

By the Committees on Regulated Industries; and Community Affairs; and Senators Brandes and Lee

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1 A bill to be entitled
2 An act relating to the Florida Building Code; amending
3 s. 468.603, F.S.; revising and defining terms;
4 amending s. 468.609, F.S.; creating an internship path
5 to certification as an inspector or plans examiner;
6 specifying requirements for the internship periods;
7 requiring the board to authorize specified candidates
8 for certification as building code inspectors or plans
9 examiners to perform duties during a specified period
10 after initial application, to apply for a 1-year
11 provisional certificate under certain circumstances,
12 and to apply for standard certification within a
13 certain time before completing the internship period;
14 deleting being newly hired or promoted as a condition
15 for eligibility to qualify for a provisional
16 certificate; requiring rulemaking; requiring the board
17 to develop a form to transfer internship periods
18 completed in other jurisdictions under certain
19 circumstances; requiring the board to develop an
20 electronic application for standard certification for
21 certain persons; authorizing persons to seek
22 additional certifications if they meet certain
23 requirements; conforming cross-references; amending s.
24 468.617, F.S.; specifying that a county or municipal
25 government, school board, community college board,
26 state university, or state agency is not prohibited
27 from entering into a contract for the services of a
28 building code administrator or building code official;
29 amending s. 468.8313, F.S.; providing conditions for

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30 the department to review and approve certain
31 examinations; amending s. 489.113, F.S.; providing
32 that specified pool/spa contractors are not required
33 to subcontract certain work relating to power wiring;
34 requiring such contractors to subcontract all work
35 requiring the installation, removal, replacement, or
36 upgrading of a circuit breaker; providing
37 applicability; amending s. 553.73, F.S.; requiring the
38 Florida Building Commission to use the 6th and
39 subsequent editions of the Florida Building Code as
40 the foundation for the development of and updates to
41 the code; requiring the commission to review, rather
42 than update, the Florida Building Code every 3 years;
43 deleting a provision that specifies how long
44 amendments or modifications to the foundation remain
45 effective; deleting provisions limiting the length of
46 time that an amendment or modification is effective;
47 deleting a provision requiring certain amendments or
48 modifications to be carried forward into the next
49 edition of the code, subject to certain conditions;
50 deleting certain requirements for the resubmission of
51 expired amendments; deleting a provision prohibiting a
52 proposed amendment from being included in the
53 foundation code if it has been addressed in the
54 international code; conforming provisions to changes
55 made by the act; amending s. 553.76, F.S.; requiring
56 the commission to adopt the Florida Building Code, and
57 amendments thereto, by a minimum percentage of votes;
58 amending s. 553.791, F.S.; revising the definition of

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59 the term "private provider"; conforming cross-
60 references; amending ss. 471.045 and 481.222, F.S.;
61 conforming cross-references; providing an effective
62 date.

63
64 Be It Enacted by the Legislature of the State of Florida:

65
66 Section 1. Section 468.603, Florida Statutes, is reordered
67 and amended to read:

68 468.603 Definitions.—As used in this part:

69 (2)~~(1)~~ "Building code administrator" or "building official"
70 means any of those employees of municipal or county governments
71 or any person under contract with building construction
72 regulation responsibilities who are charged with the
73 responsibility for direct regulatory administration or
74 supervision of plan review, enforcement, or inspection of
75 building construction, erection, repair, addition, remodeling,
76 demolition, or alteration projects that require permitting
77 indicating compliance with building, plumbing, mechanical,
78 electrical, gas, fire prevention, energy, accessibility, and
79 other construction codes as required by state law or municipal
80 or county ordinance. This term is synonymous with "building
81 official" as used in ~~the administrative chapter of the Standard~~
82 ~~Building Code and~~ the South Florida Building Code. One person
83 employed or under contract by each municipal or county
84 government as a building code administrator or building official
85 and who is so certified under this part may be authorized to
86 perform any plan review or inspection for which certification is
87 required by this part.

