

1 The Finance Committee offers the following Substitute to File No.
2 2023-780:

3
4 Introduced by Council Member Carlucci:
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7 **ORDINANCE 2023-780**

8 AN ORDINANCE REGARDING LOCAL TECHNICAL
9 AMENDMENTS TO THE FLORIDA BUILDING CODE;
10 READOPTING THE LOCAL TECHNICAL AMENDMENT
11 REQUIRING BABY-CHANGING TABLES AS SET FORTH IN
12 SECTION 321.103 (BABY-CHANGING TABLE
13 REQUIREMENTS), CHAPTER 321 (ADOPTION OF BUILDING
14 CODE), *ORDINANCE CODE*; REPEALING SECTION
15 321.103.1 (CHANGING TABLE REQUIREMENTS),
16 CHAPTER 321 (ADOPTION OF BUILDING CODE),
17 *ORDINANCE CODE*; CREATING A NEW SECTION 321.111
18 (FAMILY OR ASSISTED-USE TOILET OR BATHING
19 ROOMS), CHAPTER 321 (ADOPTION OF BUILDING CODE),
20 *ORDINANCE CODE*; ESTABLISHING COMPLIANCE WITH
21 SECTION 553.73(4) (B), *FLORIDA STATUTES*;
22 INCLUDING FISCAL IMPACT STATEMENT ANALYSIS;
23 ADOPTING THE LOCAL TECHNICAL AMENDMENT REGARDING
24 FAMILY/ASSISTED USE TOILET/BATH ROOMS WITH ADULT
25 CHANGING TABLES; PROVIDING SEVERABILITY
26 LANGUAGE; PROVIDING CODIFICATION INSTRUCTIONS;
27 PROVIDING AN EFFECTIVE DATE.
28

29 **WHEREAS**, Section 553.73(4) (b), *Florida Statutes*, authorizes
30 local governments to adopt technical amendments to the Florida
31 Building Code to provide more stringent requirements that will apply

1 only within their jurisdiction; and

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

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

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

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

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

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

18 **WHEREAS**, the Building Codes Adjustment Board and the City
19 Council have determined that: (i) it is in the public interest to
20 readopt the baby changing table technical amendment to the Florida
21 Building Code, and (ii) the amendment is no more stringent than
22 necessary to address the identified need, does not discriminate
23 against materials, products, or construction techniques of
24 demonstrated capabilities, and is in compliance with Section
25 553.73(4), *Florida Statutes*; and

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

1 **WHEREAS**, the International Code Council (ICC) adopted the 2024
2 International Building Code (IBC) which includes a section requiring
3 adult changing tables when family or assisted-use toilet or bathing
4 rooms are required; and

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

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

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

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

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

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

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

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

1 therefore

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

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

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

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

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

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

24 * * *

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

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

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

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

1 the public:

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

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

10 1. A motion picture theater;

11 2. A symphony or concert hall;

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

14 4. Theaters.

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

18 1. Banquet halls;

19 2. Casinos (gaming areas);

20 3. Nightclubs;

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

23 5. Taverns and bars.

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

28 1. Amusement arcades;

29 2. Art galleries;

30 3. Bowling alleys;

31 4. Community halls;

5. Courtrooms;
6. Dance halls (not including food or drink consumption);
7. Exhibition halls;
8. Funeral parlors;
9. Gymnasiums (without spectator seating);
10. Indoor swimming pools (without spectator seating);
11. Indoor tennis courts (without spectator seating);
12. Lecture halls;
13. Libraries;
14. Museums;
15. Places of religious worship;
16. Pool and billiard parlors;
17. Waiting areas in transportation terminals.

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

1. Arenas;
2. Skating Rinks;
3. Swimming pools;
4. Tennis Courts;
5. Amusement Park structures.

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

1. Amusement Park structures;
2. Bleachers;
3. Grandstands;

1 4. Stadiums.

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

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

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

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

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

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

1 (6) All other terms shall be defined as in the Florida Building
2 Code including any specialty sections.

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

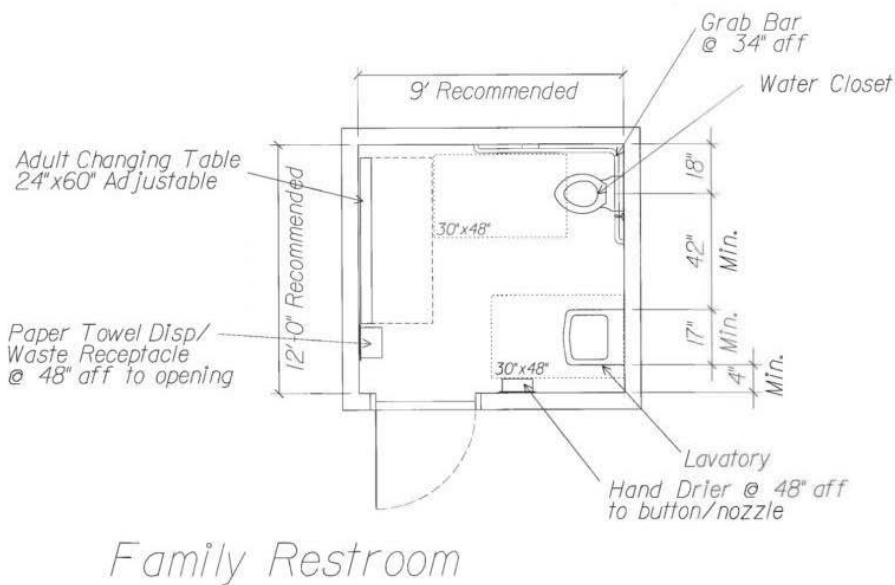
19 (i) As an alternative to the Family or Assisted-Use Toilet Room
20 or Bathing Room, in a pre-existing structure the owner can
21 adapt or retro-fit an existing accessible stall with an
22 Adult-Changing Table in each room, allowing both men and
23 women access to an Adult-Changing Table.

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

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

1 open to the general public with an accessible swimming pool or
2 hot tub, shall have available, at a minimum, a Family or
3 Assisted-Use Toilet Room, with an Adult-Changing Table.
4
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Figure 1



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

14 **Section 6. Fiscal Impact Statement.** Pursuant to Section

1 553.73(4)(h), *Florida Statutes*, a fiscal impact statement, attached
2 hereto as **Exhibit 2**, was completed which considered the costs and
3 benefits of the amendment in its impact to the City as to enforcement
4 and towards the cost of compliance for property owners, business
5 owners, and the industry.

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

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

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

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

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Trisha Bowles

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