A bill to be entitled
An act relating to the Florida Building Commission;
amending s. 553.73, F.S.; requiring the Florida
Building Commission to update the Florida Building
Code every 5 years; requiring the commission to
provide a fiscal impact statement when updating the
code; authorizing the commission to update the Florida
Building Code by adopting the National Electric Code
under certain conditions; amending s. 553.74, F.S.;
revising the membership of the Florida Building
Commission; revising membership qualifications;
providing an effective date.

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

Section 1. Paragraph (b) of subsection (4) and paragraphs
(a) and (g) of subsection (7) of section 553.73, Florida
Statutes, are amended to read:

553.73 Florida Building Code.—
(4)
(b) Local governments may, subject to the limitations of
this section, adopt amendments to the technical provisions of
the Florida Building Code which apply solely within the
jurisdiction of such government and which provide for more
stringent requirements than those specified in the Florida
Building Code, not more than once every 6 months. A local
government may adopt technical amendments that address local
needs if:

1. The local governing body determines, following a public
hearing which has been advertised in a newspaper of general
circulation at least 10 days before the hearing, that there is a
need to strengthen the requirements of the Florida Building
Code. The determination must be based upon a review of local
conditions by the local governing body, which review
demonstrates by evidence or data that the geographical
jurisdiction governed by the local governing body exhibits a
local need to strengthen the Florida Building Code beyond the
needs or regional variation addressed by the Florida Building
Code, that the local need is addressed by the proposed local
amendment, and that the amendment is no more stringent than
necessary to address the local need.

2. Such additional requirements are not discriminatory
against materials, products, or construction techniques of
demonstrated capabilities.

3. Such additional requirements may not introduce a new
subject not addressed in the Florida Building Code.

4. The enforcing agency shall make readily available, in a
usable format, all amendments adopted pursuant to this section.

5. Any amendment to the Florida Building Code shall be
transmitted within 30 days by the adopting local government to
the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments shall not become effective until 30 days after the amendment has been received and published by the commission.

6. Any amendment to the Florida Building Code adopted by a local government pursuant to this paragraph shall be effective only until the adoption by the commission of the new edition of the Florida Building Code every fifth third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (9)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment pursuant to the provisions of this paragraph.

7. Each county and municipality desiring to make local technical amendments to the Florida Building Code shall by interlocal agreement establish a countywide compliance review board to review any amendment to the Florida Building Code, adopted by a local government within the county pursuant to this paragraph, that is challenged by any substantially affected party for purposes of determining the amendment's compliance with this paragraph. If challenged, the local technical
amendments shall not become effective until time for filing an appeal pursuant to subparagraph 8. has expired or, if there is an appeal, until the commission issues its final order determining the adopted amendment is in compliance with this subsection.

8. If the compliance review board determines such amendment is not in compliance with this paragraph, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines such amendment to be in compliance with this paragraph, any substantially affected party may appeal such determination to the commission. Any such appeal shall be filed with the commission within 14 days of the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the division's website for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days, and shall enter a recommended order within 30 days of the conclusion of such hearing. The commission shall enter a final order within 30 days thereafter. The provisions of chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local
government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this paragraph in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review pursuant to s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

9. An amendment adopted under this paragraph shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

10. In addition to subparagraphs 7. and 9., the commission may review any amendments adopted pursuant to this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(7)(a) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 5 3 years. When updating the Florida Building Code, the commission shall 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 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 to maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. The commission may adopt the most current version of the National Electrical Code if the commission finds that the delay of implementing the most current version is likely to cause undue hardship to stakeholders or to threaten the public health, safety, and welfare. When updating the Florida Building Code, the commission shall include a fiscal impact statement that documents the costs and benefits of the updated Florida Building Code. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to the industry relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the updated Florida Building Code for compliance.

(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 fifth 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.

