

61G20-2.002 Statewide Amendments to the Florida Building Code.

(1) Definitions. As used in this rule, the following terms shall have the meaning indicated unless the context clearly requires a contrary definition:

(a) Amendment means an alteration to the adopted provisions of the Florida Building Code. Amendments shall include all alterations as referenced herein, whether adopted by the Commission for statewide or regional application; or the local authority having jurisdiction, referred to as local amendments. More specifically,

1. Technical amendment means an alteration to the prescriptive requirements or reference standards for construction adopted by the code.

2. Technical amendments needed to accommodate the specific needs of this state include but are not limited to amendments to the Florida Building Code that provide for the following:

a. Establish minimum life safety construction requirements to protect buildings and their occupants from fire, wind, flood, and storm surge using the latest technical research and engineering standards for buildings and materials products.

b. Provide for flood protection provisions that are consistent with the latest flood protection requirements of the National Flood Insurance Program.

c. Maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development.

d. Provide for energy efficiency standards for buildings that meet or exceed the national energy standards as mandated by Title III of the Energy Conservation and Protection Act.

e. Maintain coordination with the Florida Fire Prevention Code.

f. Provide for the latest industry standards and design.

3. Administrative amendment means an addition to or amendment of the requirements adopted by the code for enforcement of the prescriptive requirements or reference standards for construction adopted by the code.

(b) Strengthens means to make more stringent and provide for greater lifesafety.

(c) Improves means to make more responsive to the context of application; statewide, regional or local; on the basis of experience or newly presented information without compromising or decreasing lifesafety requirements.

(2) The Florida Building Commission may amend the Florida Building Code for the following purposes:

(a) To update the Florida Building Code every three years pursuant to subsection 553.73(7), F.S. When updating the code, the Commission shall review the most current updates to the model codes including but not limited to the International Building Code, the International Fuel Gas Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, the International Residential Code, the International Energy Conservation Code, and the National Electrical Code (NEC) for the purpose of determining whether the latest changes to the model codes are needed to accommodate the specific needs of this state. The Commission shall also consider its own interpretations, declaratory statements, appellate decisions, and local technical amendments. For the purpose of conducting this review, the following steps will be undertaken:

1. The Commission shall select the model codes that will be used to conduct its review.

2. No sooner than ninety days after the latest updates of the model codes are published, a complete listing of the changes to the model codes will be posted and made available for public review on the Commission's website.

3. No sooner than one hundred fifty days after the listing of the changes to the model codes is posted, the Commission's Technical Advisory Committees (TACs) will meet to review the changes to the model codes and make recommendations to the Commission regarding those changes that are needed to accommodate the specific needs of this state. The TACs' recommendations will be posted on the Commission's website for further public review.

4. No sooner than ninety days after posting the TACs' recommendations, the Commission will meet to vote whether to approve the TACs' recommendations regarding the latest changes to the model codes that are needed to accommodate the specific needs of this state. After Commission approval, the approved changes to the Florida Building Code needed to accommodate the specific needs of this state will be made available on the Commission's website. The public will then have the opportunity to submit amendments to the Florida Building Code and the approved changes to the Florida Building Code pursuant to subsection (3), of this rule.

(b) To amend the Florida Building Code pursuant to subsection 553.73(8), F.S.

(c) To amend the Florida Building Code, once each year, pursuant to subsection 553.73(9), F.S.

(3) Amendments to the Florida Building Code submitted pursuant to subsections 553.73(7), 553.73(8), and 553.73(9), F.S.,

shall be submitted on the Code Amendment Proposal Form, No. 61G20-1.001, effective January 2018, adopted and incorporated herein, which may be found on the Building Code Information System at http://www.floridabuilding.org/cm/cm_code_srch.aspx, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-08931> or by contacting the Department of Business and Professional Regulation, Office of Codes & Standards, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772. The Code Amendment Proposal Form shall be submitted online at http://www.floridabuilding.org/cm/cm_code_srch.aspx and shall be reviewed by Commission staff for sufficiency. Commission staff shall ascertain 1) whether the amendment to the code has been submitted in legislative format, 2) if the rationale for amending the code has been provided, and 3) if all required questions regarding fiscal and other impacts have been answered by the proponent. The term “NA” or “Not applicable” shall be considered an insufficient answer to statutorily required questions. If a proposed code amendment is submitted more than two weeks prior to the deadline established and staff finds the proposal to be insufficient, staff shall notify the proponent via email of the nature of its insufficiency and that if the proponent of the amendment elects to resubmit the proposal curing the insufficiency, it must be resubmitted prior to the deadline. Once a Code Amendment Proposal has been found sufficient, Commission staff shall verify such status online, enabling the Building Code Information System to show the proposal to the general public for comment. Code Amendment Proposals found insufficient shall not be verified or considered as building code amendments in the code amendment process.

(a) Each proposed amendment will be heard first by the appropriate Technical Advisory Committee, which will consider the proposal and all documentation submitted therewith, and consider whether to recommend approval by a two-thirds vote. If the proposal fails to achieve a two-thirds favorable vote, it is forwarded to the Commission for action based upon the applicable criteria. The Committee may modify the proposed amendment if it provides the documentation required by subsection 61G20-1.001(3), F.A.C. After modification, the Committee must then vote whether to recommend adoption as amended. If the proposed amendment as modified fails to achieve a two-thirds favorable vote, the proposal is forwarded to the Commission for action.

(b) The Commission shall publish each proposed amendment on its website at www.floridabuilding.org at least 45 days prior to its consideration by the appropriate Technical Advisory Committee. This notice may run concurrently with the notice required by subsection 120.54(2), F.S., and is not intended to extend the required rulemaking timeframes therein.

(c) The full Commission shall consider and vote upon each proposed amendment after consideration by at least one Technical Advisory Committee. The Commission may act on a consent agenda of those proposals which receive the required two-thirds vote at the Committee level to deny the amendment. The Commission must take action on all proposed amendments regardless of the Committee’s recommendation. The decision of the Commission to approve a proposed amendment shall be by at least the required three-fourths vote. Those proposals failing to meet the vote requirement shall not be adopted. The Commission may modify a proposed amendment, provided that the form required by subsection 61G20-1.001(3), F.A.C., is amended to reflect the modification and supporting documentation is submitted.

(d) The Commission shall publish each proposed amendment on its website at www.floridabuilding.org at least 45 days prior to its consideration by the full Commission. This notice may run concurrently with the notice required by subsection 120.54(3), F.S., and is not intended to extend the required rulemaking timeframes therein.

(4) Each amendment approved for adoption by the Florida Building Commission pursuant to subsection 553.73(9), F.S., shall take effect no earlier than three months after the rule amendment is filed for adoption with the Department of State.

Rulemaking Authority 553.73(3), (7)-(9), 553.76(1), (2), (4), 553.77 FS. Law Implemented 553.73(3), (6)-(8), 553.76(2), 553.77 FS. History—New 11-20-01, Amended 6-8-05, 2-28-06, 9-13-07, 7-30-08, Formerly 9B-3.050, 9N-2.002, Amended 7-1-13, 3-27-18.