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**M E M O R A N D U M**

TO: Structural TAC members and Mo Madani

FROM: Suzanne H. Schmith  
Staff Attorney

SUBJECT: Modification of the Base Code

DATE: March 2, 1999

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The TAC has requested an opinion regarding whether they can modify the base code to include a change adopted by national standards setting entity if that change will weaken the base code.

I see this as more of a policy issue than a legal one. The commission has adopted its own criteria for assessment of proposed modifications, one of which is whether the modification strengthens the base code. However, this criteria must be balanced with others, such as whether the proposal is based on sound science. The TAC should discuss the standard in the context of all the criteria before determining whether to adopt it outright or to modify it for inclusion in the Florida Building Code.

While the question of whether to include a proposed change which would weaken the base code is not strictly a legal issue, there is a basic legal consideration for all proposed modifications. The only criteria for modifications to the base code from chapter 98-287, Fla. Laws, is that they be made "as needed to accommodate the specific needs of the state." *See* s. 553.73(3), F.S. (1998 Supp.) The TAC should further consider the proposed change in light of this one legal criteria.