

1 Introduced by Council Member Carlucci and Co-Sponsored by Council
2 Members Freeman, Clark-Murray, Diamond and Lahnen and substituted by
3 the Finance Committee:
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6 **ORDINANCE 2023-780-E**

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

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

1 **WHEREAS**, the 2023 Florida Building Code, 8th Edition, has been
2 finalized and is expected to be effective on December 31, 2023; and

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

6 **WHEREAS**, through Ordinance 2019-803-E, the Council also
7 adopted a second technical amendment to require adult-changing
8 stations in specifically designated locations; and

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

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

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

17 **WHEREAS**, the Building Codes Adjustment Board and the City
18 Council have determined that: (i) it is in the public interest to
19 readopt the baby changing table technical amendment to the Florida
20 Building Code, and (ii) the amendment is no more stringent than
21 necessary to address the identified need, does not discriminate
22 against materials, products, or construction techniques of
23 demonstrated capabilities, and is in compliance with Section
24 553.73(4), *Florida Statutes*; and

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

31 **WHEREAS**, the International Code Council (ICC) adopted the 2024

1 International Building Code (IBC) which includes a section requiring
2 adult changing tables when family or assisted-use toilet or bathing
3 rooms are required; and

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

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

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

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

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

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

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

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

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

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

6 **Section 2. Readopting the Baby-changing Table Requirements**
7 **Local Technical Amendment.** The City Council hereby readopts the
8 local technical amendment, as set forth in Section 321.103, *Ordinance*
9 *Code*, to require baby-changing tables which are available to both men
10 and women in select facilities, to Chapter 12, Section 1210.4, Florida
11 Building Code.

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

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

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

23 * * *

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

25 (a) As used in this Section 321.111, the term:

26 (1) *Adult-Changing Table*, also known as a Universal Changing
27 Table, means a table or other device capable of bearing
28 the full weight of a child or adult up to 400 pounds.

29 (2) *Building* means any of the following structures with one or
30 more of the following occupancies, with a restroom open to
31 the public:

1 (i) Assembly occupancy means pursuant to the Florida
2 Building Code, as amended from time to time, the
3 following types of facilities including but not
4 limited to the following:

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

9 1. A motion picture theater;

10 2. A symphony or concert hall;

11 3. A television or radio studio admitting an
12 audience;

13 4. Theaters.

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

17 1. Banquet halls;

18 2. Casinos (gaming areas);

19 3. Nightclubs;

20 4. Restaurants, cafeterias, and similar dining
21 facilities;

22 5. Taverns and bars.

23 c. Assembly Group A-3 for facilities used for
24 worship, recreation, or amusement, and other
25 assembly uses not classified elsewhere,
26 including but not limited to:

27 1. Amusement arcades;

28 2. Art galleries;

29 3. Bowling alleys;

30 4. Community halls;

31 5. Courtrooms;

1 6. Dance halls (not including food or drink
2 consumption);

3 7. Exhibition halls;

4 8. Funeral parlors;

5 9. Gymnasiums (without spectator seating);

6 10. Indoor swimming pools (without spectator
7 seating);

8 11. Indoor tennis courts (without spectator
9 seating);

10 12. Lecture halls;

11 13. Libraries;

12 14. Museums;

13 15. Places of religious worship;

14 16. Pool and billiard parlors;

15 17. Waiting areas in transportation terminals.

16 d. Assembly Group A-4 for facilities used for
17 viewing indoor sporting events and activities
18 with spectator seating, including but not
19 limited to:

20 1. Arenas;

21 2. Skating Rinks;

22 3. Swimming pools;

23 4. Tennis Courts;

24 5. Amusement Park structures.

25 e. Assembly Group A-5 for facilities used for
26 participating in or viewing outdoor activities,
27 including but not limited to:

28 1. Amusement Park structures;

29 2. Bleachers;

30 3. Grandstands;

31 4. Stadiums.

1 (ii) Mercantile occupancy means pursuant to the Florida
2 Building Code, as amended from time to time, the
3 following types of facilities including but not
4 limited to the following:

5 a. Mercantile Group M for facilities used for the
6 display and sale of merchandise, and involves
7 stocks of goods, wares, or merchandise
8 incidental to such purposes and accessible to
9 the public, including but not limited to:

- 10 1. Department stores;
- 11 2. Retail or wholesale stores;
- 12 3. Shopping centers and malls.

13 (3) Family or Assisted-Use Bathing Room means a designated
14 unisex accessible bathing or changing room with a minimum
15 of one water closet, one lavatory and one shower or bathtub
16 fixture. The door to the Family or Assisted-Use Bathing
17 Room shall be securable from within the room and be
18 provided with an "occupied" indicator.

19 (4) Family or Assisted-Use Toilet Room means a designated
20 unisex accessible toilet facility with a minimum of one
21 water closet and one lavatory. An example of a Family or
22 Assisted-Use Toilet Room are depicted in Figure 1 below.
23 The door to the Family or Assisted-Use Toilet Room shall
24 be securable from within the room and be provided with an
25 "occupied" indicator.

