

# HB 697

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A bill to be entitled

An act relating to the Florida Building Code; amending s. 553.73, F.S.; limiting authority of the Florida Building Commission to modify certain proposals; prohibiting the commission from rejecting Technical Advisory Committee recommendations under certain circumstances; providing requirements; expanding required codes to be included in Florida Building Code updates; amending s. 553.74, F.S.; revising requirements for selecting members of the commission; expanding membership of the commission; repealing s. 553.731, F.S., relating to wind-borne-debris protection requirement; providing an effective date.

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

Section 1. Paragraph (d) of subsection (3) and paragraph (a) of subsection (6) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.--

(3) The commission shall select from available national or international model building codes, or other available building codes and standards currently recognized by the laws of this state, to form the foundation for the Florida Building Code. The commission may modify the selected model codes and standards as needed to accommodate the specific needs of this state. Standards or criteria referenced by the selected model codes shall be similarly incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be specifically set forth in the Florida Building Code. The Florida Building Commission may approve technical amendments to the code, subject to the requirements of subsections (7) and (8), after the amendments have been subject to the following conditions:

(d) Any proposal may be modified by the commission to correct scrivener's errors. However, the commission may not reject a Technical Advisory Committee recommendation without specificity and further review by the Technical Advisory Committee and additional based-on-public testimony and evidence from a public hearing held in accordance with chapter 120. The commission shall incorporate within sections of the Florida Building Code provisions which address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(6)(a) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 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, the International Energy Conservation 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 and made available to the public at least 6 months prior to its selection by the commission.

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 shall be located within the Department of Community Affairs for administrative purposes. Members shall be appointed by the Governor subject to confirmation by the Senate. The commission shall be composed of 24 ~~23~~ members, consisting of the following:

(a) One architect registered to practice in this state and actively engaged in the profession , selected from a list of three candidates provided by the American Institute of Architects, Florida Section .

(b) One structural engineer registered to practice in this state and actively engaged in the profession , selected from a list of three candidates provided by the Florida Engineering Society .

(c) One air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession , selected from a list of three candidates provided by the Florida Air Conditioning Contractors Association and the Florida Refrigeration and Air Conditioning Contractors Association .

(d) One electrical contractor certified to do business in this state and actively engaged in the profession , selected from a list of three candidates provided by the Florida Electrical Contractors Association .

(e) One member from fire protection engineering or technology who is actively engaged in the profession , selected from a list of three candidates provided by the Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors Association .

(f) One general contractor certified to do business in this state and actively engaged in the profession , selected from a list of three candidates provided by the Associated Builders and Contractors of Florida and the Florida Associated General Contractors Council .

(g) One plumbing contractor licensed to do business in this state and actively engaged in the profession , selected from a list of three candidates provided by the Florida Association of Plumbing, Heating, and Cooling Contractors .

(h) One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession , selected from a list of three candidates provided by the Florida Roofing, Sheet Metal and Air Conditioning Contractors Association .

(i) One residential contractor licensed to do business in this state and actively engaged in the profession , selected from a list of three candidates provided by the Florida Home Builders Association .

(j) Three members who are municipal or district codes enforcement officials, two of whom shall be selected from a list of four candidates provided by the Building Officials Association of Florida and one of whom is also a fire official , selected from a list of three candidates provided by the Florida Fire Marshals and Inspectors Association .

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

(l) One member who is a county codes enforcement official , selected from a list of three candidates provided by the Building Officials Association of Florida .

(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 , selected from a list of three candidates provided by

the Florida Manufactured Housing Association.

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession, selected from a list of three candidates provided by the Florida Engineering Society.

(p) One member who is a representative of a municipality or a charter county, selected from a list of three candidates provided by the Florida League of Cities and Florida Association of Counties.

(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, selected from a list of three candidates provided by the Florida Building Material Association, Florida Concrete and Products Association, and Fenestration Manufacturers Association.

(r) One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management, selected from a list of three candidates provided by the Building Owners and Managers Association.

(s) One member who is a representative of the insurance industry, selected from a list of three candidates provided by the Florida Insurance Council.

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

(u) One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession, selected from a list of three candidates provided by the Florida Swimming Pool Association.

(v) ~~(u)~~ One member who shall be the chair. Any person serving on the commission under paragraph (c) or paragraph (h) on October 1, 2003, and who has served less than two full terms is eligible for reappointment to the commission regardless of whether he or she meets the new qualification.

Section 3. Section 553.731, Florida Statutes, is repealed.

Section 4. This act shall take effect July 1, 2008.