcement, the impact  
227 | to property and building owners, and the impact to industry,  
228 | relative to the cost of compliance. The amendment must  
229 | demonstrate by evidence or data that the state's geographical  
230 | jurisdiction exhibits a need to strengthen the ~~foundation~~ code  
231 | beyond the needs or regional variations addressed by the  
232 | ~~foundation~~ code and why the proposed amendment applies to this  
233 | state.

234 |       Section 2. Subsection (2) of section 553.76, Florida  
235 | Statutes, is amended to read:

236 |       553.76 General powers of the commission.—The commission is  
237 | authorized to:

238 |       (2) Issue memoranda of procedure for its internal  
239 | management and control. The commission may adopt rules related  
240 | to its consensus-based decisionmaking process, including, but  
241 | not limited to, super majority voting requirements ~~for~~  
242 | ~~commission actions relating to the adoption of the Florida~~  
243 | ~~Building Code or amendments to the code.~~ However, the commission  
244 | must adopt the Florida Building Code, and amendments thereto, by  
245 | at least a three-fourths vote of the members present at a  
246 | meeting.

247 |       Section 3. This act shall take effect July 1, 2017.