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88 (4)~~(2)~~ "Building code inspector" means any of those
89 employees of local governments or state agencies or any person
90 under contract with building construction regulation
91 responsibilities who themselves conduct inspections of building
92 construction, erection, repair, addition, or alteration projects
93 that require permitting indicating compliance with building,
94 plumbing, mechanical, electrical, gas, fire prevention, energy,
95 accessibility, and other construction codes as required by state
96 law or municipal or county ordinance.

97 (1)~~(3)~~ "Board" means the Florida Building Code
98 Administrators and Inspectors Board.

99 (7)~~(4)~~ "Department" means the Department of Business and
100 Professional Regulation.

101 (6)~~(5)~~ "Certificate" means a certificate of qualification
102 issued by the department as provided in this part.

103 (5)~~(6)~~ "Categories of building code inspectors" include the
104 following:

105 (a) "Building inspector" means a person who is qualified to
106 inspect and determine that buildings and structures are
107 constructed in accordance with the provisions of the governing
108 building codes and state accessibility laws.

109 (b) "Coastal construction inspector" means a person who is
110 qualified to inspect and determine that buildings and structures
111 are constructed to resist near-hurricane and hurricane velocity
112 winds in accordance with the provisions of the governing
113 building code.

114 (c) "Commercial electrical inspector" means a person who is
115 qualified to inspect and determine the electrical safety of
116 commercial buildings and structures by inspecting for compliance

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117 with the provisions of the National Electrical Code.

118 (d) "Residential electrical inspector" means a person who
119 is qualified to inspect and determine the electrical safety of
120 one and two family dwellings and accessory structures by
121 inspecting for compliance with the applicable provisions of the
122 governing electrical code.

123 (e) "Mechanical inspector" means a person who is qualified
124 to inspect and determine that the mechanical installations and
125 systems for buildings and structures are in compliance with the
126 provisions of the governing mechanical code.

127 (f) "Plumbing inspector" means a person who is qualified to
128 inspect and determine that the plumbing installations and
129 systems for buildings and structures are in compliance with the
130 provisions of the governing plumbing code.

131 (g) "One and two family dwelling inspector" means a person
132 who is qualified to inspect and determine that one and two
133 family dwellings and accessory structures are constructed in
134 accordance with the provisions of the governing building,
135 plumbing, mechanical, accessibility, and electrical codes.

136 (h) "Electrical inspector" means a person who is qualified
137 to inspect and determine the electrical safety of commercial and
138 residential buildings and accessory structures by inspecting for
139 compliance with the provisions of the National Electrical Code.

140 (8)~~(7)~~ "Plans examiner" means a person who is qualified to
141 determine that plans submitted for purposes of obtaining
142 building and other permits comply with the applicable building,
143 plumbing, mechanical, electrical, gas, fire prevention, energy,
144 accessibility, and other applicable construction codes.

145 Categories of plans examiners include:

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146 (a) Building plans examiner.

147 (b) Plumbing plans examiner.

148 (c) Mechanical plans examiner.

149 (d) Electrical plans examiner.

150 (3)~~(8)~~ "Building code enforcement official" or "enforcement
151 official" means a licensed building code administrator, building
152 code inspector, or plans examiner.

153 (9) "Residential plans examiner" means a person who is
154 qualified to determine whether plans submitted for purposes of
155 obtaining building and other permits comply with the applicable
156 residential building, plumbing, mechanical, electrical, gas,
157 energy, accessibility, and other construction codes.

158 Section 2. Paragraph (c) of subsection (2), paragraphs (a)
159 and (d) of subsection (7), and subsection (10) of section
160 468.609, Florida Statutes, are amended, and subsections (11) and
161 (12) are added to that section, to read:

162 468.609 Administration of this part; standards for
163 certification; additional categories of certification.—

164 (2) A person may take the examination for certification as
165 a building code inspector or plans examiner pursuant to this
166 part if the person:

167 (c) Meets eligibility requirements according to one of the
168 following criteria:

169 1. Demonstrates 5 years' combined experience in the field
170 of construction or a related field, building code inspection, or
171 plans review corresponding to the certification category sought;

