

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

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (b) of subsection (4) and paragraphs
17 (a) and (g) of subsection (7) of section 553.73, Florida
18 Statutes, are amended to read:

19 553.73 Florida Building Code.—

20 (4)

21 (b) Local governments may, subject to the limitations of
22 this section, adopt amendments to the technical provisions of
23 the Florida Building Code which apply solely within the
24 jurisdiction of such government and which provide for more
25 stringent requirements than those specified in the Florida

26 Building Code, not more than once every 6 months. A local
27 government may adopt technical amendments that address local
28 needs if:

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

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

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

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

49 5. Any amendment to the Florida Building Code shall be
50 transmitted within 30 days by the adopting local government to

51 the commission. The commission shall maintain copies of all such
52 amendments in a format that is usable and obtainable by the
53 public. Local technical amendments shall not become effective
54 until 30 days after the amendment has been received and
55 published by the commission.

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

68 7. Each county and municipality desiring to make local
69 technical amendments to the Florida Building Code shall by
70 interlocal agreement establish a countywide compliance review
71 board to review any amendment to the Florida Building Code,
72 adopted by a local government within the county pursuant to this
73 paragraph, that is challenged by any substantially affected
74 party for purposes of determining the amendment's compliance
75 with this paragraph. If challenged, the local technical

76 amendments shall not become effective until time for filing an
77 appeal pursuant to subparagraph 8. has expired or, if there is
78 an appeal, until the commission issues its final order
79 determining the adopted amendment is in compliance with this
80 subsection.

81 8. If the compliance review board determines such
82 amendment is not in compliance with this paragraph, the
83 compliance review board shall notify such local government of
84 the noncompliance and that the amendment is invalid and
85 unenforceable until the local government corrects the amendment
86 to bring it into compliance. The local government may appeal the
87 decision of the compliance review board to the commission. If
88 the compliance review board determines such amendment to be in
89 compliance with this paragraph, any substantially affected party
90 may appeal such determination to the commission. Any such appeal
91 shall be filed with the commission within 14 days of the board's
92 written determination. The commission shall promptly refer the
93 appeal to the Division of Administrative Hearings by electronic
94 means through the division's website for the assignment of an
95 administrative law judge. The administrative law judge shall
96 conduct the required hearing within 30 days, and shall enter a
97 recommended order within 30 days of the conclusion of such
98 hearing. The commission shall enter a final order within 30 days
99 thereafter. The provisions of chapter 120 and the uniform rules
100 of procedure shall apply to such proceedings. The local

101 government adopting the amendment that is subject to challenge
102 has the burden of proving that the amendment complies with this
103 paragraph in proceedings before the compliance review board and
104 the commission, as applicable. Actions of the commission are
105 subject to judicial review pursuant to s. 120.68. The compliance
106 review board shall determine whether its decisions apply to a
107 respective local jurisdiction or apply countywide.

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

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

120 (7) (a) The commission, by rule adopted pursuant to ss.
121 120.536(1) and 120.54, shall update the Florida Building Code
122 every 5 ~~3~~ years. When updating the Florida Building Code, the
123 commission shall select the most current version of the
124 International Building Code, the International Fuel Gas Code,
125 the International Mechanical Code, the International Plumbing

126 Code, and the International Residential Code, all of which are
127 adopted by the International Code Council, and the National
128 Electrical Code, which is adopted by the National Fire
129 Protection Association, to form the foundation codes of the
130 updated Florida Building Code, if the version has been adopted
131 by the applicable model code entity. The commission shall select
132 the most current version of the International Energy
133 Conservation Code (IECC) as a foundation code; however, the IECC
134 shall be modified by the commission to maintain the efficiencies
135 of the Florida Energy Efficiency Code for Building Construction
136 adopted and amended pursuant to s. 553.901. The commission may
137 adopt the most current version of the National Electrical Code
138 if the commission finds that the delay of implementing the most
139 current version is likely to cause undue hardship to
140 stakeholders or to threaten the public health, safety, and
141 welfare. When updating the Florida Building Code, the commission
142 shall include a fiscal impact statement that documents the costs
143 and benefits of the updated Florida Building Code. Criteria for
144 the fiscal impact statement shall include the impact to local
145 government relative to enforcement, the impact to property and
146 building owners, and the impact to the industry relative to the
147 cost of compliance. The fiscal impact statement may not be used
148 as a basis for challenging the updated Florida Building Code for
149 compliance.