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

31 (6) All other terms shall be defined as in the Florida Building

1 Code including any specialty sections.

2 (b) Pursuant to Section 56.103, Ordinance Code, the Building Codes
3 Adjustment Board shall adopt by rule a requirement that on or
4 after the effective date of the Local Technical Amendment to the
5 Florida Building Code, adopted pursuant to Section 553.73,
6 Florida Statutes, in any newly constructed Building, as defined
7 in Section 321.111(a)(2), Ordinance Code, or any Building
8 undergoing Substantial Renovation, as defined in Section
9 321.111(a)(5), Ordinance Code, which is required to have an
10 aggregate of six or more male or female water closets, shall
11 have available a Family or Assisted-Use Toilet Room, as defined
12 in Section 321.111(a)(4), or when official codes require
13 installation of bathing or showering facilities, a Family or
14 Assisted-Use Bathing Room, as defined in Section 321.111(a)(3),
15 with an Adult-Changing Table unless granted a variance by the
16 Building Codes Adjustment Board, under Chapter 56, Ordinance
17 Code.

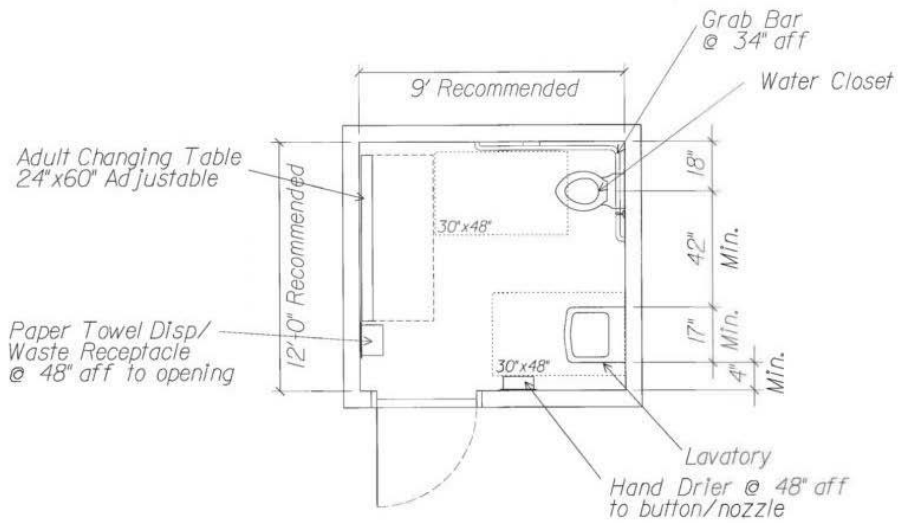
18 (i) As an alternative to the Family or Assisted-Use Toilet Room
19 or Bathing Room, in a pre-existing structure the owner can
20 adapt or retro-fit an existing accessible stall with an
21 Adult-Changing Table in each room, allowing both men and
22 women access to an Adult-Changing Table.

23 (ii) Substitution of urinals for water closets does not relieve
24 the obligation of adding the Family or Assisted-Use Toilet
25 Room or Bathing Room, as required in Section 321.111(b),
26 or the alternative set forth in Section 321.111(b)(i).

27 (c) Pursuant to Section 56.103, Ordinance Code, the Building Codes
28 Adjustment Board shall adopt by rule a requirement that any
29 structure, being newly constructed or undergoing Substantial
30 Renovation, as defined in Section 321.111(a)(5), Ordinance Code,
31 open to the general public with an accessible swimming pool or

hot tub, shall have available, at a minimum, a Family or Assisted-Use Toilet Room, with an Adult-Changing Table.

Figure 1



Family Restroom

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

Section 6. Fiscal Impact Statement. Pursuant to Section 553.73(4)(h), Florida Statutes, a fiscal impact statement, attached

1 hereto as **Exhibit 2**, was completed which considered the costs and
2 benefits of the amendment in its impact to the City as to enforcement
3 and towards the cost of compliance for property owners, business
4 owners, and the industry.

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

9 **Section 8. Severability.** It is the specific intent of the
10 Council that in the event that any portion of this Ordinance, is
11 declared invalid, unenforceable, unconstitutional or void, or is
12 permanently enjoined, or if the existence of any provision of this
13 Ordinance would result in any other portion of any Chapter of the
14 *Ordinance Code* being held to be invalid, unenforceable,
15 unconstitutional or void, and the court does not sever such invalid
16 portion of this Ordinance, then the invalid portion of this Ordinance
17 is repealed and invalid. It is the specific intent that the invalidity
18 of any portion of this Ordinance shall not affect any other section,
19 subsection, paragraph, subparagraph, sentence, phrase, clause, or
20 word of the *Ordinance Code*.

21 **Section 9. Codification Instructions.** The Codifier and the
22 Office of General Counsel are authorized to make all Chapter and
23 Division "table of contents" consistent with the changes set forth
24 herein. Such editorial changes and any other necessary edits to make
25 the *Ordinance Code* consistent with the intent of this legislation are
26 approved and directed herein, and the changes to the *Ordinance Code*
27 shall be made forthwith and when inconsistencies are discovered.

28 **Section 10. Effective Date.** This Ordinance shall become
29 effective upon signature by the Mayor or upon becoming effective
30 without the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Trisha Bowles

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