172 2. Demonstrates a combination of postsecondary education in
173 the field of construction or a related field and experience
174 which totals 4 years, with at least 1 year of such total being

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175 experience in construction, building code inspection, or plans
176 review;

177 3. Demonstrates a combination of technical education in the
178 field of construction or a related field and experience which
179 totals 4 years, with at least 1 year of such total being
180 experience in construction, building code inspection, or plans
181 review;

182 4. Currently holds a standard certificate issued by the
183 board or a firesafety inspector license issued pursuant to
184 chapter 633, has a minimum of 3 years' verifiable full-time
185 experience in inspection or plan review, and has satisfactorily
186 completed a building code inspector or plans examiner training
187 program that provides at least 100 hours but not more than 200
188 hours of cross-training in the certification category sought.
189 The board shall establish by rule criteria for the development
190 and implementation of the training programs. The board shall
191 accept all classroom training offered by an approved provider if
192 the content substantially meets the intent of the classroom
193 component of the training program;

194 5. Demonstrates a combination of the completion of an
195 approved training program in the field of building code
196 inspection or plan review and a minimum of 2 years' experience
197 in the field of building code inspection, plan review, fire code
198 inspections and fire plans review of new buildings as a
199 firesafety inspector certified under s. 633.216, or
200 construction. The approved training portion of this requirement
201 shall include proof of satisfactory completion of a training
202 program that provides at least 200 hours but not more than 300
203 hours of cross-training that is approved by the board in the

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204 chosen category of building code inspection or plan review in
205 the certification category sought with at least 20 hours but not
206 more than 30 hours of instruction in state laws, rules, and
207 ethics relating to professional standards of practice, duties,
208 and responsibilities of a certificateholder. The board shall
209 coordinate with the Building Officials Association of Florida,
210 Inc., to establish by rule the development and implementation of
211 the training program. However, the board shall accept all
212 classroom training offered by an approved provider if the
213 content substantially meets the intent of the classroom
214 component of the training program; ~~or~~

215 6. Currently holds a standard certificate issued by the
216 board or a firesafety inspector license issued pursuant to
217 chapter 633 and:

218 a. Has at least 5 years' verifiable full-time experience as
219 an inspector or plans examiner in a standard certification
220 category currently held or has a minimum of 5 years' verifiable
221 full-time experience as a firesafety inspector licensed pursuant
222 to chapter 633.

223 b. Has satisfactorily completed a building code inspector
224 or plans examiner classroom training course or program that
225 provides at least 200 but not more than 300 hours in the
226 certification category sought, except for one-family and two-
227 family dwelling training programs, which must provide at least
228 500 but not more than 800 hours of training as prescribed by the
229 board. The board shall establish by rule criteria for the
230 development and implementation of classroom training courses and
231 programs in each certification category; or-

232 7. Completes an inspector or plans examiner internship

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233 certification program that includes all of the following:

234 a. Passing an International Code Council (ICC) administered
235 examination in the category sought before beginning a 4-year
236 internship while employed full time by a Florida municipality,
237 county, or other governmental jurisdiction under the direct
238 supervision of a standard certified, government employed,
239 sponsoring building official. A related vocational or college
240 degree attained or verifiable on-the-job experience may reduce
241 the internship period year-for-year to no less than 1 year.

242 b. Passing the Florida Principles and Practice exam before
243 completing the internship period.

244 c. Passing a board-approved 40-hour code training course in
245 the category sought before completing the internship period.

246 d. Obtaining a favorable recommendation from the sponsoring
247 building official upon completion of the internship period.

248 (7) (a) The board shall provide for the issuance of
249 provisional certificates valid for 1 year, as specified by board
250 rule, to any ~~newly employed or promoted~~ building code inspector
251 or plans examiner who meets the eligibility requirements
252 described in subsection (2) and any newly employed or promoted
253 building code administrator who meets the eligibility
254 requirements described in subsection (3). The provisional
255 license may be renewed by the board for just cause; however, a
256 provisional license is not valid for longer than 3 years.

