

Notice of Development of Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO: RULE TITLE
9B-3.050 Statewide Amendments to the Florida Building Code.

PURPOSE AND EFFECT: The rule is to be amended to reflect an updated form for submission of code amendments and to accommodate the new statutory process for adopting amendments meeting specified criteria; specifically, eliminating the requirement for publication of amendments for 45 days before they are considered by a committee or the Commission.

SUBJECT AREA TO BE ADDRESSED: Form for submission of code amendments and expedited code amendment process.

SPECIFIC AUTHORITY: s. 553.73(3), (6), (7) (8), FS.

LAW IMPLEMENTED: s. 553.73(3), (6), (7) (8), FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 A.M. , or as soon thereafter as the matter can be called up before the Commission in accordance with its meeting agenda, March 19th, 2008.

PLACE: 3705 Spectrum Boulevard, Tampa, Florida 33612

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AS FOLLOWS:

9B-3.050 Statewide Amendments to the Florida Building Code.

(1) - (3) No Change

(4) For the purpose of amending the Florida Building Code, each proposed amendment to the Florida Building Code shall be submitted on the Code Amendment Proposal, Form No. 9B-3.047-2008, effective _____, 2004 available from the Building Code Information System at www.floridabuilding.org or by contacting the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399. The Code Amendment Proposal form shall be submitted online at www.floridabuilding.org 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 seven questions regarding fiscal and other impacts have been answered by the proponent. The term "NA" or "Not applicable" shall be considered an insufficient answer. 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.

(5) 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 75% vote. If the proposal fails to achieve a 75% 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 9B-3.047(6), 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 75% favorable vote, the proposal is forwarded to the Commission for action.

(6) 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, except those amendments submitted pursuant to Section 553.73(7), F.S. This notice may run concurrently with the notice required by Section 120.54(2), F.S., and is not intended to extend the required rulemaking timeframes therein.

(7) 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 75% 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 75% 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 9B-3.047(6), F.A.C., is amended to reflect the modification and supporting documentation is submitted.

(8) The Commission shall publish each proposed amendment on its website at www.dca.state.fl.us/fhcd/fbc at least 45 days prior to its consideration by the full

Commission, except those amendments submitted pursuant to Section 553.73(7), F.S.. This notice may run concurrently with the notice required by Section 120.54(3), F.S., and is not intended to extend the required rulemaking timeframes therein.

(9) Each amendment approved for adoption by the Florida Building Commission, except those amendments approved pursuant to Section 553.73(7), F.S. shall take effect no earlier than three months after the rule amendment is filed for adoption with the Department of State.

Specific Authority 553.73(3), (6), (7), (8), FS. Law Implemented 553.73(3), (6), (7) (8), FS. History—New 11-20-01, Amended 6-8-05, 2-28-06, 9-13-07.