

FHBA Supports SB 7000

The FHBA provides the following information on SB 7000 regarding how the Florida Building Code is developed. This FHBA priority legislation reverses the manner in which Florida's Building Code is adopted while still allowing for International Code Council (ICC) provisions.

Florida's Building Commission currently adopts the latest version of the ICC codes and sunsets all Florida Specific amendments. The burden of proof is placed on advocates to prove why a specific provision in the ICC is not good for Florida. This process is backwards. In every other aspect of promulgating rules or statutory changes, the burden is to justify why the proposed change is necessary.

There have been concerns expressed by the Building Officials Association of Florida (BOAF) about SB 7000. The material below will arm you with the necessary information to diffuse their concerns.

The first set of statements are the concerns expressed by the *BOAF (italicized)* followed by FHBA's position. Please [click here](#) to view BOAF's Position Statement on SB 7000.

Following this commentary, please find FHBA's stand-alone talking points for SB 7000.

BOAF/FHBA Commentary

Senate Bill 7000 proposes to stop the advancement and automatic update of the International Codes and the National Electrical Code by only using the currently adopted version of the Florida Building Code (6th Edition to become effective at the end of 2017), and then all future editions of the International Codes will no longer serve as the base for the Florida Building Code. The results of this action will be very detrimental to the various stakeholders in the construction industry, including building owners, designers, builders, cities, counties, code officials and citizens of Florida.

- The key change in SB 7000 is that there will no longer be an automatic adoption of the ICC, which brings with it provisions that are not appropriate to Florida. The current process requires the Florida Building Commission to adopt the ICC in totality then remove or amend what is not appropriate to Florida. SB 7000 stipulates that the Florida Building Commission must review the building code every three years and that they must consider the ICC as part of the review process. SB 7000 requires a triennial review of the code by requiring that proposed changes be noticed, debated, understood and vetted for Florida applicability prior to adoption. This is the same process by which all other rules and regulations in Florida are amended. SB 7000 brings Sunshine to the code development process.

Locking in place the current version of the International Codes stops the potential advancement of innovation, better building systems alternatives, updates in technology, updates in standards referenced by the base code, opportunities to improve the base code and other unintended consequences, including depriving the citizen of Florida with best building code in the United States.

- False. SB 7000 requires the code to be reviewed for changes every three years. Unlike the current practice of blindly adopting code revisions, each proposed change will be debated and justified in a transparent manner focusing on whether or not its adoption is in the best interest of Florida's citizens. SB 7000 requires this process to include a review of the most recent ICC to determine what provisions are applicable to Florida.

The latest International Code update is correlated with Florida's Fire Prevention Code (also on a 3 year update cycle). Similar to the building code, the Florida Fire Prevention Code has the National Fire Protection Association codes as its base, and it is inconceivable that the Fire codes for Florida would ever lock in place one edition of the Fire Codes similar what is proposed here for the building code. Removing Florida's Building Code from the current 3 year cycle makes the correlation with the fire codes more difficult and over time will create an inferior building code.

- False. The ICC is correlated with the National Fire Code, not automatically with Florida's Fire Prevention Code. The process of correlating Florida's Building Code with Florida's Fire Prevention Code is not changed by SB 7000. SB 7000 maintains the long-standing doctrine that if a conflict exists between Florida's Building Code and Fire Prevention Code, the most stringent code supersedes.

To receive financial assistance, the Federal Emergency Management Agency (FEMA) requires all jurisdictions experiencing floods, hurricanes and similar catastrophic events have in effect the latest International Code and Electrical Code versions. This is part of their "Public Assistance Required Minimum Standards" Policy FP-104-009-04. Florida has 35% of the Flood policies in the entire United States and is particularly at risk due storm surge during high wind events.

- False. SB 7000 requires a review of the latest ICC to determine what provisions are applicable to Florida, which include flood mitigation standards required for FEMA's emergency hazard relief. Currently, many states and jurisdictions have yet to implement the latest version of the ICC; some using versions as far back as 2000 or 2003. States and jurisdictions who utilize prior base codes have not reported issues with code related financing difficulties from FEMA, HUD or any other federal agency.

The Insurance Service Office (ISO) rating system gives credits to property insurance policy holders in communities that have adopted the most recent International Code and Electrical Code versions when rating fire and building departments. By correcting the current Florida Building Code, property casualty rates throughout the State of Florida will constantly increase, as time goes on detrimentally impacting property owners state-wide.