257 (d) A ~~newly employed or hired~~ person may perform the duties
258 of a plans examiner or building code inspector for 120 days if a
259 provisional certificate application has been submitted if such
260 person is under the direct supervision of a certified building
261 code administrator who holds a standard certification and who

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262 has found such person qualified for a provisional certificate.
263 Direct supervision and the determination of qualifications may
264 also be provided by a building code administrator who holds a
265 limited or provisional certificate in a county having a
266 population of fewer than 75,000 and in a municipality located
267 within such county.

268 (10) The board may by rule create categories of
269 certification in addition to those defined in s. 468.603(5) ~~s.~~
270 ~~468.603(6)~~ and (8) ~~(7)~~. Such certification categories shall not
271 be mandatory and shall not act to diminish the scope of any
272 certificate created by statute.

273 (11) The board shall by rule:

274 (a) Establish a procedure to determine reciprocity for an
275 ICC examination administered by another state.

276 (b) Authorize candidates under subparagraph (2)(c)7. to:

277 1. Perform duties during the first 120 days after initial
278 application submittal to the board.

279 2. Apply for a 1-year provisional certificate before
280 completing the internship period if the candidate has not passed
281 the Florida Principles and Practice exam or 40-hour code
282 training course.

283 3. Apply for standard certification at least 30 days but
284 not more than 60 days before completing the internship period.

285 (c) Develop a form to authorize candidates under
286 subparagraph (2)(c)7. to transfer approved partial internship
287 periods completed in other jurisdictions.

288 (d) Develop an electronic application for standard
289 certification of interns who successfully complete the program
290 described in subparagraph (2)(c)7.

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291 (e) Establish minimum standards for, and a procedure to
292 determine the eligibility of, internships for candidates to
293 obtain certification under subparagraph (2)(c)7.

294 (12) After achieving initial standard certification, a
295 person may seek additional certifications in other categories by
296 completing additional nonconcurrent internship programs when
297 passing an ICC examination, passing a board-approved 40-hour
298 code training course, and completing an additional 1-year, full-
299 time internship in the respective category sought. Any person
300 holding a standard certification may seek additional
301 certifications.

302 Section 3. Subsection (3) of section 468.617, Florida
303 Statutes, is amended to read:

304 468.617 Joint building code inspection department; other
305 arrangements.—

306 (3) Nothing in this part shall prohibit any county or
307 municipal government, school board, community college board,
308 state university, or state agency from entering into any
309 contract with any person or entity for the provision of building
310 code administrator, building code official, or building code
311 inspection services regulated under this part, and
312 notwithstanding any other statutory provision, such county or
313 municipal governments may enter into contracts.

314 Section 4. Subsection (4) of section 468.8313, Florida
315 Statutes, is amended to read:

316 468.8313 Examinations.—

317 (4) The department may review and approve examinations by a
318 nationally recognized entity that offers programs or sets
319 standards that ensure competence as a home inspector, provided

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320 that only examinations meeting the standards of a national
321 examination as defined by rule and certified by the department
322 may be approved.

323 Section 5. Paragraph (h) is added to subsection (3) of
324 section 489.113, Florida Statutes, to read:

325 489.113 Qualifications for practice; restrictions.—

326 (3) A contractor shall subcontract all electrical,
327 mechanical, plumbing, roofing, sheet metal, swimming pool, and
328 air-conditioning work, unless such contractor holds a state
329 certificate or registration in the respective trade category,
330 however:

331 (h) A pool/spa contractor, as defined in s. 489.105(3)(j),
332 (k), or (l), is not required to subcontract electrical work for
333 the installation, replacement, disconnection, or reconnection of
334 power wiring on the load side of the dedicated existing
335 electrical disconnecting means, but is required to subcontract
336 all electrical work that requires installation, removal,
337 replacement, or upgrading of a circuit breaker. This paragraph
338 does not apply to other contractor classifications or
339 professions.

