

1 The Land Use and Zoning Committee offers the following Substitute to
2 File No. 2023-780:

3
4 Introduced by Council Member Carlucci:
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6

7 **ORDINANCE 2023-780**

8 AN ORDINANCE REGARDING LOCAL TECHNICAL
9 AMENDMENTS TO THE FLORIDA BUILDING CODE;
10 READOPTING SECTION 321.103 (BABY-CHANGING TABLE
11 REQUIREMENTS), CHAPTER 321 (ADOPTION OF BUILDING
12 CODE), *ORDINANCE CODE*; REPEALING SECTION
13 321.103.1 (CHANGING TABLE REQUIREMENTS),
14 CHAPTER 321 (ADOPTION OF BUILDING CODE),
15 *ORDINANCE CODE*; CREATING A NEW SECTION 321.111
16 (FAMILY OR ASSISTIVE-USE TOILET OR BATHING
17 ROOMS), CHAPTER 321 (ADOPTION OF BUILDING CODE),
18 *ORDINANCE CODE*; ESTABLISHING COMPLIANCE WITH
19 SECTION 553.73(4)(B), *FLORIDA STATUTES*;
20 INCLUDING FISCAL IMPACT STATEMENT ANALYSIS;
21 ADOPTING THE LOCAL TECHNICAL AMENDMENT REGARDING
22 FAMILY/ASSISTED USE TOILET/BATH ROOMS WITH ADULT
23 CHANGING TABLES; PROVIDING SEVERABILITY
24 LANGUAGE; PROVIDING CODIFICATION INSTRUCTIONS;
25 PROVIDING AN EFFECTIVE DATE.
26

27 **WHEREAS**, Section 553.73(4)(b), *Florida Statutes*, authorizes
28 local governments to adopt technical amendments to the Florida
29 Building Code to provide more stringent requirements that will apply
30 only within their jurisdiction; and

31 **WHEREAS**, the 2023 Florida Building Code, 8th Edition, has been

1 finalized and is expected to be effective on December 31, 2023; and

2 **WHEREAS**, in 2019, the City Council adopted a local technical
3 amendment pursuant to Ordinance 2019-803-E, addressing placement of
4 baby-changing stations; and

5 **WHEREAS**, through Ordinance 2019-392-E, the Council also
6 adopted a second technical amendment to require adult-changing
7 stations in specifically designated locations; and

8 **WHEREAS**, both technical amendments expired when the 2023
9 Florida Building Code became effective on December 31, 2023; and

10 **WHEREAS**, the technical amendments need to be readopted to be
11 effective; and

12 **WHEREAS**, in compliance with Section 56.103, *Ordinance Code*,
13 the Building Codes Adjustment Board has provided its recommendation
14 regarding the baby changing table local technical amendment adopted
15 herein at the time of the adoption of Ordinance 2019-803-E; and

16 **WHEREAS**, the Building Codes Adjustment Board and the City
17 Council have determined that: (i) it is in the public interest to
18 readopt the baby changing table technical amendment to the Florida
19 Building Code, and (ii) the amendment is no more stringent than
20 necessary to address the identified need, does not discriminate
21 against materials, products, or construction techniques of
22 demonstrated capabilities, and is in compliance with Section
23 553.73(4), *Florida Statutes*; and

24 **WHEREAS**, the Land Use and Zoning Committee, as the Committee
25 of reference tasked with reviewing this proposed readoption of the
26 local technical amendment to the Florida Building Code, raised
27 concerns that the adult changing table bill would have a significant
28 financial impact on small businesses, causing additional options to
29 be considered; and

30 **WHEREAS**, the International Code Council (ICC) adopted the 2024
31 International Building Code (IBC) which includes a section requiring

1 adult changing tables when family or assisted-use toilet or bathing
2 rooms are required; and

3 **WHEREAS,** the IBC is created as guide for the adoption of state
4 building codes every three (3) years; and

5 **WHEREAS,** the Florida Building Code is likely to include the
6 family or assisted use toilet or bathing rooms provisions in the 2026
7 edition and other future editions; and

8 **WHEREAS,** the new Section 321.111, *Ordinance Code*, proposed
9 herein, addresses the small business impact concern by mirroring the
10 IBC requirement which places the family/assisted-use restrooms with
11 adult/universal changing table obligation only on larger facilities,
12 more specifically those required to have six (6) or more toilets; and

13 **WHEREAS,** the addition of family or assisted-use toilets or
14 bathing rooms provides a benefit for an even larger community of
15 users (the disabled, families, and those with a medical or personal
16 need); and

17 **WHEREAS,** the new Section 321.111, *Ordinance Code*, proposed
18 herein, also requires substantial renovation, including structural
19 changes to an existing public restroom, or new construction to trigger
20 the requirement; and