150 (g) Amendments or modifications to the foundation code

151 pursuant to this subsection shall remain effective only until
152 the effective date of a new edition of the Florida Building Code
153 every fifth ~~third~~ year. Amendments or modifications related to
154 state agency regulations which are adopted and integrated into
155 an edition of the Florida Building Code shall be carried forward
156 into the next edition of the code, subject to modification as
157 provided in this part. Amendments or modifications related to
158 the wind-resistance design of buildings and structures within
159 the high-velocity hurricane zone of Miami-Dade and Broward
160 Counties which are adopted to an edition of the Florida Building
161 Code do not expire and shall be carried forward into the next
162 edition of the code, subject to review or modification as
163 provided in this part. If amendments that expire pursuant to
164 this paragraph are resubmitted through the Florida Building
165 Commission code adoption process, the amendments must
166 specifically address whether:

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

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

174 3. The proposed amendment was submitted or attempted to be
175 included in the foundation codes to avoid resubmission to the

176 Florida Building Code amendment process.
 177 If the proposed amendment has been addressed in the
 178 international code in a substantially equivalent manner, the
 179 Florida Building Commission may not include the proposed
 180 amendment in the foundation code.

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

183 553.74 Florida Building Commission.—

184 (1) The Florida Building Commission is created and located
 185 within the Department of Business and Professional Regulation
 186 for administrative purposes. Members are appointed by the
 187 Governor subject to confirmation by the Senate. The commission
 188 is composed of 11 ~~27~~ members, consisting of the following:

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

197 (b) One structural engineer registered to practice in this
 198 state and actively engaged in the profession. The Florida
 199 Engineering Society is encouraged to recommend a list of
 200 candidates for consideration.

201 ~~(c) One air-conditioning or mechanical contractor~~
 202 ~~certified to do business in this state and actively engaged in~~
 203 ~~the profession. The Florida Air Conditioning Contractors~~
 204 ~~Association, the Florida Refrigeration and Air Conditioning~~
 205 ~~Contractors Association, and the Mechanical Contractors~~
 206 ~~Association of Florida are encouraged to recommend a list of~~
 207 ~~candidates for consideration.~~

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

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

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

225 (f)~~(g)~~ One plumbing contractor licensed to do business in

226 | this state and actively engaged in the profession. The Florida
 227 | Association of Plumbing, Heating, and Cooling Contractors is
 228 | encouraged to recommend a list of candidates for consideration.

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

235 | (h)~~(i)~~ Two ~~One~~ residential contractors ~~contractor~~ licensed
 236 | to do business in this state and actively engaged in the
 237 | profession, one of whom who builds an average of 100 or more
 238 | homes per year and the other of whom builds an average of fewer
 239 | than 20 custom homes per year. The Florida Home Builders
 240 | Association is encouraged to recommend a list of candidates for
 241 | consideration.

242 | (i)~~(j)~~ One member ~~Three members~~ who is ~~are~~ a municipal or
 243 | district codes enforcement official ~~officials~~, ~~one of whom is~~
 244 | ~~also a fire official~~. ~~The Building Officials Association of~~
 245 | ~~Florida and the Florida Fire Marshals and Inspectors Association~~
 246 | ~~are encouraged to recommend a list of candidates for~~
 247 | ~~consideration~~.

248 | ~~(k) One member who represents the Department of Financial~~
 249 | ~~Services.~~

250 | ~~(l) One member who is a county codes enforcement official.~~

251 ~~The Building Officials Association of Florida is encouraged to~~
252 ~~recommend a list of candidates for consideration.~~

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

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

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

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

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

274 ~~(r) One member who is a representative of the building~~
275 ~~owners and managers industry who is actively engaged in~~

276 ~~commercial building ownership or management. The Building Owners~~
277 ~~and Managers Association is encouraged to recommend a list of~~
278 ~~candidates for consideration.~~

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

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

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

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

296 ~~(w) One member who is a representative of a natural gas~~
297 ~~distribution system and who is actively engaged in the~~
298 ~~distribution of natural gas in this state. The Florida Natural~~
299 ~~Gas Association is encouraged to recommend a list of candidates~~
300 ~~for consideration.~~

CS/HB 901

2017

301 ~~(x) One member who is a representative of the Department~~
302 ~~of Agriculture and Consumer Services' Office of Energy. The~~
303 ~~Commissioner of Agriculture is encouraged to recommend a list of~~
304 ~~candidates for consideration.~~

305 ~~(y) One member who shall be the chair.~~

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