340 Section 6. Subsections (3), (7), and (8) of section 553.73,
341 Florida Statutes, and paragraphs (a) and (b) of subsection (9)
342 of that section, are amended to read:

343 553.73 Florida Building Code.—

344 (3) The commission shall use the 6th edition, and
345 subsequent editions, of the Florida Building Code as the
346 ~~International Codes published by the International Code Council,~~
347 ~~the National Electric Code (NFPA 70), or other nationally~~
348 ~~adopted model codes and standards needed to develop the base~~

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349 ~~code in Florida to form the~~ foundation for the development of
350 and updates to the Florida Building Code. The ~~Florida Building~~
351 commission may approve technical amendments to the code as
352 provided in, ~~subject to~~ subsections (8) and (9), ~~after the~~
353 ~~amendments have been~~ subject to all of the following conditions:

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

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

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

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

372

373 The commission shall incorporate within ~~sections of~~ the Florida
374 Building Code provisions that ~~which~~ address regional and local
375 concerns and variations. The commission shall make every effort
376 to minimize conflicts between the Florida Building Code, the
377 Florida Fire Prevention Code, and the Life Safety Code.

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378 (7) (a) The commission, by rule ~~adopted pursuant to ss.~~
379 ~~120.536(1) and 120.54~~, shall review ~~update~~ the Florida Building
380 Code every 3 years to consider whether it needs to be revised.
381 The commission shall adopt code revisions by rule. When
382 evaluating potential revisions to ~~updating~~ the Florida Building
383 Code, the commission shall review ~~select~~ the most current
384 version of the International Building Code, the International
385 Fuel Gas Code, the International Mechanical Code, the
386 International Plumbing Code, and the International Residential
387 Code, all of which are adopted by the International Code
388 Council, and the National Electrical Code, which is adopted by
389 the National Fire Protection Association, ~~to form the foundation~~
390 ~~codes of the updated Florida Building Code, if the version has~~
391 ~~been adopted by the applicable model code entity.~~ The commission
392 shall also review ~~select~~ the most current version of the
393 International Energy Conservation Code (IECC) ~~as a foundation~~
394 ~~code; however, the IECC shall be modified by the commission~~ must
395 ~~to~~ maintain the efficiencies of the Florida Energy Efficiency
396 Code for Building Construction adopted and amended pursuant to
397 s. 553.901.

398 (b) Codes regarding noise contour lines shall be reviewed
399 annually, and the most current federal guidelines shall be
400 adopted.

401 (c) The commission may adopt as a technical amendment to
402 the Florida Building Code ~~modify~~ any portion of the ~~foundation~~
403 ~~codes~~ identified in paragraph (a) only as needed to accommodate
404 the specific needs of this state. Standards or criteria adopted
405 from such ~~referenced by the~~ codes shall be incorporated by
406 reference to the specific provisions of such codes which are

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407 adopted. If a referenced standard or criterion requires
408 amplification or modification to be appropriate for use in this
409 state, only the amplification or modification shall be set forth
410 in the Florida Building Code. The commission may approve
411 technical amendments to the updated Florida Building Code after
412 the amendments have been subject to the conditions set forth in
413 paragraphs (3) (a)-(d). Amendments that ~~to the foundation codes~~
414 ~~which~~ are adopted in accordance with this subsection shall be
415 clearly marked in printed versions of the Florida Building Code
416 so that the fact that the provisions are ~~Florida-specific~~
417 amendments ~~to the foundation codes~~ is readily apparent.

418 (d) The commission shall further consider the commission's
419 own interpretations, declaratory statements, appellate
420 decisions, and approved statewide and local technical amendments
421 and shall incorporate such interpretations, statements,
422 decisions, and amendments into the updated Florida Building Code
423 only to the extent that they are needed to ~~modify the foundation~~
424 ~~codes~~ to accommodate the specific needs of the state. A change
425 made by an institute or standards organization to any standard
426 or criterion that is adopted by reference in the Florida
427 Building Code does not become effective statewide until it has
428 been adopted by the commission. Furthermore, the edition of the
429 Florida Building Code which is in effect on the date of
430 application for any permit authorized by the code governs the
431 permitted work for the life of the permit and any extension
432 granted to the permit.

