

COMMISSION CODE AMENDMENTS REVIEW AND APPROVAL PROCESS
2023 CODE UPDATE PROCESS — 8TH. EDITION (2023), FLORIDA BUILDING CODE
(ADOPTED UNANIMOUSLY 7 JUNE 2022)

SECTION 1. OVERVIEW

Proposed Code amendments to the Florida Building Code will be reviewed by the Commission’s TACs in meetings per the 2023 Workplan/Schedule. The TACs’ preliminary recommendations regarding proposed Code amendments will subsequently be posted to the Commission’s website for a minimum of 45 days and the public will be provided an opportunity to comment on the TACs’ recommendations during this time-frame (second 45-day review period). The TACs will meet for a second time per the 2023 Workplan/Schedule to review the public comments, and to decide whether the submitted comments address their concerns regarding their recommendations on proposed Code amendments. The TACs will vote on their final recommendations during this series of meetings. In addition, the Residential Construction Cost Impact Workgroup will review the TACs’ recommendations and provide comments regarding costs/impacts of the TACs’ recommended Code amendments for approval relevant to the Residential Building Code (Code amendments identified as impactful). These comments will be incorporated into the detail reports for each TAC.

The Commission will consider the TACs’ recommendations regarding proposed Code amendments during their December 13-14, 2022 meeting. The Commission will consider each TAC’s recommendations in turn, by consent agendas for approval, consent agendas for denial, and amendments recommended for individual consideration. Any Commissioner may pull any Code amendments for individual consideration.

After the Commission takes action on all of the proposed Code amendments they will move to proceed with rulemaking for Rule 61G20-1.001(1), Florida Building Code Adopted, for the purpose of adopting approved Code amendments to the Florida Building Code. The Commission will conduct a Rule Development Workshop on the 8th. Edition (2023), Florida Building Code on March 14, 2023.

SECTION 2. ORGANIZATION

The TAC’s recommendations regarding proposed Code amendments for inclusion in the 8th. Edition (2023), Florida Building Code (2023 Code Update) are arranged on single tracking charts one per TAC as follows:

The TACs’ Recommendations are on single Tracking Charts by TAC consisting of the **Consent Agenda Recommended for Approval** (all modifications the TAC is recommending for approval either as submitted or as modified – Group 1 and 2), and the **Consent Agenda Recommended for Denial** (all modifications the TAC is recommending for denial – Group 3).

TAC’s Recommendations are on Two Consent Agenda Per TAC (By Code Areas):

1. CONSENT AGENDAS RECOMMENDED FOR APPROVAL (GROUP 1 AND 2). The TACs’ recommendations for approval of specific proposed Code amendments are all of the amendments that the specific TAC is recommending for approval either as submitted or as modified, and this package of amendments is deemed to be the TAC’s **“Consent Agenda Recommended for Approval” (Group 1 and 2)**. The Commission will vote to approve the TAC’s recommendations on the Code amendments, as posted. The motion should be framed: **“Motion to approve the consent agenda for approval and to approve all of the proposed Code amendments on the consent agenda.”** Commissioners should pull-off any Code amendment(s) that would prevent them from voting to approve the consent agenda of amendments recommended for approval by the TAC and as posted to the BCIS.

2. CONSENT AGENDAS RECOMMENDED FOR DENIAL (GROUP 3). The TACs’ recommendations for denial of specific proposed Code amendments are all of the amendments that the specific TAC is recommending for denial, and this package of amendments is deemed to be the TAC’s **“Consent Agenda Recommended for Denial” (Group 3)**. The Commission will vote to approve the TAC’s recommendations on the Code amendments, as posted. The motion should be framed: **“Motion to approve the consent agenda for denial and to deny all of the proposed Code amendments on the consent agenda.”** Commissioners should pull-off any Code amendment(s) that would prevent them from voting to approve the consent agenda of amendments recommended for denial by the TAC and as posted to the BCIS.

Any Commissioner may pull any Code amendment off of a “Consent Agenda Recommended for Approval” or a “Consent Agenda Recommended for Denial” for individual consideration based on public comment.

3. RECOMMENDATIONS FOR INDIVIDUAL CONSIDERATION (GROUP 4). The TACs’ recommendations for proposed Code amendments recommended for individual consideration, either to approve or to deny, will be considered individually by the Commission. The Group 4 amendments on each Tracking Chart are the group of recommendations consisting of the TAC’s amendments recommended for individual consideration and those amendments proponents requested be pulled and the Commission subsequently pulled off of consent agendas for individual consideration. The Code amendments recommended for individual consideration relevant to each TAC will be considered by the Commission individually per TAC. Code amendments that the TACs’ recommended for individual consideration, and Code amendments pulled by the Commission for individual consideration for the purpose of approval or denial require a motion to approve or a motion to deny and a second.

The Commission will vote in favor of the motion that the standing findings apply to all motions to approve proposed Code amendments (Section 4 on page 3) prior to considering proposed Code amendments. The Commission will stand on the required findings for all motions to approve.

After the Commission takes action on all of the proposed Code amendments they will move to proceed with rulemaking for Rule 61G20-1.001(1), Florida Building Code Adopted, for the purpose of adopting approved Code amendments to the Florida Building Code.

SECTION 3. REQUESTING CODE AMENDMENTS BE PULLED FROM CONSENT AGENDAS FOR INDIVIDUAL CONSIDERATION

REQUESTING A CODE AMENDMENT TO BE PULLED FOR INDIVIDUAL CONSIDERATION. Commissioners or members of the public requesting that Code amendments be pulled for individual consideration (“Consent Agenda Recommended for Denial” or “Consent Agenda Recommended for Approval”) should submit their request in writing no later than 21 days prior to the Commission meeting where the Code amendments will be considered (November 22, 2022). Requests should be sent to Mo Madani at DBPR. The Commission will decide which if any Code amendments to pull for individual consideration at their rule workshop on Rule 61G20-1.001.

