

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

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1 A bill to be entitled
2 An act relating to building-related contracting;
3 amending s. 489.516, F.S.; specifying that provisions
4 regulating certified electrical contractors and
5 certified alarm system contractors do not prevent such
6 contractors from acting as a prime contractor or from
7 subcontracting work to other licensed contractors
8 under certain circumstances; amending s. 553.73, F.S.;
9 requiring the Florida Building Commission to use
10 certain entities and codes for updates to the Florida
11 Building Code; revising voting requirements for a
12 technical advisory committee to make a favorable
13 recommendation to the commission; providing that
14 certain technical amendments to the Florida Building
15 Code which are adopted by a local government are not
16 rendered void when the code is updated; specifying
17 that such amendments are subject to review or
18 modification if carried forward into the next edition
19 of the code; requiring the commission to update the
20 Florida Building Code through a review of the most
21 current updates of specified codes; requiring the
22 commission to adopt specified provisions from certain
23 codes; deleting provisions limiting how long an
24 amendment or modification is effective; deleting a
25 provision requiring certain amendments or
26 modifications to be carried forward into the next
27 edition of the code, subject to certain conditions;
28 deleting certain requirements for the resubmission of
29 expired amendments; deleting a provision prohibiting a

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30 proposed amendment from being included in the code if
31 it has been addressed in the international code;
32 conforming provisions to changes made by the act;
33 amending s. 553.76, F.S.; requiring the commission to
34 adopt the Florida Building Code, and amendments
35 thereto, by a minimum percentage of votes; providing
36 an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Present subsection (5) of section 489.516,
41 Florida Statutes, is renumbered as subsection (6), and a new
42 subsection (5) is added to that section, to read:

43 489.516 Qualifications to practice; restrictions;
44 prerequisites.—

45 (5) This part does not prevent any certified electrical or
46 alarm system contractor from acting as a prime contractor where
47 the majority of the work to be performed under the contract is
48 within the scope of his or her license or from subcontracting to
49 other licensed contractors that remaining work that is part of
50 the project contracted.

51 Section 2. Subsection (3) of section 553.73, Florida
52 Statutes, is amended, paragraph (d) is added to subsection (4)
53 of that section, and subsections (7) and (8) and paragraphs (a)
54 and (b) of subsection (9) of that section are amended, to read:

55 553.73 Florida Building Code.—

56 (3) The commission shall use the ~~International Codes~~
57 ~~published by the~~ International Code Council, the National
58 Electric Code (NFPA 70), or other nationally adopted model codes

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59 and standards for updates to ~~needed to develop the base code in~~
60 ~~Florida to form the foundation for~~ the Florida Building Code.
61 The ~~Florida Building~~ commission may approve technical amendments
62 to the code as provided in, ~~subject to~~ subsections (8) and (9),
63 ~~after the amendments have been~~ subject to all of the following
64 conditions:

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

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

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

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

84
85 The commission shall incorporate within ~~sections of~~ the Florida
86 Building Code provisions that ~~which~~ address regional and local
87 concerns and variations. The commission shall make every effort

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88 to minimize conflicts between the Florida Building Code, the
89 Florida Fire Prevention Code, and the Life Safety Code.

90 (4)

91 (d) A technical amendment to the Florida Building Code
92 related to water conservation practices or design criteria
93 adopted by a local government pursuant to this subsection is not
94 rendered void when the code is updated if the technical
95 amendment is necessary to protect or provide for more efficient
96 use of water resources as provided in s. 373.621. However, any
97 such technical amendment carried forward into the next edition
98 of the code pursuant to this paragraph is subject to review or
99 modification as provided in this part.