433 (e) A rule updating the Florida Building Code in accordance
434 with this subsection shall take effect no sooner than 6 months
435 after publication of the updated code. Any amendment to the

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436 Florida Building Code which is adopted upon a finding by the
437 commission that the amendment is necessary to protect the public
438 from immediate threat of harm takes effect immediately.

439 (f) Provisions of the Florida Building Code ~~foundation~~
440 ~~codes~~, including those contained in referenced standards and
441 criteria, relating to wind resistance or the prevention of water
442 intrusion may not be modified to diminish those construction
443 requirements; however, the commission may, subject to conditions
444 in this subsection, modify the provisions to enhance those
445 construction requirements.

446 ~~(g) Amendments or modifications to the foundation code~~
447 ~~pursuant to this subsection shall remain effective only until~~
448 ~~the effective date of a new edition of the Florida Building Code~~
449 ~~every third year. Amendments or modifications related to state~~
450 ~~agency regulations which are adopted and integrated into an~~
451 ~~edition of the Florida Building Code shall be carried forward~~
452 ~~into the next edition of the code, subject to modification as~~
453 ~~provided in this part. Amendments or modifications related to~~
454 ~~the wind-resistance design of buildings and structures within~~
455 ~~the high-velocity hurricane zone of Miami-Dade and Broward~~
456 ~~Counties which are adopted to an edition of the Florida Building~~
457 ~~Code do not expire and shall be carried forward into the next~~
458 ~~edition of the code, subject to review or modification as~~
459 ~~provided in this part. If amendments that expire pursuant to~~
460 ~~this paragraph are resubmitted through the Florida Building~~
461 ~~commission code adoption process, the amendments must~~
462 ~~specifically address whether:~~

463 1. ~~The provisions contained in the proposed amendment are~~
464 ~~addressed in the applicable international code.~~

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465 ~~2. The amendment demonstrates by evidence or data that the~~
466 ~~geographical jurisdiction of Florida exhibits a need to~~
467 ~~strengthen the foundation code beyond the needs or regional~~
468 ~~variations addressed by the foundation code, and why the~~
469 ~~proposed amendment applies to this state.~~

470 ~~3. The proposed amendment was submitted or attempted to be~~
471 ~~included in the foundation codes to avoid resubmission to the~~
472 ~~Florida Building Code amendment process.~~

473
474 ~~If the proposed amendment has been addressed in the~~
475 ~~international code in a substantially equivalent manner, the~~
476 ~~Florida Building commission may not include the proposed~~
477 ~~amendment in the foundation Code.~~

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

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494 needed to address:

495 (a) Conflicts within the updated code;

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

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

500 (d) Equivalency of standards;

501 (e) Changes to or inconsistencies with federal or state
502 law; or

503 (f) Adoption of an updated edition of the National
504 Electrical Code if the commission finds that delay of
505 implementing the updated edition causes undue hardship to
506 stakeholders or otherwise threatens the public health, safety,
507 and welfare.

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

511 1. Is needed in order to accommodate the specific needs of
512 this state.

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

515 3. Strengthens or improves the Florida Building Code, or in
516 the case of innovation or new technology, will provide
517 equivalent or better products or methods or systems of
518 construction.

519 4. Does not discriminate against materials, products,
520 methods, or systems of construction of demonstrated
521 capabilities.

522 5. Does not degrade the effectiveness of the Florida

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523 Building Code.

524

525 The Florida Building Commission may approve technical amendments
526 to the code once each year to incorporate into the Florida
527 Building Code its own interpretations of the code which are
528 embodied in its opinions, final orders, declaratory statements,
529 and interpretations of hearing officer panels under s.

530 553.775(3)(c), but only to the extent that the incorporation of
531 interpretations is needed to modify the code ~~foundation codes~~ to
532 accommodate the specific needs of this state. Amendments
533 approved under this paragraph shall be adopted by rule after the
534 amendments have been subjected to subsection (3).

