

**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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 44

INTRODUCER: Senator Stewart

SUBJECT: Public Restroom Requirements

DATE: January 12, 2024

REVISED: \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>RI</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 44 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, 2024.

The bill takes effect on July 1, 2024.

**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.<sup>1</sup>

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

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<sup>1</sup> The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Jan. 10, 2024).

implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.<sup>2</sup>

The Building Code is updated every three years. The current edition of the Building Code is the eighth edition, which took effect on December 31, 2023 and is referred to as the 2023 Florida Building Code.

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.<sup>3</sup>

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,<sup>4</sup> the National Electric Code, and other nationally adopted model codes during its triennial update of the Building Code.<sup>5</sup>

### **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.<sup>6</sup>

Every local government must enforce the Building Code and issue building permits.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> Construction work may not be done beyond a certain point until it passes an inspection.

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<sup>2</sup> *Id.*; DBPR, *Building Code Information System*, available at: <https://floridabuilding.org/c/default.aspx#> (last visited Jan. 10, 2024).

<sup>3</sup> Section 553.72(1), F.S.

<sup>4</sup> 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 Jan. 10, 2024).

<sup>5</sup> Sections 553.73, and 553.74, F.S.

<sup>6</sup> Section 553.72, F.S.

<sup>7</sup> Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

<sup>8</sup> Sections 125.56(4)(a), 553.79(1), F.S.

<sup>9</sup> Section 110, 2023 Florida Building Code, Building, 8<sup>th</sup> Edition.

## **Florida Accessibility Code for Building Construction**

The 1993 Legislature created the Florida Americans with Disability Accessibility Implementation Act (Act) <sup>10</sup> 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.<sup>11</sup>

The Act establishes the Florida Accessibility Code for Building Construction (Accessibility Code).<sup>12</sup> The law was amended in 2011 and its resulting requirements were integrated into the Florida Building Code.<sup>13</sup> The Accessibility Code contains scoping and technical requirements for accessibility to sites, facilities, buildings, and elements by individuals with disabilities. The requirements are to be applied during the design, construction, additions to, and alteration of sites, facilities, buildings, and elements.<sup>14</sup>

Chapter six of the Accessibility Code regulates wheelchair accessible toilet compartments including size, doors, approach, grab bars, and location within a restroom.<sup>15</sup> Chapter three of the Accessibility Code regulates reach ranges for building elements such as coat hooks, lockers, and other operable parts of a building.<sup>16</sup> Requirements include the height of forward reach, side reach, and obstructed reach for persons in a wheelchair.<sup>17</sup>

### **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, 2024.

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, 2024.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>10</sup> Section 553.501 F.S.

<sup>11</sup> Preface to the 2023 Florida Building Code, Accessibility, 8<sup>th</sup> Edition.

<sup>12</sup> Section 553.503 F.S.

<sup>13</sup> Chapter 2011-222, Laws of Fla.

<sup>14</sup> Section 101.1, 2023 Florida Building Code, Accessibility, 8<sup>th</sup> Edition.

<sup>15</sup> Chapter 6: Plumbing Elements and Facilities, 2023 Florida Building Code, Accessibility, 8<sup>th</sup> Edition.

<sup>16</sup> Chapter 3: Building Blocks, 2023 Florida Building Code, Accessibility, 8<sup>th</sup> Edition.

<sup>17</sup> *Id.*

**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.

**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 Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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