21 **WHEREAS,** the Jacksonville Ordinance Code allows variances from
22 the Florida Building Code by application and approval of the Building
23 Codes Adjustment Board; and

24 **WHEREAS,** local government technical amendments are effective
25 30 days after the amendment has been received and published by the
26 Florida Building Commission; and

27 **WHEREAS,** the Council considered the fiscal impact of the
28 readoption of the baby changing table technical amendment and the new
29 family/assisted-use toilet/bath rooms with adult changing tables; now
30 therefore

31 **BE IT ORDAINED** by the Council of the City of Jacksonville:

1 **Section 1. Adoption of Recitals.** The foregoing recitals
2 are hereby ratified and confirmed as being true and correct and are
3 hereby by this reference made a part of this Ordinance upon adoption
4 thereof.

5 **Section 2. Readopting Section 321.103 (Baby-changing table**
6 **requirements), Chapter 321 (Adoption of Building Code), Ordinance**
7 **Code.** Section 321.103 (Baby-changing table requirements), Chapter
8 321 (Adoption of Building Code), *Ordinance Code*, is hereby readopted.

9 **Section 3. Repealing Section 321.103.1 (Changing table**
10 **requirements), Chapter 321 (Adoption of Building Code), Ordinance**
11 **Code.** Section 321.103.1 (Changing table requirements), Chapter 321
12 (Adoption of Building Code), *Ordinance Code*, a copy of which is
13 attached hereto as **Exhibit 1**, is hereby repealed in its entirety.

14 **Section 4. Creating a new Section 321.111 (Family or**
15 **assisted-use toilet or bathing rooms), Chapter 321 (Adoption of**
16 **Building Code), Ordinance Code.** A new Section 321.111 (Family or
17 assisted-use toilet or bathing rooms), Chapter 321 (Florida Building
18 Code), *Ordinance Code*, is hereby created to read as follows:

19 **CHAPTER 321 - ADOPTION OF BUILDING CODE**

20 * * *

21 **Sec. 321.111. Family or Assisted-Use Toilet or Bathing Rooms.**

22 (a) As used in this Section 321.103, the term:

23 (1) An Adult-Changing Table, also known as a Universal Changing
24 Table, means a table or other device capable of bearing
25 the full weight of a child or adult up to 400 pounds.

26 (2) Building means any of the following a structure with one
27 or more of the following occupancies, with a restroom open
28 to the public:

29 (i) An Assembly occupancy means pursuant to the Florida
30 Building Code, as amended from time to time, including
31 but not limited to the following:

1 a. Assembly Group A-1 for facilities, usually with
2 fixed seating, for the production and viewing of
3 the performing arts or motion pictures including
4 but not limited to:

5 1. A motion picture theater;

6 2. A symphony or concert hall;

7 3. A television or radio studio admitting an
8 audience;

9 4. Theaters.

10 b. Assembly Group A-2 facilities used for food or
11 drink consumption, including but not limited to:

12 1. Banquet halls;

13 2. Casinos (gaming areas);

14 3. Nightclubs;

15 4. Restaurants, cafeterias, and similar dining
16 facilities;

17 5. Taverns and bars.

18 c. Assembly Group A-3 for facilities used for
19 worship, recreation, or amusement, and other
20 assembly uses not classified elsewhere,
21 including but not limited to:

22 1. Amusement arcades;

23 2. Art galleries;

24 3. Bowling alleys;

25 4. Community halls;

26 5. Courtrooms;

27 6. Dance halls (not including food or drink
28 consumption);

29 7. Exhibition halls;

30 8. Funeral parlors;

31 9. Gymnasiums (without spectator seating);

1 10. Indoor swimming pools (without spectator
2 seating);

3 11. Indoor tennis courts (without spectator
4 seating);

5 12. Lecture halls;

6 13. Libraries;

7 14. Museums;

8 15. Places of religious worship;

9 16. Pool and billiard parlors;

10 17. Waiting areas in transportation terminals.

11 d. Assembly Group A-4 for facilities used for
12 viewing indoor sporting events and activities
13 with spectator seating, including but not
14 limited to:

15 1. Arenas;

16 2. Skating Rinks;

17 3. Swimming pools;

18 4. Tennis Courts;

19 5. Amusement Park structures.

20 e. Assembly Group A-5 for facilities used for
21 participating in or viewing outdoor activities,
22 including but not limited to:

23 1. Amusement Park structures;

24 2. Bleachers;

25 3. Grandstands;

26 4. Stadiums.

27 (ii) A Mercantile occupancy means pursuant to the Florida
28 Building Code, as amended from time to time, including
29 but not limited to the following:

30 a. Mercantile Group M for facilities used for the
31 display and sale of merchandise, and involves

1 stocks of goods, wares, or merchandise
2 incidental to such purposes and accessible to
3 the public, including but not limited to:

- 4 1. Department stores;
- 5 2. Retail or wholesale stores;
- 6 3. Shopping centers and malls.

