A bill to be entitled
An act relating to the Florida Building Commission;
amending s. 553.73, F.S.; requiring the commission to
use the 6th edition, and subsequent editions, of the
Florida Building Code as the foundation for the
development of and updates to the code; requiring the
commission to review, rather than update, the Florida
Building Code every 3 years; deleting a provision that
specifies how long amendments or modifications to the
foundation remain effective; deleting provisions
limiting how long an amendment or modification is
effective; deleting a provision requiring certain
amendments or modifications to be carried forward into
the next edition of the code, subject to certain
conditions; deleting certain requirements for the
resubmission of expired amendments; deleting a
 provision prohibiting a proposed amendment from being
included in the foundation if it has been addressed in
the international code; conforming provisions to
changes made by the act; amending s. 553.76, F.S.;
requiring the commission to adopt the Florida Building
Code, and amendments thereto, by a minimum percentage
of votes; providing an effective date.

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

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 been published on the commission’s website for a minimum of 45 days and all the associated documentation must have 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. At least half of the regular members must be present in order to conduct a meeting.

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

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

The commission shall incorporate within sections of the Florida Building Code provisions that address regional and local

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

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

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

(d) The commission shall further consider the commission’s own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to modify the foundation codes to accommodate the specific needs of the state. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.
(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

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

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

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

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

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

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

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:
1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products,
methods, or systems of construction of demonstrated
capabilities.

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

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

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

Section 2. Subsection (2) of section 553.76, Florida
Statutes, is amended to read:
553.76 General powers of the commission.—The commission is authorized to:

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

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