

**61G20-2.002 Statewide Amendments to the Florida Building Code.**

(1) The Florida Building Commission may amend the Florida Building Code once each year for the following purposes:

(a) To incorporate its own interpretations of the code which are embodied in its own opinions and declaratory statements.

(b) To address emergency issues upon a finding that amendment is necessary to protect the health, safety and welfare of the citizens of Florida.

(c) To adopt new editions and addenda of referenced standards.

(d) To maintain consistency with federal laws and regulations.

(e) To maintain consistency with state laws and rules.

(f) To maintain coordination with the Florida Fire Prevention Code pursuant to Section 553.73(1)(d) and (3), F.S.

(2) Definitions. As used in this rule, the following terms shall have the meaning indicated unless the context clearly requires a contrary definition:

(a) Amendment means an alteration to the adopted provisions of the Florida Building Code. Amendments shall include all alterations referenced in Rule 61G20-2.002, F.A.C., whether adopted by the Commission for statewide or regional application; or the local authority having jurisdiction, referred to as local amendments. More specifically,

1. Technical amendment means an alteration to the prescriptive requirements or reference standards for construction adopted by the code;

2. Administrative amendment means an addition to or amendment of the requirements adopted by the code for enforcement of the prescriptive requirements or reference standards for construction adopted by the code;

(b) Strengthens means to make more stringent and provide for greater lifesafety;

(c) Improves means to make more responsive to the context of application; statewide, regional or local; on the basis of experience or newly presented information without compromising or decreasing lifesafety requirements.

(3) The Florida Building Commission shall update the Florida Building Code triennially. When updating the code, the Commission shall consider changes made by the adopting entity of any selected model code which forms the basis of the Florida Building Code, the Commission's own interpretations, declaratory statements, appellate decisions, and local technical amendments. The Commission may adopt the new edition or successor of the model codes, or any part thereof, no sooner than six months after such model code has been adopted by the adopting organization. When adopting the new edition or successor of the model codes, the fiscal impact statement required by subsection 61G20-1.001(3), F.A.C., does not apply, unless an interested party requests one in writing.

(4) For the purpose of amending the Florida Building Code, each proposed amendment to the Florida Building Code shall be submitted on the Code Amendment Proposal, Form No. 61G20-1.001, effective October 2012, adopted and incorporated herein, which may be found on the Building Code Information System at [http://www.floridabuilding.org/cm/cm\\_code\\_srch.aspx](http://www.floridabuilding.org/cm/cm_code_srch.aspx), or at <https://www.flrules.org/Gateway/reference.asp?No=Ref-02861>, or by contacting the Department of Business and Professional Regulation, Office of Codes & Standards, 2601 Blairstone Road, Tallahassee, Florida 32399-0772. The Code Amendment Proposal form shall be submitted online at [http://www.floridabuilding.org/cm/cm\\_code\\_srch.aspx](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 eleven questions, as set forth in Section 553.72, F.S., regarding fiscal and other impacts have been answered by the proponent. The term "NA" or "Not applicable" shall be considered an insufficient answer. 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.

(5) Each proposed amendment will be heard first by the appropriate Technical Advisory Committee, which will consider the proposal and all documentation submitted therewith, and consider whether to recommend approval by a 75% vote. If the proposal fails to achieve a 75% favorable vote, it is forwarded to the Commission for action based upon the applicable criteria. The Committee may modify the proposed amendment if it provides the documentation required by subsection 61G20-1.001(3), F.A.C. After modification, the Committee must then vote whether to recommend adoption as amended. If the proposed amendment as modified fails to achieve a 75% favorable vote, the proposal is forwarded to the Commission for action.

(6) The Commission shall publish each proposed amendment on its website at [www.floridabuilding.org](http://www.floridabuilding.org) at least 45 days prior to its consideration by the appropriate Technical Advisory Committee, except those amendments submitted pursuant to Section 553.73(7), F.S. This notice may run concurrently with the notice required by Section 120.54(2), F.S., and is not intended to extend the required rulemaking timeframes therein.

(7) The full Commission shall consider and vote upon each proposed amendment after consideration by at least one Technical Advisory Committee. The Commission may act on a consent agenda of those proposals which receive the required 75% vote at the Committee level to deny the amendment. The Commission must take action on all proposed amendments regardless of the Committee's recommendation. The decision of the Commission to approve a proposed amendment shall be by 75% 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 61G20-1.001(3), F.A.C., is amended to reflect the modification and supporting documentation is submitted.

(8) The Commission shall publish each proposed amendment on its website at [www.dca.state.fl.us/fhcd/fbc](http://www.dca.state.fl.us/fhcd/fbc) at least 45 days prior to its consideration by the full Commission, except those amendments submitted pursuant to Section 553.73(7), F.S. This notice may run concurrently with the notice required by Section 120.54(3), F.S., and is not intended to extend the required rulemaking timeframes therein.

(9) Each amendment approved for adoption by the Florida Building Commission, except those amendments approved pursuant to Section 553.73(8), F.S., shall take effect no earlier than three months after the rule amendment is filed for adoption with the Department of State.

*Rulemaking Authority 553.73(3), (7), (8), (9) FS. Law Implemented 553.73(3), (6), (7), (8) 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.*