Any Commissioner may pull any proposed Code amendment off of a “Consent Agenda Recommended for Approval” or a “Consent Agenda Recommended for Denial” for individual consideration based on public comment (submitted in writing or verbally).

SECTION 4. STANDING FINDINGS APPLIED TO ALL MOTIONS TO APPROVE TACs' CONSENT AGENDAS AND FOR ALL INDIVIDUALLY CONSIDERED CODE AMENDMENTS

Facilitator will read the following motion, ask for a motion and second to approve, and the Commission will then vote in favor.

Motion 1: The Commission moves that for all motions made to approve a proposed consent agenda for approval and any individually considered Code amendments, the Florida Building Commission votes to approve them based on the following Findings [Pursuant to the Requirements of Section 553.73 (9)(a) and (9)(b), F.S.]:

- A. The amendment is needed in order to accommodate the specific needs of this state; and
- B. The amendment has a reasonable and substantial connection to the health, safety, and welfare of the general public; and
- C. The amendment 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; and
- D. The amendment does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; and
- E. The amendment does not degrade the effectiveness of the Florida Building Code; and
- F. The amendment has the following fiscal impact relative to the costs and benefits of the proposed amendment:
 - 1. The fiscal impact relative to enforcement imposed upon local government is as indicated by the proponent.
 - 2. The fiscal impact of compliance imposed upon building and property owners is as indicated by the proponent.
 - 3. The fiscal impact relative to compliance imposed upon industry is as indicated by the proponent.
 - 4. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the code beyond the needs or regional variations addressed by the code and why the proposed amendment applies to this state.
- G. The amendment's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.
- H. The amendment does not diminish requirements related to wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria.

Motion 2: Motion to approve consent agenda consisting of Staff's recommendations regarding correlations and editorial fixes for the 8th Edition (2023), Florida Building Code and to authorize staff to make correlations and editorial fixes as needed for the 8th Edition (2023), Florida Building Code.

After the Commission takes action on all of the proposed Code amendments:

Motion 3: Motion to proceed with rulemaking for Rule 61G20-1.001(1), Florida Building Code Adopted, for the purpose of adopting approved Code amendments to the Florida Building Code.

SECTION 5. GENERAL PROVISIONS

- Facilitator will serve as the moderator, call for motions, and assist with adopted process and groundrules.
- One person speaks at a time.
- Limit your comment and be concise. Do not read lengthy prepared statements; summarize and submit complete text of comment for the record.
- Comments will be limited to a maximum of three-minutes (3) per person.
- Offer new points and/or state agreement with previous speakers; please do not repeat what has been stated.
- Chair/Facilitator may terminate a comment if it is repeating previous comments, and not simply stating agreement or offering new points.
- The FBC wants to hear all view-points to ensure all perspectives are considered, and not repeats of the same views.
- Proponents and Opponents not wishing to provide comments are encouraged to raise their hands in support or opposition to amendments to provide the Commission with a sense of stakeholder preferences.

SECTION 6. PUBLIC COMMENT PROCESS OVERVIEW

- Facilitator will introduce the TACs' recommendations regarding proposed Code amendments by "Consent Agendas Recommended for Approval," and by "Consent Agendas Recommended for Denial," by TAC in turn.
- The public will be invited to request that any of the TACs' recommendations on consent agendas for Commission action be considered individually, as introduced by the Facilitator in turn by TAC.
- Public comments will be limited to a maximum of three-minutes (3) per person. However, a Commission member may request clarification of public comments through the Chair or Facilitator.

SECTION 7. FLORIDA BUILDING COMMISSION 2023 CODE AMENDMENTS REVIEW AND APPROVAL PROCESS

- Facilitator will introduce each "Consent Agenda Recommended for Approval" consisting of proposed Code amendments recommended for approval (as submitted and as modified) (Group 1 and 2) by each TAC in turn.
- Facilitator will subsequently introduce each "Consent Agenda Recommended for Denial" consisting of proposed Code amendments recommended for denial (Group 3) by each TAC in turn.
- Facilitator will subsequently introduce each Code Amendment recommended for Individual Consideration (Group 4) by each TAC in turn.
- Public will speak to any Code amendments they wish the Commission to consider individually from the "Consent Agenda Recommended for Approval," or "Consent Agenda Recommended for Denial," by TAC in turn, as introduced by the Facilitator.
- Commissioner(s) will decide which, if any, Code amendments to pull for individual consideration.
- Any Commissioner may pull any Code amendment for individual consideration.
- Clarifying questions by FBC members only.

- FBC will vote in favor of each “Consent Agenda Recommended for Approval,” by TAC in turn, as posted or as amended by the Commission’s removal of specific Code amendments recommended for denial.
- FBC will vote in favor of each “Consent Agenda Recommended for Denial,” by TAC in turn, as posted or as amended by the Commission’s removal of specific Code amendments recommended for approval.
- Once a motion is on the floor, discussion is limited to FBC members except as allowed by the Chair.
- A Commissioner must move approval or denial of a proposed Code amendment and receive a second prior to discussion.
- All Code amendments pulled for individual consideration must be voted on individually either to approve or deny.
- Any Code amendment considered individually that receives a motion to approve but does not receive a second will be deemed denied due to failure to receive a second.
- Motions require a 75% favorable vote for approval; those with less than a 75% favorable vote will be considered unapproved and deemed denied.