Section 2. Subsection (1) of section 553.74, Florida
Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and located
within the Department of Business and Professional Regulation
for administrative purposes. Members are appointed by the
Governor subject to confirmation by the Senate. The commission
is composed of 27 members, consisting of the following:

(a) One architect licensed pursuant to chapter 481 with at
least 5 years of experience in the design and construction of
buildings containing Florida Building Code designated Group R
occupancy at or above 210 feet in height above the elevation of
the lowest level of emergency services access registered to
practice in this state and actively engaged in the profession.
The American Institute of Architects, Florida Section, is
couraged to recommend a list of candidates for consideration.

(b) One structural engineer registered to practice in this
state and actively engaged in the profession. The Florida
Engineering Society is encouraged to recommend a list of
candidates for consideration.
(e) One air conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession. The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, and the Mechanical Contractors Association of Florida are encouraged to recommend a list of candidates for consideration.

(c)(d) One electrical contractor or electrical engineer certified to do business in this state and actively engaged in the profession. The Florida Association of Electrical Contractors and the National Electrical Contractors Association, Florida Chapter, are encouraged to recommend a list of candidates for consideration.

(d)(e) One member from fire protection engineering or technology who is actively engaged in the profession. The Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(e)(f) One general contractor certified to do business in this state and actively engaged in the profession. The Associated Builders and Contractors of Florida, the Florida Associated General Contractors Council, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration.

(f)(g) One plumbing contractor licensed to do business in
this state and actively engaged in the profession. The Florida Association of Plumbing, Heating, and Cooling Contractors is encouraged to recommend a list of candidates for consideration.

(g) One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession. The Florida Roofing, Sheet Metal, and Air Conditioning Contractors Association and the Sheet Metal and Air Conditioning Contractors' National Association are encouraged to recommend a list of candidates for consideration.

(h) Two residential contractors licensed to do business in this state and actively engaged in the profession, one of whom builds an average of 100 or more homes per year and the other builds an average of fewer than 20 custom homes per year. The Florida Home Builders Association is encouraged to recommend a list of candidates for consideration.

(i) One member who is a municipal or district codes enforcement official, one of whom is also a fire official. The Building Officials Association of Florida and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(k) One member who represents the Department of Financial Services.

(l) One member who is a county codes enforcement official.
The Building Officials Association of Florida is encouraged to recommend a list of candidates for consideration.

(m) One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state.

(n) One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry. The Florida Manufactured Housing Association is encouraged to recommend a list of candidates for consideration.

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(p) One member who is a representative of a municipality or a charter county. The Florida League of Cities and the Florida Association of Counties are encouraged to recommend a list of candidates for consideration.

(q) One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry. The Florida Building Material Association, the Florida Concrete and Products Association, and the Fenestration Manufacturers Association are encouraged to recommend a list of candidates for consideration.

(r) One member who is a representative of the building owners and managers industry who is actively engaged in
commercial building ownership or management. The Building Owners
and Managers Association is encouraged to recommend a list of
candidates for consideration.

(j) One member who is a representative of the insurance
industry. The Florida Insurance Council is encouraged to
recommend a list of candidates for consideration.

(t) One member who is a representative of public
education.

(u) One member who is a swimming pool contractor licensed
do business in this state and actively engaged in the
profession. The Florida Swimming Pool Association and the United
Pool and Spa Association are encouraged to recommend a list of
candidates for consideration.

(v) One member who is a representative of the green
building industry and who is a third-party commission agent, a
Florida board member of the United States Green Building Council
or Green Building Initiative, a professional who is accredited
under the International Green Construction Code (IGCC), or a
professional who is accredited under Leadership in Energy and
Environmental Design (LEED).

(w) One member who is a representative of a natural gas
distribution system and who is actively engaged in the
distribution of natural gas in this state. The Florida Natural
Gas Association is encouraged to recommend a list of candidates
for consideration.
(x) One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy. The Commissioner of Agriculture is encouraged to recommend a list of candidates for consideration.

(y) One member who shall be the chair.

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