100 (7) (a) The commission, ~~by rule adopted pursuant to ss.~~
101 ~~120.536(1) and 120.54,~~ shall adopt an updated ~~update~~ the Florida
102 Building Code every 3 years through review of. ~~when updating the~~
103 ~~Florida Building Code, the commission shall select~~ the most
104 current updates ~~version~~ of the International Building Code, the
105 International Fuel Gas Code, the International Mechanical Code,
106 the International Plumbing Code, and the International
107 Residential Code, all of which are copyrighted and published by
108 ~~adopted~~ by the International Code Council, and the National
109 Electrical Code, which is copyrighted and published ~~adopted~~ by
110 the National Fire Protection Association. At a minimum, the
111 commission shall adopt any updates to such codes or any other
112 code necessary to maintain eligibility for federal funding from
113 the National Flood Insurance Program, the Federal Emergency
114 Management Agency, and the United States Department of Housing
115 and Urban Development, ~~to form the foundation codes of the~~
116 ~~updated Florida Building Code, if the version has been adopted~~

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117 ~~by the applicable model code entity.~~ The commission shall also
118 review and adopt updates based substantially on ~~select the most~~
119 ~~current version of~~ the International Energy Conservation Code
120 (IECC) ~~as a foundation code;~~ however, ~~the IECC shall be modified~~
121 ~~by~~ the commission shall ~~to~~ maintain the efficiencies of the
122 Florida Energy Efficiency Code for Building Construction adopted
123 and amended pursuant to s. 553.901. The commission shall adopt
124 updated codes by rule.

125 (b) Codes regarding noise contour lines shall be reviewed
126 annually, and the most current federal guidelines shall be
127 adopted.

128 (c) The commission may adopt as a technical amendment to
129 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~
130 codes identified in paragraph (a), but only as needed to
131 accommodate the specific needs of this state. Standards or
132 criteria adopted from these ~~referenced by the~~ codes shall be
133 incorporated by reference to the specific provisions adopted. If
134 a referenced standard or criterion requires amplification or
135 modification to be appropriate for use in this state, only the
136 amplification or modification shall be set forth in the Florida
137 Building Code. The commission may approve technical amendments
138 to the updated Florida Building Code after the amendments have
139 been subject to the conditions set forth in paragraphs (3)(a)-
140 (d). Amendments that ~~to the foundation codes which~~ are adopted
141 in accordance with this subsection shall be clearly marked in
142 printed versions of the Florida Building Code so that the fact
143 that the provisions are ~~Florida-specific~~ amendments ~~to the~~
144 ~~foundation codes~~ is readily apparent.

145 (d) The commission shall further consider the commission's

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146 own interpretations, declaratory statements, appellate
147 decisions, and approved statewide and local technical amendments
148 and shall incorporate such interpretations, statements,
149 decisions, and amendments into the updated Florida Building Code
150 only to the extent that they are needed to ~~modify the foundation~~
151 ~~codes~~ to accommodate the specific needs of the state. A change
152 made by an institute or standards organization to any standard
153 or criterion that is adopted by reference in the Florida
154 Building Code does not become effective statewide until it has
155 been adopted by the commission. Furthermore, the edition of the
156 Florida Building Code which is in effect on the date of
157 application for any permit authorized by the code governs the
158 permitted work for the life of the permit and any extension
159 granted to the permit.

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

166 (f) Provisions of the Florida Building Code ~~foundation~~
167 ~~codes~~, including those contained in referenced standards and
168 criteria, relating to wind resistance or the prevention of water
169 intrusion may not be modified to diminish those construction
170 requirements; however, the commission may, subject to conditions
171 in this subsection, modify the provisions to enhance those
172 construction requirements.

