

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Sullivan

316-1913-02

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A bill to be entitled

An act relating to Pinellas County; amending chapter 75-489, Laws of Florida, as amended; revising provisions relating to adoptions of codes; providing for severability; providing a contingent retroactive effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Notwithstanding section 136 of chapter 2000-141, Laws of Florida, Part III of chapter 75-489, Laws of Florida, as amended, is reenacted and amended to read:

Section 27. It is the intent of the legislature to provide for uniform building codes and uniform life safety codes for Pinellas County. It is further the intent of the legislature to provide for continuing uniformity of the aforementioned codes by placing the sole authority for making technical amendments to the codes, applicable within the boundaries of Pinellas County, with the Pinellas County Construction Licensing Board.

Section 28. For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures, Pinellas County hereby recognizes as applicable to the county ~~adopts~~ the codes known as:

(1) The Florida Standard Building Code, as may be amended or update pursuant to general law.

(2) The Florida Fire Prevention Code, as may be amended or replaced pursuant to general law ~~NFPA Natural Gas Code 54 and the NFPA L.P. Gas Code 58.~~

1 ~~(3) The National Electrical Code.~~

2 ~~(4) The Standard Mechanical Code.~~

3 ~~(5) The Standard Plumbing Code.~~

4 ~~(6) The National Fire Protection Association Life~~
5 ~~Safety Code 101.~~

6 ~~The codes are incorporated in this law as fully as if~~
7 ~~set out at length. Copies of all applicable codes, appendices~~
8 ~~and amendments or variations thereto adopted by the board~~
9 ~~pursuant to the provisions of section 29 of this part, shall~~
10 ~~be filed with and available for inspection at the office of~~
11 ~~the board.~~

12 Section 29. ~~The board shall have the power to adopt~~
13 ~~editions of the codes referenced in section 28, and appendices~~
14 ~~thereto.~~The board shall ~~also~~ have the power to amend the
15 codes from time to time, subject to the requirements of
16 section 553.73(4), Florida Statutes, and may adopt variations
17 for different areas of the county if the variations are
18 justified under the procedures contained herein and in section
19 ~~ss. 553.18 and 553.73,~~ Florida Statutes. Before making any
20 amendment or variation, the board shall refer the proposed
21 amendment to the appropriate county-wide Board of Adjustment
22 and Appeals described in Section 32 for study and
23 recommendations. The board shall then hold a public hearing
24 on the proposed amendment or variation and shall reject,
25 adopt, or defer action upon the recommendation of the Board of
26 Adjustment and Appeals. A two-thirds vote of the board is
27 required to reject any recommendation of the Board of
28 Adjustment and Appeals. The board may adopt amendments to the
29 codes that are necessary as a condition precedent to any
30 federal or state sponsored program and the governing body of
31 any municipality or the county may adopt amendments to the

1 administrative chapter of the Florida Building Code ~~all~~
2 ~~standard codes~~. For the purposes of section 553.73, Florida
3 Statutes, and chapter 98-287, Laws of Florida, as amended by
4 chapter 98-419, Laws of Florida, and chapter 2001-186, Laws of
5 Florida, and as may be subsequently amended, the Pinellas
6 County Construction Licensing Board shall be the sole local
7 governing body authorized to make technical amendments to the
8 Florida Building Code or the Florida Fire Prevention Code and
9 is deemed to be the countywide compliance review board for
10 Pinellas County as required by section 553.73(4)(b)7., Florida
11 Statutes. The Pinellas County Construction Licensing Board
12 shall likewise be the local administrative board for the
13 provision of interpretations upon request of local building
14 officials and for the resolution of conflicts of
15 interpretations between local building officials and local
16 fire code enforcement officials. The resolution of these
17 disputes shall be in accordance with applicable general law.
18 The decision of the board interpreting a code, resolving a
19 conflict of interpretation or to adopt an amendment following
20 a recommendation by the applicable Board of Adjustment and
21 Appeals, shall be the final local determination of the matter
22 which is subject to appeal to the Florida Building Commission
23 pursuant to section 553.73, Florida Statutes.

24 Section 30. Except as provided in this law for
25 amendments and variations, the codes shall be exclusively
26 controlling in the construction of all buildings and
27 structures within Pinellas County and no municipality of the
28 county shall adopt any technical amendments, ordinances, rules
29 or regulations for the construction, alteration, removal,
30 demolition, equipment, use, occupancy, location and
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1 maintenance of buildings and structures that conflict with the
2 codes as amended.

