



263772

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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The Committee on Community Affairs (Lee) recommended the following:

1           **Senate Amendment to Amendment (550330) (with title**  
2 **amendment)**

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4           Delete lines 157 - 166  
5 and insert:

6           Section 6. Subsection (3) of section 553.73, Florida  
7 Statutes, is amended, paragraph (d) is added to subsection (4)  
8 of that section, subsections (7) and (8) and paragraphs (a) and  
9 (b) of subsection (9) of that section are amended, and  
10 subsection (20) is added to that section, to read:



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11 553.73 Florida Building Code.—

12 (3) The commission shall use the ~~International Codes~~  
13 ~~published by the~~ International Code Council, the National  
14 Electric Code (NFPA 70), or other nationally adopted model codes  
15 and standards for updates to needed to develop the base code in  
16 ~~Florida to form the foundation for~~ the Florida Building Code.  
17 The ~~Florida Building~~ commission may approve technical amendments  
18 to the code as provided in, ~~subject to~~ subsections (8) and (9),  
19 ~~after the amendments have been~~ subject to all of the following  
20 conditions:

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

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

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

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



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41 The commission shall incorporate within ~~sections of~~ the Florida  
42 Building Code provisions that ~~which~~ address regional and local  
43 concerns and variations. The commission shall make every effort  
44 to minimize conflicts between the Florida Building Code, the  
45 Florida Fire Prevention Code, and the Life Safety Code.

46 (4)

47 (d) A technical amendment to the Florida Building Code  
48 related to water conservation practices or design criteria  
49 adopted by a local government pursuant to this subsection is not  
50 rendered void when the code is updated if the technical  
51 amendment is necessary to protect or provide for more efficient  
52 use of water resources as provided in s. 373.621. However, any  
53 such technical amendment carried forward into the next edition  
54 of the code pursuant to this paragraph is subject to review or  
55 modification as provided in this part.

56 (7) (a) The commission, ~~by rule adopted pursuant to ss.~~  
57 ~~120.536(1) and 120.54,~~ shall adopt an updated ~~update the~~ Florida  
58 Building Code every 3 years through review of. ~~When updating the~~  
59 ~~Florida Building Code, the commission shall select~~ the most  
60 current updates ~~version~~ of the International Building Code, the  
61 International Fuel Gas Code, the International Mechanical Code,  
62 the International Plumbing Code, and the International  
63 Residential Code, all of which are copyrighted and published by  
64 ~~adopted~~ by the International Code Council, and the National  
65 Electrical Code, which is copyrighted and published ~~adopted~~ by  
66 the National Fire Protection Association. At a minimum, the  
67 commission shall adopt any updates to such codes or any other  
68 code necessary to maintain eligibility for federal funding from



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69 the National Flood Insurance Program, the Federal Emergency  
70 Management Agency, and the United States Department of Housing  
71 and Urban Development, to form the foundation codes of the  
72 updated Florida Building Code, if the version has been adopted  
73 by the applicable model code entity. The commission shall also  
74 review and adopt updates based substantially on select the most  
75 current version of the International Energy Conservation Code  
76 (IECC) as a foundation code; however, the IECC shall be modified  
77 by the commission shall to maintain the efficiencies of the  
78 Florida Energy Efficiency Code for Building Construction adopted  
79 and amended pursuant to s. 553.901. The commission shall adopt  
80 updated codes by rule.

81 (b) Codes regarding noise contour lines shall be reviewed  
82 annually, and the most current federal guidelines shall be  
83 adopted.

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



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98 printed versions of the Florida Building Code so that the fact  
99 that the provisions are ~~Florida-specific~~ amendments ~~to the~~  
100 ~~foundation codes~~ is readily apparent.

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

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

122 (f) Provisions of the Florida Building Code ~~foundation~~  
123 ~~codes~~, including those contained in referenced standards and  
124 criteria, relating to wind resistance or the prevention of water  
125 intrusion may not be modified to diminish those construction  
126 requirements; however, the commission may, subject to conditions



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127 in this subsection, modify the provisions to enhance those  
128 construction requirements.

