

By Representative Carassas

1                                   A bill to be entitled  
2           An act relating to Pinellas County; amending  
3           chapter 75-489, Laws of Florida, as amended;  
4           revising provisions relating to adoptions of  
5           codes; providing for severability; providing an  
6           effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. Part III of chapter 75-489, Laws of  
11 Florida, as amended, is amended to read:

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

20           Section 28. For the purpose of establishing rules and  
21 regulations for the construction, alteration, removal,  
22 demolition, equipment, use, occupancy, location and  
23 maintenance of buildings and structures, Pinellas County  
24 hereby adopts the codes known as:

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

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

30           (3) The National Electrical Code.

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

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

2       ~~(6) The National Fire Protection Association Life~~  
3 ~~Safety Code 101.~~

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

10           Section 29. ~~The board shall have the power to adopt~~  
11 ~~editions of the codes referenced in section 28, and appendices~~  
12 ~~thereto.~~The board shall also have the power to amend the  
13 codes from time to time and may adopt variations for different  
14 areas of the county if the variations are justified under the  
15 procedures contained herein and in section ss. 553.18 and  
16 553.73, Florida Statutes. Before making any amendment or  
17 variation, the board shall refer the proposed amendment to the  
18 appropriate county-wide Board of Adjustment and Appeals  
19 described in Section 32 for study and recommendations. The  
20 board shall then hold a public hearing on the proposed  
21 amendment or variation and shall reject, adopt, or defer  
22 action upon the recommendation of the Board of Adjustment and  
23 Appeals. A two-thirds vote of the board is required to reject  
24 any recommendation of the Board of Adjustment and Appeals. The  
25 board may adopt amendments to the codes that are necessary as  
26 a condition precedent to any federal or state sponsored  
27 program and the governing body of any municipality or the  
28 county may adopt amendments to the administrative chapter of  
29 all standard codes. For the purposes of section 553.73,  
30 Florida Statutes, and chapter 98-287, Laws of Florida, as  
31 amended by chapter 98-419, Laws of Florida, and chapter

1 2001-186, Laws of Florida, and as may be subsequently amended,  
2 the Pinellas County Construction Licensing Board shall be the  
3 sole local governing body authorized to make amendments to the  
4 Florida Building Code or the Florida Fire Prevention Code and  
5 is exempt from the requirements of section 553.73(4)(b)7.,  
6 Florida Statutes, relating to a countywide compliance review  
7 board. The Pinellas County Construction Licensing Board shall  
8 likewise be the local administrative board for the provision  
9 of interpretations upon request of local building officials  
10 and for the resolution of conflicts of interpretations between  
11 local building officials and local fire code enforcement  
12 officials. The resolution of these disputes shall be in  
13 accordance with applicable general law.

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

23           Section 31. Inspection and enforcement of the codes  
24 shall be effected by the county, the municipalities in  
25 Pinellas County or the authorized designees of either.

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

28           (a) A plumbing, mechanical and gas Board of Adjustment  
29 and Appeals consisting of one (1) mechanical engineer, two (2)  
30 plumbing contractors, two (2) natural gas contractors and two  
31 (2) mechanical or Class A air conditioning contractors. This

1 Board of Adjustment and Appeals shall have the powers and  
2 duties specified in subsection (2) for appeals relating to  
3 plumbing, mechanical and gas provisions of the Florida  
4 Building Code ~~codes~~.

5 (b) An electrical board consisting of one (1)  
6 electrical engineer, two (2) electrical contractors and one  
7 (1) member of the building industry at large. This board shall  
8 have the powers and duties provided in subsection (2) for  
9 appeals relating to the electrical code.

10 (c) A Board of Adjustment and Appeals for the Florida  
11 ~~Standard~~ Building Code.

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

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

1 fire marshal or other fire official desiring interpretation of  
2 a code, may file a written appeal to the proper Board of  
3 Adjustment and Appeals. Provided, however, if the  
4 municipality in which the dispute occurred has established a  
5 Board of Adjustment and Appeals the aggrieved party must first  
6 appeal to the municipal board. After a decision is rendered  
7 by the municipal board the aggrieved party shall have 15 days  
8 to file the appeal provided for in this subsection. The  
9 decision of the boards shall be furnished to the appealing  
10 party in writing within 15 days after the meeting at which the  
11 appeal was considered.

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

30 Section 2. If any section, subsection, sentence,  
31 clause, phrase, or provision of this law is for any reason

1 held invalid or unconstitutional by any court of competent  
2 jurisdiction, such holding shall not be construed to render  
3 the remaining provisions of this law invalid or  
4 unconstitutional.

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

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31