173 ~~(g) Amendments or modifications to the foundation code~~
174 ~~pursuant to this subsection shall remain effective only until~~

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175 ~~the effective date of a new edition of the Florida Building Code~~
176 ~~every third year. Amendments or modifications related to state~~
177 ~~agency regulations which are adopted and integrated into an~~
178 ~~edition of the Florida Building Code shall be carried forward~~
179 ~~into the next edition of the code, subject to modification as~~
180 ~~provided in this part. Amendments or modifications related to~~
181 ~~the wind-resistance design of buildings and structures within~~
182 ~~the high-velocity hurricane zone of Miami-Dade and Broward~~
183 ~~Counties which are adopted to an edition of the Florida Building~~
184 ~~Code do not expire and shall be carried forward into the next~~
185 ~~edition of the code, subject to review or modification as~~
186 ~~provided in this part. If amendments that expire pursuant to~~
187 ~~this paragraph are resubmitted through the Florida Building~~
188 ~~commission code adoption process, the amendments must~~
189 ~~specifically address whether:~~

190 ~~1. The provisions contained in the proposed amendment are~~
191 ~~addressed in the applicable international code.~~

192 ~~2. The amendment demonstrates by evidence or data that the~~
193 ~~geographical jurisdiction of Florida exhibits a need to~~
194 ~~strengthen the foundation code beyond the needs or regional~~
195 ~~variations addressed by the foundation code, and why the~~
196 ~~proposed amendment applies to this state.~~

197 ~~3. The proposed amendment was submitted or attempted to be~~
198 ~~included in the foundation codes to avoid resubmission to the~~
199 ~~Florida Building Code amendment process.~~

200
201 ~~If the proposed amendment has been addressed in the~~
202 ~~international code in a substantially equivalent manner, the~~
203 ~~Florida Building commission may not include the proposed~~

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204 ~~amendment in the foundation Code.~~

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

222 (a) Conflicts within the updated code;

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

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

227 (d) Equivalency of standards;

228 (e) Changes to or inconsistencies with federal or state
229 law; or

230 (f) Adoption of an updated edition of the National
231 Electrical Code if the commission finds that delay of
232 implementing the updated edition causes undue hardship to

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233 stakeholders or otherwise threatens the public health, safety,
234 and welfare.

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

238 1. Is needed in order to accommodate the specific needs of
239 this state.

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

242 3. Strengthens or improves the Florida Building Code, or in
243 the case of innovation or new technology, will provide
244 equivalent or better products or methods or systems of
245 construction.

246 4. Does not discriminate against materials, products,
247 methods, or systems of construction of demonstrated
248 capabilities.

249 5. Does not degrade the effectiveness of the Florida
250 Building Code.

251

252 The Florida Building Commission may approve technical amendments
253 to the code once each year to incorporate into the Florida
254 Building Code its own interpretations of the code which are
255 embodied in its opinions, final orders, declaratory statements,
256 and interpretations of hearing officer panels under s.

257 553.775(3)(c), but only to the extent that the incorporation of
258 interpretations is needed to modify the code ~~foundation codes~~ to
259 accommodate the specific needs of this state. Amendments
260 approved under this paragraph shall be adopted by rule after the
261 amendments have been subjected to subsection (3).

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262 (b) A proposed amendment must include a fiscal impact
263 statement that documents the costs and benefits of the proposed
264 amendment. Criteria for the fiscal impact statement shall be
265 established by rule by the commission and shall include the
266 impact to local government relative to enforcement, the impact
267 to property and building owners, and the impact to industry,
268 relative to the cost of compliance. The amendment must
269 demonstrate by evidence or data that the state's geographical
270 jurisdiction exhibits a need to strengthen the ~~foundation~~ code
271 beyond the needs or regional variations addressed by the
272 ~~foundation~~ code and why the proposed amendment applies to this
273 state.

274 Section 3. Subsection (2) of section 553.76, Florida
275 Statutes, is amended to read:

276 553.76 General powers of the commission.—The commission is
277 authorized to:

278 (2) Issue memoranda of procedure for its internal
279 management and control. The commission may adopt rules related
280 to its consensus-based decisionmaking process, including, but
281 not limited to, super majority voting requirements ~~for~~
282 ~~commission actions relating to the adoption of the Florida~~
283 ~~Building Code or amendments to the code.~~ However, the commission
284 must adopt the Florida Building Code, and amendments thereto, by
285 at least a two-thirds vote of the members present at a meeting.

286 Section 4. This act shall take effect July 1, 2017.