

757-118BXA-37

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

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

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Representative(s) Carassas offered the following:

Substitute Amendment to Amendment (794633) (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:

Part III

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,

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1 demolition, equipment, use, occupancy, location and
2 maintenance of buildings and structures, Pinellas County
3 hereby recognizes as applicable to the county ~~adopts~~ the codes
4 known as:

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

7 (2) The applicable version of the National Fire
8 Protection Association Life Safety Code 101 adopted through
9 the provisions of the Florida Fire Prevention Code or adopted
10 pursuant to the powers of the Florida State Fire Marshal as
11 described in Florida Administrative Code s. 4A-60, as either
12 may be subsequently amended ~~NFPA Natural Gas Code 54 and the~~
13 ~~NFPA L.P. Gas Code 58.~~

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

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

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

17 ~~(6) The National Fire Protection Association Life~~
18 ~~Safety Code 101.~~

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

25 Section 29. ~~The board shall have the power to adopt~~
26 ~~editions of the codes referenced in section 28, and appendices~~
27 ~~thereto.~~ The board shall ~~also~~ have the power to amend the
28 codes from time to time, subject to the requirements of
29 section 553.73(4), Florida Statutes, and may adopt variations
30 for different areas of the county if the variations are
31 justified under the procedures contained herein and in section

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1 ~~ss. 553.18~~ and 553.73, Florida Statutes. Before making any
2 amendment or variation, the board shall refer the proposed
3 amendment to the appropriate county-wide Board of Adjustment
4 and Appeals described in Section 32 for study and
5 recommendations. The board shall then hold a public hearing
6 on the proposed amendment or variation and shall reject,
7 adopt, or defer action upon the recommendation of the Board of
8 Adjustment and Appeals. A two-thirds vote of the board is
9 required to reject any recommendation of the Board of
10 Adjustment and Appeals. The board may adopt amendments to the
11 codes that are necessary as a condition precedent to any
12 federal or state sponsored program and the governing body of
13 any municipality or the county may adopt amendments to the
14 administrative chapter of the Florida Building Code ~~all~~
15 ~~standard codes~~. For the purposes of section 553.73, Florida
16 Statutes, and chapter 98-287, Laws of Florida, as amended by
17 chapter 98-419, Laws of Florida, and chapter 2001-186, Laws of
18 Florida, and as may be subsequently amended, the Pinellas
19 County Construction Licensing Board shall be the sole local
20 governing body authorized to make technical amendments to the
21 Florida Building Code or the version of the National Fire
22 Protection Association Life Safety Code 101 as described in
23 section 28 and is deemed to be the countywide compliance
24 review board for Pinellas County as required by section
25 553.73(4)(b)7., Florida Statutes. The Pinellas County
26 Construction Licensing Board shall likewise be the local
27 administrative board for the provision of interpretations upon
28 request of local building officials and for the resolution of
29 conflicts of interpretations between local building officials
30 and local fire code enforcement officials. The resolution of
31 these disputes shall be in accordance with applicable general

1 law. The decision of the board interpreting a code, resolving
 2 a conflict of interpretation, or adopting an amendment
 3 following a recommendation by the applicable Board of
 4 Adjustment and Appeals shall be the final local determination
 5 of the matter which is subject to appeal to the Florida
 6 Building Commission pursuant to section 553.73, Florida
 7 Statutes, and/or the State Fire Marshal pursuant to chapter
 8 633, Florida Statutes.

9 Section 30. Except as provided in this law for
 10 amendments and variations, the codes shall be exclusively
 11 controlling in the construction of all buildings and
 12 structures within Pinellas County and no municipality of the
 13 county shall adopt any technical amendments, ordinances, rules
 14 or regulations for the construction, alteration, removal,
 15 demolition, equipment, use, occupancy, location and
 16 maintenance of buildings and structures that conflict with the
 17 codes as amended.

18 Section 31. Inspection and enforcement of the codes
 19 shall be effected by the county, the municipalities in
 20 Pinellas County or the authorized designees of either.

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

23 (a) A plumbing, mechanical and gas Board of Adjustment
 24 and Appeals consisting of one (1) mechanical engineer, two (2)
 25 plumbing contractors, two (2) natural gas contractors and two
 26 (2) mechanical or Class A air conditioning contractors. This
 27 Board of Adjustment and Appeals shall have the powers and
 28 duties specified in subsection (2) for appeals relating to
 29 plumbing, mechanical and gas provisions of the Florida
 30 Building Code codes.

31 (b) An electrical board consisting of one (1)

1 electrical engineer, two (2) electrical contractors and one
2 (1) member of the building industry at large. This board shall
3 have the powers and duties provided in subsection (2) for
4 appeals relating to the electrical code.

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

9 (d) A life safety and fire code Board of Adjustment
10 and Appeals of two (2) active fire marshals, two (2) active
11 building officials and a fifth member to be selected from the
12 joint recommendation of the fire marshals and building
13 officials comprising said board.

14 (2) Any appeal which may be brought before either the
15 Board of Adjustment and Appeals for the Florida ~~Standard~~
16 Building Code or the Board of Adjustment and Appeals for the
17 Life Safety and Fire Code, shall be referred to the latter.
18 The Board of Adjustment and Appeals for the Life Safety and
19 Fire Code shall determine whether or not it has jurisdiction
20 over said appeal. Upon a determination that said board has no
21 jurisdiction, the appeal shall be considered by the Board of
22 Adjustment and Appeals for the Florida ~~Standard~~ Building Code.
23 The Boards of Adjustment and Appeals shall meet as frequently
24 as is required but not less often than once every three
25 months. Members of the boards shall serve without
26 compensation. Any person aggrieved by a ruling of a building
27 director or a fire marshal or other fire official of any
28 municipality or of the county, or any building director or
29 fire marshal or other fire official desiring interpretation of
30 a code, may file a written appeal to the proper Board of
31 Adjustment and Appeals. Provided, however, if the

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1 municipality in which the dispute occurred has established a
2 Board of Adjustment and Appeals the aggrieved party must first
3 appeal to the municipal board. After a decision is rendered
4 by the municipal board the aggrieved party shall have 15 days
5 to file the appeal provided for in this subsection. The
6 decision of the boards shall be furnished to the appealing
7 party in writing within 15 days after the meeting at which the
8 appeal was considered. The decisions of the boards are
9 subject to appeal pursuant to section 553.73, Florida
10 Statutes.

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

29 Section 2. If any section, subsection, sentence,
30 clause, phrase, or provision of this law is for any reason
31 held invalid or unconstitutional by any court of competent

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1 jurisdiction, such holding shall not be construed to render
2 the remaining provisions of this law invalid or
3 unconstitutional.

4 Section 3. This act shall take effect upon becoming a
5 law.

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 remove: the entire title

11
12 and insert:

13 A bill to be entitled
14 An act relating to Pinellas County; amending
15 chapter 75-489, Laws of Florida, as amended;
16 revising provisions relating to adoptions of
17 codes; providing for severability; providing an
18 effective date.

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