

House Bill No. 953

An act relating to Pinellas County; amending chapter 75-489, Laws of Florida, as amended; revising provisions relating to adoptions of codes; providing for severability; providing an effective date.

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

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

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

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

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

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

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

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

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

Section 29. ~~The board shall have the power to adopt editions of the codes referenced in section 28, and appendices thereto. The board shall also have the power to amend the codes from time to time, subject to the requirements~~

of section 553.73(4), Florida Statutes, and may adopt variations for different areas of the county if the variations are justified under the procedures contained herein and in ~~section ss. 553.18 and~~ 553.73, Florida Statutes. Before making any amendment or variation, the board shall refer the proposed amendment to the appropriate county-wide Board of Adjustment and Appeals described in Section 32 for study and recommendations. The board shall then hold a public hearing on the proposed amendment or variation and shall reject, adopt, or defer action upon the recommendation of the Board of Adjustment and Appeals. A two-thirds vote of the board is required to reject any recommendation of the Board of Adjustment and Appeals. The board may adopt amendments to the codes that are necessary as a condition precedent to any federal or state sponsored program and the governing body of any municipality or the county may adopt amendments to the administrative chapter of the Florida Building Code all standard codes. For the purposes of section 553.73, Florida Statutes, and chapter 98-287, Laws of Florida, as amended by chapter 98-419, Laws of Florida, and chapter 2001-186, Laws of Florida, and as may be subsequently amended, the Pinellas County Construction Licensing Board shall be the sole local governing body authorized to make technical amendments to the Florida Building Code or the version of the National Fire Protection Association Life Safety Code 101 as described in section 28 and is deemed to be the countywide compliance review board for Pinellas County as required by section 553.73(4)(b)7., Florida Statutes. The Pinellas County Construction Licensing Board shall likewise be the local administrative board for the provision of interpretations upon request of local building officials and for the resolution of conflicts of interpretations between local building officials and local fire code enforcement officials. The resolution of these disputes shall be in accordance with applicable general law. The decision of the board interpreting a code, resolving a conflict of interpretation, or adopting an amendment following a recommendation by the applicable Board of Adjustment and Appeals shall be the final local determination of the matter which is subject to appeal to the Florida Building Commission pursuant to section 553.73, Florida Statutes, and/or the State Fire Marshal pursuant to chapter 633, Florida Statutes.

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

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

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

(a) A plumbing, mechanical and gas Board of Adjustment and Appeals consisting of one (1) mechanical engineer, two (2) plumbing contractors, two (2) natural gas contractors and two (2) mechanical or Class A air condition-

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

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

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

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

(2) Any appeal which may be brought before either the Board of Adjustment and Appeals for the Florida Standard Building Code or the Board of Adjustment and Appeals for the Life Safety and Fire Code, shall be referred to the latter. The Board of Adjustment and Appeals for the Life Safety and Fire Code shall determine whether or not it has jurisdiction over said appeal. Upon a determination that said board has no jurisdiction, the appeal shall be considered by the Board of Adjustment and Appeals for the Florida Standard Building Code. The Boards of Adjustment and Appeals shall meet as frequently as is required but not less often than once every three months. Members of the boards shall serve without compensation. Any person aggrieved by a ruling of a building director or a fire marshal or other fire official of any municipality or of the county, or any building director or fire marshal or other fire official desiring interpretation of a code, may file a written appeal to the proper Board of Adjustment and Appeals. Provided, however, if the municipality in which the dispute occurred has established a Board of Adjustment and Appeals the aggrieved party must first appeal to the municipal board. After a decision is rendered by the municipal board the aggrieved party shall have 15 days to file the appeal provided for in this subsection. The decision of the boards shall be furnished to the appealing party in writing within 15 days after the meeting at which the appeal was considered. The decisions of the boards are subject to appeal pursuant to section 553.73, Florida Statutes.

Section 33. The respective Boards of Adjustment and Appeals shall have authority to interpret its respective code adopted for the county. Interpretations of the codes shall be based upon specific findings of fact and may be made when any provision of the code is ambiguous as applied to an activity subject to the code or to allow alternate material and types of construction if found to be in conformity with the intent of said code. The codes shall be interpreted liberally to provide safe, economic and sound buildings and structures in the county. Code interpretations of any Board of Adjustment and Appeals made under this section shall be final administrative actions and shall not be subject to review by the board. Final decisions of the board or any Board of Adjustment and Appeals shall be based upon substantial

competent evidence and shall be subject to review by the Florida Building Commission or the Florida State Fire Marshal certiorari review in the circuit court of the judicial circuit in and for Pinellas County.

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

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

Approved by the Governor May 13, 2002.

Filed in Office Secretary of State May 13, 2002.