



STAFF MEMORANDUM

Date: October 29, 2025
From: Chris Frassetto, Community Development Director
To: Niceville City Council
Through: David Deitch, City Manager
RE: Ordinance 25-12-02 – Florida Building Code & National Electrical Code References

Action Requested:

Motion to approve the amendment of Sections 5-31 and 5-61 of the Code of Ordinances to update references to the adopted versions of the Florida Building Code and National Electrical Code (NFPA 70).

Background:

In accordance with Chapter 553, Florida Statutes, the City of Niceville adopts and enforces the Florida Building Code and the National Electrical Code (NEC), NFPA 70 as the minimum standards for construction and electrical systems within the city. Florida Statute § 553.73 mandates that the Florida Building Commission update the Florida Building Code every three years, and § 553.88 adopts the current edition of the NEC (NFPA 70) as the statewide standard for electrical installations.

The City's Code of Ordinances currently references outdated editions of both the Florida Building Code and the NEC (NFPA 70). To remain compliant with state law and ensure consistency with the most recent standards adopted by the Florida Building Commission, it is necessary to update the City's ordinances to reflect the latest editions of these codes.

Funding Source: No funding is required to implement this ordinance.

Options: Approve/Deny/Postpone/Modify

Recommendation: Motion to approve Ordinance 25-12-02 to amend Chapter 5, Sections 5-31 and 5-61 of the Code of Ordinances to update references to the adopted versions of the Florida Building Code and National Electrical Code (NFPA 70).

ORDINANCE NO. 25-12-02

AN ORDINANCE OF THE CITY OF NICEVILLE, FLORIDA, AMENDING CHAPTER 5, ARTICLE II AND ARTICLE III OF THE CODE OF ORDINANCES TO UPDATE REFERENCES TO THE FLORIDA BUILDING CODE AND THE NATIONAL ELECTRICAL CODE; PROVIDING FOR SEVERABILITY, ENFORCEMENT, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

SECTION 1: AUTHORITY. The authority for enactment of this Ordinance is Section 166.021, Florida Statutes, and the City Charter.

SECTION 2: FINDINGS OF FACT.

WHEREAS, the City of Niceville is committed to maintaining up-to-date building code standards to ensure the safety, welfare, and quality of life for its residents;

WHEREAS, the Florida Building Commission has adopted the Florida Building Code, 8th Edition (2023), effective December 31, 2023, as the current statewide building code;

WHEREAS, the Florida Building Commission is responsible for updating the Florida Building Code every 3 years.

WHEREAS, the Florida Building Code references the National Electrical Code (NFPA 70), as the applicable standard for electrical installations;

WHEREAS, the City of Niceville desires to amend its Code of Ordinances to reflect the adoption of these updated standards;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NICEVILLE, FLORIDA:

SECTION 3. RECITALS. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 4. CODE OF ORDINANCES. Chapter 5, Articles II and III of The Code of Ordinances of the City of Niceville are hereby amended to read as follows:

Article II, Section 5-31 of the Code of Ordinances is hereby amended to read:

Sec. 5-31. Florida Building Code adopted.

There is hereby adopted by reference by the city for the purpose of prescribing regulations governing all aspects of building, the Florida Building Code, ~~2017-latest edition-, and associated volumes, as adopted by rule of the Florida Building Commission, as amended from time to time, or such updated or revised version as may be adopted or promulgated~~ pursuant to F.S. § 553.73. ~~The code is comprised of nine (9) main volumes; the Florida Building Code, Building, which also contains state regulations for licensed facilities; the Florida Building Code, Plumbing; the Florida Building Code, Mechanical; the Florida Building Code, Fuel Gas; the Florida Building Code, Existing Building; the Florida Building Code, Residential; the Florida Building Code, Energy Conservation; the Florida Building Code,~~

~~Accessibility and the Florida Building Code, Test Protocols for High Velocity Hurricane Zones.~~ These codes and their adoption by reference incorporates same as if fully set out in this article, and the provisions shall be controlling within the corporate limits of the city.

Article III, Section 5-61 of the Code of Ordinances is hereby amended to read:

Sec. 5-61. Electrical code adopted.

~~There is hereby adopted by reference by the city for the purpose of prescribing regulations governing all aspects of building, the National Electric Code (NEC), 2014 edition or such updated or revised version as may be updated, Chapter 27 of the Florida Building Code, Building adopts the National Electric Code, NFPA 70, by reference.~~ The City hereby adopts by reference the edition of NFPA 70, National Electrical Code (NEC), as prescribed by the Florida Building Code. The applicable edition shall be the same as that adopted by the Florida Building Commission pursuant to Florida Statutes § 553.73, and shall govern all aspects of building-related electrical regulations.

SECTION 5. SEVERABILITY. In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared severable.

SECTION 6. CODIFICATION. It is the intention of the Niceville City Council that the provisions of this Ordinance shall become a part of the City’s Code of Ordinances; and that sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “chapter”, “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or recodified copy of the same with the City Clerk.

SECTION 7. EFFECTIVE DATE. The provisions of this Ordinance shall take effect as provided by law.

PASSED AND ENACTED in regular session upon the second and final reading by the City Council of the City of Niceville, Florida this 9th day of December, 2025.

Daniel Henkel, Mayor

ATTEST

Approved as to legal form and sufficiency for the City of Niceville, only.

Wendy Farmer, City Clerk

Steve Hall, City Attorney