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

146 ~~1. The provisions contained in the proposed amendment are~~  
147 ~~addressed in the applicable international code.~~

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

153 ~~3. The proposed amendment was submitted or attempted to be~~  
154 ~~included in the foundation codes to avoid resubmission to the~~  
155 ~~Florida Building Code amendment process.~~



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

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

- (a) Conflicts within the updated code;
- (b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;
- (c) Unintended results from the integration of previously adopted ~~Florida-specific~~ amendments with the model code;
- (d) Equivalency of standards;
- (e) Changes to or inconsistencies with federal or state



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185 law; or

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

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

194 1. Is needed in order to accommodate the specific needs of  
195 this state.

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

198 3. Strengthens or improves the Florida Building Code, or in  
199 the case of innovation or new technology, will provide  
200 equivalent or better products or methods or systems of  
201 construction.

202 4. Does not discriminate against materials, products,  
203 methods, or systems of construction of demonstrated  
204 capabilities.

205 5. Does not degrade the effectiveness of the Florida  
206 Building Code.

207  
208 The Florida Building Commission may approve technical amendments  
209 to the code once each year to incorporate into the Florida  
210 Building Code its own interpretations of the code which are  
211 embodied in its opinions, final orders, declaratory statements,  
212 and interpretations of hearing officer panels under s.  
213 553.775(3)(c), but only to the extent that the incorporation of





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214 interpretations is needed to modify the code ~~foundation codes~~ to  
215 accommodate the specific needs of this state. Amendments  
216 approved under this paragraph shall be adopted by rule after the  
217 amendments have been subjected to subsection (3).

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

230 (20) The Florida Building Commission may not:

231 (a) Adopt the 2016 version of the American Society of  
232 Heating, Refrigerating and Air-Conditioning Engineers Standard  
233 9.4.1.1(g).

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

237 Section 7. Subsection (2) of section 553.76, Florida  
238 Statutes, is amended to read:

239 553.76 General powers of the commission.—The commission is  
240 authorized to:

241 (2) Issue memoranda of procedure for its internal  
242 management and control. The commission may adopt rules related



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243 to its consensus-based decisionmaking process, including, but  
244 not limited to, super majority voting requirements ~~for~~  
245 ~~commission actions relating to the adoption of the Florida~~  
246 ~~Building Code or amendments to the code.~~ However, the commission  
247 must adopt the Florida Building Code, and amendments thereto, by  
248 at least a two-thirds vote of the members present at a meeting.

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250 ===== T I T L E A M E N D M E N T =====

251 And the title is amended as follows:

252 Delete lines 383 - 385

253 and insert:

254 F.S.; requiring the Florida Building Commission to use  
255 certain entities and codes for updates to the Florida  
256 Building Code; revising voting requirements for a  
257 technical advisory committee to make a favorable  
258 recommendation to the commission; providing that  
259 certain technical amendments to the Florida Building  
260 Code which are adopted by a local government are not  
261 rendered void when the code is updated; specifying  
262 that such amendments are subject to review or  
263 modification if carried forward into the next edition  
264 of the code; requiring the commission to update the  
265 Florida Building Code through a review of the most  
266 current updates of specified codes; requiring the  
267 commission to adopt specified provisions from certain  
268 codes; deleting provisions limiting how long an  
269 amendment or modification is effective; deleting a  
270 provision requiring certain amendments or  
271 modifications to be carried forward into the next



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272 edition of the code, subject to certain conditions;  
273 deleting certain requirements for the resubmission of  
274 expired amendments; deleting a provision prohibiting a  
275 proposed amendment from being included in the code if  
276 it has been addressed in the international code;  
277 conforming provisions to changes made by the act;  
278 prohibiting the commission from adopting certain  
279 provisions into the Florida Building Code; amending s.  
280 553.76, F.S.; requiring the commission to adopt the  
281 Florida Building Code, and amendments thereto, by a  
282 minimum percentage of votes; amending s. 553.79, F.S.;  
283 prohibiting a