

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/SB 1282

INTRODUCER: Community Affairs Committee and Senator Stewart

SUBJECT: Public Restroom Requirements

DATE: April 3, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1282 directs the Florida Building Commission to incorporate into the Florida Building Code the installation of a hook in wheelchair accessible public restroom facilities that is within the reach of an average-sized person while the person is sitting on a toilet seat. Such hook must be installed in public restroom facilities with an accessible toilet compartment or single-user toilet room that is newly constructed or renovated after July 1, 2023.

The bill takes effect July 1, 2023.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, at 4, available at http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited March 10, 2023).

In 1992, Hurricane Andrew demonstrated that Florida’s system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission’s recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.²

The Building Code is updated every three years. The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.³ The next edition of the Building Code will take effect on December 31, 2023.

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act” (act). The purpose and intent of the act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

The Florida Building Commission (commission) was statutorily created to implement the Building Code. The commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The commission reviews International Codes published by the International Code Council,⁵ the National Electric Code, and other nationally adopted model codes during its triennial update of the Building Code.⁶

Building Construction Standards for Public Restrooms

As directed by s. 553.86, F.S., the commission incorporated into the Florida Building Code a ratio of public restroom facilities for men and women for all buildings with public restrooms newly constructed after September 30, 1992.⁷ The Building Code requires the plumbing fixtures ratio for each fixture type to be applied to the occupant load of each sex in accordance with the classification of the building space.⁸

² *Id.*; DBPR, *Building Code Information System*, available at: <https://floridabuilding.org/c/default.aspx#> (last visited Mar. 28, 2023).

³ *Id.*

⁴ Section 553.72(1), F.S.

⁵ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, available at <https://www.iccsafe.org/about/who-we-are/> (last visited Mar. 28, 2023).

⁶ Sections 553.73 and 553.74, F.S.

⁷ The requirement does not apply to establishments licensed under ch. 509, F.S., if the establishment does not provide meeting or banquet rooms accommodating more than 150 persons and has at least the same number of water closets for women as the combined total of water closets and urinals for men. *Id.*

⁸ See ch. 4, *Fixtures, Faucets and Fixture Fittings*, https://codes.iccsafe.org/content/FLPC2020P1/chapter-4-fixtures-faucets-and-fixture-fittings#FLPC2020P1_Ch04_Sec401, and the accompanying Minimum Plumbing Facilities Table 403.1 (last visited Mar. 28, 2023). See also ss. 403.1.1 (Fixture Calculations), 402.1.3 (Potty Parity), 403.2 (Separate Facilities), and 403.3 (Required Public Toilet Facilities).

Local Enforcement of the Florida Building Code

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.⁹

Every local government must enforce the Building Code and issue building permits.¹⁰ It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.¹¹ Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.¹² Construction work may not be done beyond a certain point until it passes an inspection.

Florida Accessibility Code for Building Construction

The 1993 Legislature created the Florida Americans with Disabilities Accessibility Implementation Act (Act)¹³ which incorporated the architectural accessibility requirements of the Americans with Disabilities Act of 1990 and maintained existing provisions of Florida law thought to be more stringent than the ADA accessibility guidelines.¹⁴

The Act establishes the Florida Accessibility Code for Building Construction (Accessibility Code).¹⁵ The law was amended in 2011 and its resulting requirements were integrated into the Florida Building Code.¹⁶ The Accessibility Code contains scoping and technical requirements for accessibility to sites, facilities, buildings, and elements by individuals with disabilities.¹⁷ The requirements are to be applied during the design, construction, additions to, and alteration of sites, facilities, buildings, and elements.¹⁸

Chapter 6 of the Accessibility Code regulates wheelchair accessible toilet compartments including size, doors, approach, grab bars, and location within a restroom.¹⁹ Chapter 3 of the Accessibility Code regulates reach ranges for building elements such as coat hooks, lockers, and other operable parts of a building.²⁰ Requirements include the height of forward reach, side reach, and obstructed reach for persons in a wheelchair.²¹

⁹ Section 553.72, F.S.

¹⁰ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

¹¹ Sections 125.56(4)(a), 553.79(1), F.S.

¹² Section 110, 2020 Florida Building Code, Building, 7th Edition.

¹³ Section 553.501, F.S.

¹⁴ Preface to the 2020 Florida Building Code, Accessibility, 7th Edition.

¹⁵ Section 553.503, F.S.

¹⁶ Ch. 2011-222, Laws of Fla.

¹⁷ The Accessibility Code is available at <https://codes.iccsafe.org/content/FLAC2020P1> (last visited Mar. 29, 2023).

¹⁸ Section 101.1, 2020 Florida Building Code, Accessibility, 7th Edition.

¹⁹ Chapter 6: Plumbing Elements and Facilities, 2020 Florida Building Code, Accessibility, 7th Edition.

²⁰ Chapter 3: Building Blocks, 2020 Florida Building Code, Accessibility, 7th Edition.

²¹ *Id.*

III. Effect of Proposed Changes:

The bill amends s. 553.86, F.S., to direct the Florida Building Commission to require in the Florida Building Code the installation of a hook in wheelchair accessible public restroom facilities that is within the reach of an average-sized person while the person is sitting on a toilet seat. Such hook must be installed in public restroom facilities with an accessible toilet compartment or single-user toilet room which are newly constructed or renovated after July 1, 2023.

Such public restroom facilities must otherwise be in compliance with Florida Americans with Disabilities Accessibility Implementation Act and all applicable requirements set forth in the Florida Accessibility Code for Building Construction.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

There may be a minimal fiscal impact to construction of new restroom facilities that must comply with the provisions of the bill.

C. **Government Sector Impact:**

There may be a small, likely insignificant, fiscal impact on the Florida Building Commission to integrate the required changes. To date, no analysis by the DBPR of the impact of the bill on its respective operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 553.86 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 22, 2023:

The CS makes a technical change by clarifying that the bill applies to “wheelchair” accessible toilet compartments.

- B. **Amendments:**

None.