

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Local Government & Veterans Affairs offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

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

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1 maintenance of buildings and structures, Pinellas County
2 hereby recognizes as applicable to the county ~~adopts~~ the codes
3 known as:

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

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

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

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

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

12 ~~(6) The National Fire Protection Association Life~~
13 ~~Safety Code 101.~~

14 ~~The codes are incorporated in this law as fully as if~~
15 ~~set out at length. Copies of all applicable codes, appendices~~
16 ~~and amendments or variations thereto adopted by the board~~
17 ~~pursuant to the provisions of section 29 of this part, shall~~
18 ~~be filed with and available for inspection at the office of~~
19 ~~the board.~~

20 Section 29. ~~The board shall have the power to adopt~~
21 ~~editions of the codes referenced in section 28, and appendices~~
22 ~~thereto. The board shall also have the power to amend the~~
23 ~~codes from time to time, subject to the requirements of~~
24 ~~section 553.73(4), Florida Statutes, and may adopt variations~~
25 ~~for different areas of the county if the variations are~~
26 ~~justified under the procedures contained herein and in section~~
27 ~~ss. 553.18 and 553.73, Florida Statutes. Before making any~~
28 ~~amendment or variation, the board shall refer the proposed~~
29 ~~amendment to the appropriate county-wide Board of Adjustment~~
30 ~~and Appeals described in Section 32 for study and~~
31 ~~recommendations. The board shall then hold a public hearing~~

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

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

10 Section 31. Inspection and enforcement of the codes
11 shall be effected by the county, the municipalities in
12 Pinellas County or the authorized designees of either.

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

15 (a) A plumbing, mechanical and gas Board of Adjustment
16 and Appeals consisting of one (1) mechanical engineer, two (2)
17 plumbing contractors, two (2) natural gas contractors and two
18 (2) mechanical or Class A air conditioning contractors. This
19 Board of Adjustment and Appeals shall have the powers and
20 duties specified in subsection (2) for appeals relating to
21 plumbing, mechanical and gas provisions of the Florida
22 Building Code codes.

23 (b) An electrical board consisting of one (1)
24 electrical engineer, two (2) electrical contractors and one
25 (1) member of the building industry at large. This board shall
26 have the powers and duties provided in subsection (2) for
27 appeals relating to the electrical code.

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

31 (d) A life safety and fire code Board of Adjustment

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1 and Appeals of two (2) active fire marshals, two (2) active
2 building officials and a fifth member to be selected from the
3 joint recommendation of the fire marshals and building
4 officials comprising said board.

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

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1 to section 553.73, Florida Statutes.

2 Section 33. The respective Boards of Adjustment and
3 Appeals shall have authority to interpret its respective code
4 adopted for the county. Interpretations of the codes shall be
5 based upon specific findings of fact and may be made when any
6 provision of the code is ambiguous as applied to an activity
7 subject to the code or to allow alternate material and types
8 of construction if found to be in conformity with the intent
9 of said code. The codes shall be interpreted liberally to
10 provide safe, economic and sound buildings and structures in
11 the county. Code interpretations of any Board of Adjustment
12 and Appeals made under this section shall be final
13 administrative actions and shall not be subject to review by
14 the board. Final decisions of the board or any Board of
15 Adjustment and Appeals shall be based upon substantial
16 competent evidence and shall be subject to review by the
17 Florida Building Commission or the Florida Fire Marshal
18 ~~certiorari review in the circuit court of the judicial circuit~~
19 ~~in and for Pinellas County.~~

20 Section 2. If any section, subsection, sentence,
21 clause, phrase, or provision of this law is for any reason
22 held invalid or unconstitutional by any court of competent
23 jurisdiction, such holding shall not be construed to render
24 the remaining provisions of this law invalid or
25 unconstitutional.

26 Section 3. This act shall take effect upon the
27 effective date of the Florida Building Code.
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