535 (b) A proposed amendment must include a fiscal impact
536 statement that documents the costs and benefits of the proposed
537 amendment. Criteria for the fiscal impact statement shall be
538 established by rule by the commission and shall include the
539 impact to local government relative to enforcement, the impact
540 to property and building owners, and the impact to industry,
541 relative to the cost of compliance. The amendment must
542 demonstrate by evidence or data that the state's geographical
543 jurisdiction exhibits a need to strengthen the ~~foundation~~ code
544 beyond the needs or regional variations addressed by the
545 ~~foundation~~ code and why the proposed amendment applies to this
546 state.

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

549 553.76 General powers of the commission.—The commission is
550 authorized to:

551 (2) Issue memoranda of procedure for its internal

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552 management and control. The commission may adopt rules related
553 to its consensus-based decisionmaking process, including, but
554 not limited to, super majority voting requirements ~~for~~
555 ~~commission actions relating to the adoption of the Florida~~
556 ~~Building Code or amendments to the code.~~ However, the commission
557 must adopt the Florida Building Code, and amendments thereto, by
558 at least a three-fourths vote of the members present at a
559 meeting.

560 Section 8. Paragraphs (d) and (i) of subsection (1) of
561 section 553.791, Florida Statutes, are amended to read:

562 553.791 Alternative plans review and inspection.—

563 (1) As used in this section, the term:

564 (d) "Building code inspection services" means those
565 services described in s. 468.603(5) ~~s. 468.603(6)~~ and (8) ~~(7)~~
566 involving the review of building plans to determine compliance
567 with applicable codes and those inspections required by law of
568 each phase of construction for which permitting by a local
569 enforcement agency is required to determine compliance with
570 applicable codes.

571 (i) "Private provider" means a person licensed as a
572 building code administrator under part XII of chapter 468, as an
573 engineer under chapter 471, or as an architect under chapter
574 481. For purposes of performing inspections under this section
575 for additions and alterations that are limited to 1,000 square
576 feet or less to residential buildings, the term "private
577 provider" also includes a person who holds a standard
578 certificate under part XII of chapter 468.

579 Section 9. Section 471.045, Florida Statutes, is amended to
580 read:

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581 471.045 Professional engineers performing building code
582 inspector duties.—Notwithstanding any other provision of law, a
583 person who is currently licensed under this chapter to practice
584 as a professional engineer may provide building code inspection
585 services described in s. 468.603(5) ~~s. 468.603(6)~~ and (8) ~~(7)~~ to
586 a local government or state agency upon its request, without
587 being certified by the Florida Building Code Administrators and
588 Inspectors Board under part XII of chapter 468. When performing
589 these building code inspection services, the professional
590 engineer is subject to the disciplinary guidelines of this
591 chapter and s. 468.621(1)(c)-(h). Any complaint processing,
592 investigation, and discipline that arise out of a professional
593 engineer's performing building code inspection services shall be
594 conducted by the Board of Professional Engineers rather than the
595 Florida Building Code Administrators and Inspectors Board. A
596 professional engineer may not perform plans review as an
597 employee of a local government upon any job that the
598 professional engineer or the professional engineer's company
599 designed.

600 Section 10. Section 481.222, Florida Statutes, is amended
601 to read:

602 481.222 Architects performing building code inspection
603 services.—Notwithstanding any other provision of law, a person
604 who is currently licensed to practice as an architect under this
605 part may provide building code inspection services described in
606 s. 468.603(5) ~~s. 468.603(6)~~ and (8) ~~(7)~~ to a local government or
607 state agency upon its request, without being certified by the
608 Florida Building Code Administrators and Inspectors Board under
609 part XII of chapter 468. With respect to the performance of such

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610 building code inspection services, the architect is subject to
611 the disciplinary guidelines of this part and s. 468.621(1)(c)-
612 (h). Any complaint processing, investigation, and discipline
613 that arise out of an architect's performance of building code
614 inspection services shall be conducted by the Board of
615 Architecture and Interior Design rather than the Florida
616 Building Code Administrators and Inspectors Board. An architect
617 may not perform plans review as an employee of a local
618 government upon any job that the architect or the architect's
619 company designed.

620 Section 11. This act shall take effect October 1, 2017.