- This is an over statement. SB 7000 does not prohibit the Florida Building Commission from considering an ISO ranking when vetting an amendment to the code. The ISO ranking is not solely determined by the adoption of the most recent model code. The ISO ranking is based on many factors - more heavily weighted on building code enforcement, continuing education requirements, and building department workloads. States who utilize prior base codes have not experienced detrimental impacts to property and casualty rates. In reality, a costly requirement that makes it into the ICC can be more detrimental to the Florida consumer than a slightly lower ISO rating.

Training and education courses required by the State for all code professionals, designers (engineers & architects) and building, mechanical, plumbing and electrical contractors required to maintain licensure will need to be separately modified for use in Florida due to having a base code that will progressively become out-of-date with the model International Codes over time.

- False. Professionals are currently required to maintain licensure in a capacity that is separately modified for use in Florida. SB 7000 does not change this requirement.
- False. SB 7000 will require the Florida Building Code to be updated every three years, just as it is under current law. However, those updates will now undergo transparent consideration by the Florida Building Commission increasing everyone's knowledge of key changes. Code standards should dictate the training and not the training dictate the code standards.

Using the copyrighted material of the "locked in" base code with future annual technical amendments (as proposed) will become problematic and very costly to the State of Florida, unless the state writes a separate code. Writing a separate non-copyrighted Florida code will not only be exorbitantly costly but would be a step backward to a time 15 to 20 years ago when states, and large cities had their own separate building codes. For this reason, one unified national code (the International Family of Codes) was written, allowing designers, builders and code official's one common resource for safe, energy efficient and accessible building standards.

- False. SB 7000 requires a process to include a review of the most recent ICC to determine what provisions are applicable to Florida. Since Florida's current building code is an amended version of the ICC, the copyright issues will not undergo a major shift.

Building Code Officials daily work with architects, engineers and residential designers who also work with the International Code throughout the United States, and are therefore fairly familiar with a majority of the provisions of the Florida Building. Moving away from the 3 year update of the International Codes and only using a separate different model code will, over time, hinder professional code enforcement and will be a loss of the beneficial qualities of using a model code that is used throughout the country. This can apply as well to general contractors in commercial construction, industry manufacturers and suppliers as well.

- False. SB 7000 requires a process to include review of the most recent ICC, increasing professional code enforcement as adoptions will be transparently vetted allowing industry professionals the opportunity to know major changes. Currently, contractors are struggling to keep up with triannual code changes not adopted in a fully transparent manner. Please [click here](#) to review the attached chart where the United States, with respect to adoption of the ICC codes, is not currently uniform or fairly familiar.

FHBA TALKING POINTS FOR SB 7000 RELATING TO CODE DEVELOPMENT PROCESS

1. SB 7000 provides that the latest edition of the Florida Building Code (6th edition) becomes the base code (foundation) for Florida and subsequently would be amended with appropriate provisions from the International Code Council model codes—in essence, it revamps the current code adoption process;
2. SB 7000 maintains the Florida-specific amendments to the Florida Building Code while still providing opportunity for stakeholders to offer new technical amendments;
3. SB 7000 shifts control of code-writing to the Florida Building Commission, comprised of experts in the various construction fields—roofing, plumbing, mechanical, fire, building materials, contractors, engineers, architects, building officials, state agency construction experts—rather than the ICC process which only allows government regulators/building & fire code officials to vote on code amendments;
4. SB 7000 preserves the efficiencies of the International Energy Conservation Code as part of the Florida Building Code and does not make any changes to the Thermal Energy Efficiency Standards in 553.901, F. S.
5. SB 7000 firmly keeps Florida’s more stringent wind resistance and water intrusion prevention standards and code provisions and prohibits weakening such provisions;
6. SB 7000 maintains the “glitch” code process for amendments that incorporate the latest reference standards, updates and allows for new technological enhancements with respect to construction standards;
7. SB 7000 is a better alternative to skipping a code cycle as it would still require a review of new code standards every 3 years, in sync with fire code updates; and,
8. SB 7000 does not diminish construction safety standards and does not affect incorporation of the Florida Fire Prevention Code. Rather, SPB 7000 keeps the ability to correlate differences between the Florida Building Code and the Florida Fire Prevention Code with the more stringent code applicable.

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