

FOR CONSIDERATION By the Committee on Community Affairs

578-00348B-17

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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 most recent published edition of the Florida
5 Building Code as the foundation code; requiring the
6 commission to review, rather than update, the Florida
7 Building Code every 3 years; deleting a provision that
8 specifies how long amendments or modifications to the
9 foundation code remain effective; deleting a provision
10 prohibiting a proposed amendment from being included
11 in the foundation code if it has been addressed in the
12 international code; conforming provisions to changes
13 made by the act; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsections (3), (7), and (8) of section 553.73,
18 Florida Statutes, and paragraphs (a) and (b) of subsection (9)
19 of that section, are amended to read:

20 553.73 Florida Building Code.—

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

31 (a) The proposed amendment must have ~~has~~ been published on
32 the commission's website for a minimum of 45 days and all the

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33 associated documentation must have ~~has~~ been made available to
34 any interested party before ~~any~~ consideration by a technical
35 advisory committee.~~†~~

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

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

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

49
50 The commission shall incorporate within ~~sections of~~ the Florida
51 Building Code provisions that ~~which~~ address regional and local
52 concerns and variations. The commission shall make every effort
53 to minimize conflicts between the Florida Building Code, the
54 Florida Fire Prevention Code, and the Life Safety Code.

55 (7) (a) The commission, by rule ~~adopted pursuant to ss.~~
56 ~~120.536(1) and 120.54,~~ shall review ~~update~~ the Florida Building
57 Code every 3 years to consider whether it needs to be revised.
58 The commission shall adopt code revisions by rule. When
59 evaluating potential revisions to ~~updating~~ the Florida Building
60 Code, the commission shall review ~~select~~ the most current
61 version of the International Building Code, the International

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62 Fuel Gas Code, the International Mechanical Code, the
63 International Plumbing Code, and the International Residential
64 Code, all of which are adopted by the International Code
65 Council, and the National Electrical Code, which is adopted by
66 the National Fire Protection Association, ~~to form the foundation~~
67 ~~codes of the updated Florida Building Code, if the version has~~
68 ~~been adopted by the applicable model code entity.~~ The commission
69 shall also review ~~select~~ the most current version of the
70 International Energy Conservation Code (IECC) ~~as a foundation~~
71 ~~code; however, the IECC shall be modified by the commission~~ must
72 ~~to~~ maintain the efficiencies of the Florida Energy Efficiency
73 Code for Building Construction adopted and amended pursuant to
74 s. 553.901.

75 (b) Codes regarding noise contour lines shall be reviewed
76 annually, and the most current federal guidelines shall be
77 adopted.

78 (c) The commission may adopt as a technical amendment to
79 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~
80 ~~codes~~ identified in paragraph (a) only as needed to accommodate
81 the specific needs of this state. Standards or criteria adopted
82 from such ~~referenced by the~~ codes shall be incorporated by
83 reference to the specific provisions of such codes which are
84 adopted. If a referenced standard or criterion requires
85 amplification or modification to be appropriate for use in this
86 state, only the amplification or modification shall be set forth
87 in the Florida Building Code. The commission may approve
88 technical amendments to the updated Florida Building Code after
89 the amendments have been subject to the conditions set forth in
90 paragraphs (3) (a)-(d). Amendments that ~~to the foundation codes~~

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

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

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

116 (f) Provisions of the Florida Building Code ~~foundation~~
117 ~~codes~~, including those contained in referenced standards and
118 criteria, relating to wind resistance or the prevention of water
119 intrusion may not be modified to diminish those construction

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120 requirements; however, the commission may, subject to conditions
121 in this subsection, modify the provisions to enhance those
122 construction requirements.

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

140 1. The provisions contained in the proposed amendment are
141 addressed in the applicable international code.

142 2. The amendment demonstrates by evidence or data that the
143 geographical jurisdiction of Florida exhibits a need to
144 strengthen the ~~foundation~~ code beyond the needs or regional
145 variations addressed by the ~~foundation~~ code, and why the
146 proposed amendment applies to this state.

147 3. The proposed amendment was submitted or attempted to be
148 included in the code ~~foundation codes~~ to avoid resubmission to

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149 the Florida Building Code amendment process.

150

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

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

172 (a) Conflicts within the updated code;

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

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

177 (d) Equivalency of standards;

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178 (e) Changes to or inconsistencies with federal or state
179 law; or

180 (f) Adoption of an updated edition of the National
181 Electrical Code if the commission finds that delay of
182 implementing the updated edition causes undue hardship to
183 stakeholders or otherwise threatens the public health, safety,
184 and welfare.

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

188 1. Is needed in order to accommodate the specific needs of
189 this state.

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

192 3. Strengthens or improves the Florida Building Code, or in
193 the case of innovation or new technology, will provide
194 equivalent or better products or methods or systems of
195 construction.

196 4. Does not discriminate against materials, products,
197 methods, or systems of construction of demonstrated
198 capabilities.

199 5. Does not degrade the effectiveness of the Florida
200 Building Code.

201
202 The Florida Building Commission may approve technical amendments
203 to the code once each year to incorporate into the Florida
204 Building Code its own interpretations of the code which are
205 embodied in its opinions, final orders, declaratory statements,
206 and interpretations of hearing officer panels under s.

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207 553.775(3)(c), but only to the extent that the incorporation of
208 interpretations is needed to modify the code ~~foundation codes~~ to
209 accommodate the specific needs of this state. Amendments
210 approved under this paragraph shall be adopted by rule after the
211 amendments have been subjected to subsection (3).

212

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

225 Section 2. This act shall take effect July 1, 2017.