3 Section 31. Inspection and enforcement of the codes
4 shall be effected by the county, the municipalities in
5 Pinellas County or the authorized designees of either.

6 Section 32. (1) The board shall create four Boards of
7 Adjustment and Appeals as follows:

8 (a) A plumbing, mechanical and gas Board of Adjustment
9 and Appeals consisting of one (1) mechanical engineer, two (2)
10 plumbing contractors, two (2) natural gas contractors and two
11 (2) mechanical or Class A air conditioning contractors. This
12 Board of Adjustment and Appeals shall have the powers and
13 duties specified in subsection (2) for appeals relating to
14 plumbing, mechanical and gas provisions of the Florida
15 Building Code ~~codes~~.

16 (b) An electrical board consisting of one (1)
17 electrical engineer, two (2) electrical contractors and one
18 (1) member of the building industry at large. This board shall
19 have the powers and duties provided in subsection (2) for
20 appeals relating to the electrical code.

21 (c) A Board of Adjustment and Appeals for the Florida
22 ~~Standard~~ Building Code provisions not falling within the
23 jurisdiction of the boards created by subsection (a) or (b).

24 (d) A life safety and fire code Board of Adjustment
25 and Appeals of two (2) active fire marshals, two (2) active
26 building officials and a fifth member to be selected from the
27 joint recommendation of the fire marshals and building
28 officials comprising said board.

29 (2) Any appeal which may be brought before either the
30 Board of Adjustment and Appeals for the Florida Standard
31 Building Code or the Board of Adjustment and Appeals for the

1 Life Safety and Fire Code, shall be referred to the latter.
2 The Board of Adjustment and Appeals for the Life Safety and
3 Fire Code shall determine whether or not it has jurisdiction
4 over said appeal. Upon a determination that said board has no
5 jurisdiction, the appeal shall be considered by the Board of
6 Adjustment and Appeals for the Florida ~~Standard~~ Building Code.
7 The Boards of Adjustment and Appeals shall meet as frequently
8 as is required but not less often than once every three
9 months. Members of the boards shall serve without
10 compensation. Any person aggrieved by a ruling of a building
11 director or a fire marshal or other fire official of any
12 municipality or of the county, or any building director or
13 fire marshal or other fire official desiring interpretation of
14 a code, may file a written appeal to the proper Board of
15 Adjustment and Appeals. Provided, however, if the
16 municipality in which the dispute occurred has established a
17 Board of Adjustment and Appeals the aggrieved party must first
18 appeal to the municipal board. After a decision is rendered
19 by the municipal board the aggrieved party shall have 15 days
20 to file the appeal provided for in this subsection. The
21 decision of the boards shall be furnished to the appealing
22 party in writing within 15 days after the meeting at which the
23 appeal was considered. The decisions of the boards are
24 subject to appeal to the Florida Building Commission pursuant
25 to section 553.73, Florida Statutes.

26 Section 33. The respective Boards of Adjustment and
27 Appeals shall have authority to interpret its respective code
28 adopted for the county. Interpretations of the codes shall be
29 based upon specific findings of fact and may be made when any
30 provision of the code is ambiguous as applied to an activity
31 subject to the code or to allow alternate material and types

1 of construction if found to be in conformity with the intent
2 of said code. The codes shall be interpreted liberally to
3 provide safe, economic and sound buildings and structures in
4 the county. Code interpretations of any Board of Adjustment
5 and Appeals made under this section shall be final
6 administrative actions and shall not be subject to review by
7 the board. Final decisions of the board or any Board of
8 Adjustment and Appeals shall be based upon substantial
9 competent evidence and shall be subject to review by the
10 Florida Building Commission or the Florida Fire Marshal
11 ~~certiorari review in the circuit court of the judicial circuit~~
12 ~~in and for Pinellas County.~~

13 Section 2. If any section, subsection, sentence,
14 clause, phrase, or provision of this law is for any reason
15 held invalid or unconstitutional by any court of competent
16 jurisdiction, such holding shall not be construed to render
17 the remaining provisions of this law invalid or
18 unconstitutional.

19 Section 3. This act shall take effect March 1, 2002,
20 and, if it does not become a law on or before that date, it
21 shall take effect upon becoming a law and operate
22 retroactively to March 1, 2002.

23
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 SB 1092

27 This CS differs from the bill as filed in that it grants an
28 explicit exception to section 136 of chapter 2000-141, L.O.F.,
29 which repealed special acts relating to building codes,
30 reenacts Part III of chapter 75-489, L.O.F., and contains
31 specific references to the new Florida Building Code.