

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. Notwithstanding section 136 of chapter
11 2000-141, Laws of Florida, Part III of chapter 75-489, Laws of
12 Florida, as amended, is reenacted and amended to read:

13 Part III

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

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

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

30 (2) The applicable version of the National Fire
31 Protection Association Life Safety Code 101 adopted through

1 the provisions of the Florida Fire Prevention Code or adopted
2 pursuant to the powers of the Florida State Fire Marshal as
3 described in Florida Administrative Code s. 4A-60, as either
4 may be subsequently amended ~~NFPA Natural Gas Code 54 and the~~
5 ~~NFPA L.P. Gas Code 58.~~

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

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

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

9 ~~(6) The National Fire Protection Association Life~~
10 ~~Safety Code 101.~~

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

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

1 required to reject any recommendation of the Board of
2 Adjustment and Appeals. The board may adopt amendments to the
3 codes that are necessary as a condition precedent to any
4 federal or state sponsored program and the governing body of
5 any municipality or the county may adopt amendments to the
6 administrative chapter of the Florida Building Code ~~and~~
7 ~~standard codes~~. For the purposes of section 553.73, Florida
8 Statutes, and chapter 98-287, Laws of Florida, as amended by
9 chapter 98-419, Laws of Florida, and chapter 2001-186, Laws of
10 Florida, and as may be subsequently amended, the Pinellas
11 County Construction Licensing Board shall be the sole local
12 governing body authorized to make technical amendments to the
13 Florida Building Code or the version of the National Fire
14 Protection Association Life Safety Code 101 as described in
15 section 28 and is deemed to be the countywide compliance
16 review board for Pinellas County as required by section
17 553.73(4)(b)7., Florida Statutes. The Pinellas County
18 Construction Licensing Board shall likewise be the local
19 administrative board for the provision of interpretations upon
20 request of local building officials and for the resolution of
21 conflicts of interpretations between local building officials
22 and local fire code enforcement officials. The resolution of
23 these disputes shall be in accordance with applicable general
24 law. The decision of the board interpreting a code, resolving
25 a conflict of interpretation, or adopting an amendment
26 following a recommendation by the applicable Board of
27 Adjustment and Appeals shall be the final local determination
28 of the matter which is subject to appeal to the Florida
29 Building Commission pursuant to section 553.73, Florida
30 Statutes, and/or the State Fire Marshal pursuant to chapter
31 633, Florida Statutes.

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
31 subsection (b).

1 (d) A life safety and fire code Board of Adjustment
2 and Appeals of two (2) active fire marshals, two (2) active
3 building officials and a fifth member to be selected from the
4 joint recommendation of the fire marshals and building
5 officials comprising said board.

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

1 subject to appeal pursuant to section 553.73, Florida
2 Statutes.

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

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

27 Section 3. This act shall take effect upon becoming a
28 law.