

61G20-2.002 Updates and Amendments to the Florida Building Code.

(1) The Florida Building Commission shall update the Florida Building Code triennially in accordance with 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. The Commission shall also consider its own interpretations and declaratory statements, any relevant appellate decisions, and local technical amendments. For the purpose of conducting the review of the model codes, the following steps will be undertaken:

- (a) The Commission shall select the model codes that will be used to conduct its review.
- (b) 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 and comment on the Commission's website.
- (c) Commission staff shall review the model codes and identify any provisions which overlap with the provisions of the Florida Building Code, correlate directly with the provisions of the Florida Building Code, have an economic impact on consumers, or are necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, or the United States Department of Housing and Urban Development.
- (d) The Commission shall meet to approve the following types of model code provisions using consent agendas:
 1. [TBD by the Commission]
 2. [TBD by the Commission]

Commissioners or members of the public may request that particular model code provisions be removed from the consent agendas and be considered by the Commission's Technical Advisory Committees pursuant to paragraph (e).

(e) After the Commission has approved any model code provisions pursuant to paragraph (d), the Commission's Technical Advisory Committees (TACs) shall review the remaining model code provisions in their area of expertise for potential inclusion in the updated Florida Building Code. The TACs may make the following recommendations to the Commission:

1. That the Commission reject certain model code provisions by consent agenda. Model code provisions may be recommended for rejection due to such issues as being unnecessary, being in conflict with an existing Florida-specific provision, diminishing the requirements of provisions related to wind resistance or water intrusion, unnecessarily imposing additional costs, or potentially requiring modification or further investigation before being adopted for use in this state.
2. That the Commission approve certain model code provisions by consent agenda. When considering whether to recommend inclusion on a consent agenda for approval, the TACs shall consider such criteria as whether the model code provisions are editorial or organizational in nature, correct an error, provide clarification, provide for alternative design methods, are uncontroversial to affected stakeholders, or whose inclusion are mandated by law.
3. That the Commission approve or reject certain model code provisions after considering them individually. When recommending individual consideration of model code updates, the TACs shall consider such criteria as whether the update has the potential to impose significant costs, cause confusion or regulatory difficulty, may be unnecessary, is highly controversial to affected stakeholders, or requires further evaluation.

The TACs' recommendations shall be accompanied by a brief explanatory remark, and will be posted on the Commission's website.

(f) After the TACs have reviewed the model code provisions and made their recommendations pursuant to paragraph (e), the Commission shall meet to determine which model code provisions to include in the updated edition of the Florida Building Code. Notwithstanding the TACs' recommendations, Commissioners or members of the public may request that particular provisions on consent agendas be considered individually. After Commission approval, all of the approved changes to the Florida Building Code 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 (2) of this rule.

(2) The Commission may amend the Code at any time pursuant to the requirements of paragraph 553.73(7)(c), F.S., or subsection 553.73(8), F.S., and once each year pursuant to subsection 553.73(9), F.S. Amendments to the Florida Building Code submitted pursuant to paragraph 553.73(7)(c), F.S., subsection 553.73(8), F.S., or 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 TAC, which will consider the proposal and all documentation submitted therewith, and consider whether to recommend approval, which shall require a two-thirds vote. The TAC may modify a proposed amendment if it provides the documentation required by subsection (2) of this rule. After modification, the Committee must then vote whether to recommend adoption as amended.

(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 TAC. 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 TAC. 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 (2) of this rule 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.

(3) 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.

(4) [Potential sunset provision]

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,_____.