7 (3) Family or Assisted-use Bathing Room means a designated
8 unisex accessible bathing or changing room with a minimum
9 of one water closet, one lavatory and one shower or bathtub
10 fixture. The door to the Family or Assisted Use Bathing
11 Room shall be securable from within the room and be
12 provided with an "occupied" indicator.

13 (4) Family or Assisted-use Toilet Room means a designated
14 unisex accessible toilet facility with a minimum of one
15 water closet and one lavatory. The door to the Family or
16 Assisted Use Toilet Room shall be securable from within
17 the room and be provided with an "occupied" indicator.

18 (5) Substantial Renovation/Substantially Renovated means any
19 reconstruction, rehabilitation, addition, or other
20 improvement that involves more than 50 percent of the gross
21 floor area occupied by the building, and that includes
22 structural changes to any existing public toilet room.

23 (b) Pursuant to Section 56.103, Ordinance Code, the Building Codes
24 Adjustment Board shall adopt by rule a requirement that on or
25 after the effective date of the Local Technical Amendment to the
26 Florida Building Code, adopted pursuant to F.S. s. 553.73, in
27 any newly constructed Building, as defined in section
28 321.111(a)(2), Ordinance Code, or any Building undergoing
29 Substantial Renovation, as defined in section 321.111(a)(5),
30 Ordinance Code, which is required to have an aggregate of six
31 or more male or female water closets, shall have available a

1 Family or Assisted Use Toilet Room or Bathing Room, as defined
2 section 321.111(a) (3) or (4), Ordinance Code, unless granted a
3 variance by the Building Codes Adjustment Board, under Chapter
4 56, Ordinance Code.

5 (c) Pursuant to Section 56.103, Ordinance Code, the Building Codes
6 Adjustment Board shall adopt by rule a requirement that any
7 structure, being newly constructed or undergoing Substantial
8 Renovation, as defined in section 321.111(a) (5), Ordinance Code,
9 open to the general public with an accessible swimming pool/hot
10 tub, shall have available, at a minimum, a Family or Assisted
11 Use Toilet Room, with an Adult Changing Table.

12 **Section 5. Compliance with Section 553.73(4) (b), Florida**
13 **Statutes.** The City Council determines that based on a review of
14 local conditions, the evidence and data support that there is a local
15 need to strengthen the Florida Building Code for the geographic
16 region. Upon review, the amendment is no more stringent than
17 necessary, it is not discriminatory against materials, products, or
18 construction techniques, and it does not introduce a new subject not
19 addressed in the Florida Building Code.

20 **Section 6. Fiscal Impact Statement.** Pursuant to Section
21 553.73(4) (h), *Florida Statutes*, a fiscal impact statement, attached
22 hereto as **Exhibit 2**, was completed which considered the costs and
23 benefits of the amendment in its impact to the City as to enforcement
24 and towards the cost of compliance for property owners, business
25 owners, and the industry.

26 **Section 7. Adopting the Family or Assisted-Use Toilet or**
27 **Bathing Rooms Local Technical Amendment.** The City Council hereby
28 adopts the local technical amendment, as set forth in Section 321.111,
29 *Ordinance Code*, to Chapter 12, Section 1210.5, Florida Building Code.

30 **Section 8. Severability.** It is the specific intent of the
31 Council that in the event that any portion of this Ordinance, is

1 declared invalid, unenforceable, unconstitutional or void, or is
2 permanently enjoined, or if the existence of any provision of this
3 Ordinance would result in any other portion of any Chapter of the
4 *Ordinance Code* being held to be invalid, unenforceable,
5 unconstitutional or void, and the court does not sever such invalid
6 portion of this Ordinance, then the invalid portion of this Ordinance
7 is repealed and invalid. It is the specific intent that the invalidity
8 of any portion of this Ordinance shall not affect any other section,
9 subsection, paragraph, subparagraph, sentence, phrase, clause, or
10 word of the *Ordinance Code*.

11 **Section 9. Codification Instructions.** The Codifier and the
12 Office of General Counsel are authorized to make all Chapter and
13 Division "table of contents" consistent with the changes set forth
14 herein. Such editorial changes and any other necessary edits to make
15 the *Ordinance Code* consistent with the intent of this legislation are
16 approved and directed herein, and the changes to the *Ordinance Code*
17 shall be made forthwith and when inconsistencies are discovered.

18 **Section 10. Effective Date.** This Ordinance shall become
19 effective upon signature by the Mayor or upon becoming effective
20 without the Mayor's signature.

21
22 Form Approved:

23
24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation Prepared By: Trisha Bowles

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