

1 Introduced by Councilmember Matt Carlucci:
2
3

4 **ORDINANCE 2023-780**

5 AN ORDINANCE TO READOPT A TECHNICAL AMENDMENT TO
6 THE FLORIDA BUILDING CODE; INCORPORATING
7 RECITALS; AMENDING CHAPTER 321 (ADOPTION OF
8 BUILDING CODE) SECTION 321.103 (BABY-CHANGING
9 TABLE REQUIREMENTS), *ORDINANCE CODE*, TO
10 CONSOLIDATE ALL CHANGING TABLE REQUIREMENTS AND
11 UPDATE TERMINOLOGY TO CORRESPOND WITH THE
12 *FLORIDA BUILDING CODE* OCCUPANCY
13 CLASSIFICATIONS; REPEALING SECTION 321.103.1
14 (CHANGING TABLE REQUIREMENTS), *ORDINANCE CODE*;
15 ESTABLISHING COMPLIANCE WITH SECTION
16 553.73(4)(B), *FLORIDA STATUTES*; INCLUDING
17 FISCAL IMPACT STATEMENT ANALYSIS; READOPTING THE
18 TECHNICAL AMENDMENT TO THE 8TH EDITION OF THE
19 *FLORIDA BUILDING CODE*; AUTHORIZING TRANSMITTAL
20 TO THE FLORIDA BUILDING COMMISSION; REQUESTING
21 A ONE-CYCLE EMERGENCY; PROVIDING SEVERABILITY
22 LANGUAGE; PROVIDING CODIFICATION INSTRUCTIONS;
23 ESTABLISHING AN EFFECTIVE DATE.

24
25 **WHEREAS**, the *Jacksonville Ordinance Code* has two similar but
26 separate sections which both address changing table requirements for
27 children and adults for specific buildings which may cause confusion
28 in interpretation and application; and

29 **WHEREAS**, the *Florida Building Code* and the *Ordinance Code* use
30 different terms for classification of buildings which can cause
31 confusion; and

1 **WHEREAS**, striking the subsection and amending the original
2 section, to include a) both types of changing tables and b) the
3 occupancy classification terminology from the *Florida Building Code*,
4 will avoid confusion in interpretation and simplify the *Ordinance*
5 *Code*; and

6 **WHEREAS**, *Florida Statute* 553.73(4)(b) authorizes local
7 governments to adopt technical amendments to the *Florida Building*
8 *Code* to provide more stringent requirements that will apply only
9 within their jurisdiction, and

10 **WHEREAS**, the 8th Edition of the *Florida Building Code* (2023) has
11 been finalized and is expected to be effective December 31, 2023; and

12 **WHEREAS**, in 2019, the City Council adopted a technical
13 amendment, through Ordinance 2019-803-E, addressing placement of
14 baby-changing stations and adult-changing stations in specifically
15 designated buildings through Ordinances 2019-392-E and 2019-464-E
16 respectively; and

17 **WHEREAS**, most technical amendments are effective only until the
18 adoption of the next edition of the *Florida Building Code* by the
19 Florida Building Commission unless adopted into the next edition; and

20 **WHEREAS**, the 8th Edition *Florida Building Code* (2023) did not
21 adopt requirements related to placement of baby-changing tables or
22 adult changing tables to address the intent of the Council's prior
23 technical amendment; and

24 **WHEREAS**, the 2019 technical amendment needs to be readopted to
25 be effective; and

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

29 **WHEREAS**, in compliance with Section 56.103, *Ordinance Code*, the
30 Building Codes Adjustment Board provided its recommendation regarding
31 the local technical amendments adopted herein at the time of the

1 adoption of Ordinance 2019-803-E; and

2 **WHEREAS**, the Building Codes Adjustment Board and the City
3 Council have determined that it is in the public interest to readopt
4 the proposed technical amendments to the Florida Building Code, and
5 the amendment is no more stringent than necessary to address the
6 identified need, does not discriminate against materials, products,
7 or construction techniques of demonstrated capabilities, and is in
8 compliance with section 553.73(4), *Florida Statutes*; and

9 **WHEREAS**, the Council included a fiscal impact statement in the
10 original adoption and re-examined that impact through this
11 litigation; and

12 **WHEREAS**, the Council previously readopted the local technical
13 amendment for application in the 7th Edition of the *Florida Building*
14 *Code* (2020) through Ordinance 2020-764-E; now, therefore

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

16 **Section 1. Recitals.** The foregoing "WHEREAS" clauses are
17 hereby ratified and confirmed as being true and correct and are hereby
18 made a specific part of this Ordinance upon adoption thereof.

19 **Section 2. Amending Chapter 321 (Adoption of Building Code),**
20 **Section 321.103 (Baby-changing table requirements), Ordinance Code.**
21 Chapter 321 (Adoption of Building Code), Section 321.103 (Baby-
22 changing table requirements), *Ordinance Code*, is hereby amended to
23 read as follows:

24 **CHAPTER 321 (ADOPTION OF BUILDING CODE)**

25 * * *

26 **Sec. 321.103. ~~Baby-changing table requirements.~~ Changing**
27 **table requirements.**

28
29 (1)(a) As used in this Section 321.103, the term:

30 (a)(1) ~~Baby-changing~~ Changing table means a table or
31 other device that is installed in a separate, designated

1 location for the purpose of changing ~~an infant's or child's~~ the
2 diaper or clothing of an adult or child.

3 (i) A child-changing table means a table or other
4 device capable of bearing the full weight of a 50-pound child.

5 (ii) An adult-changing table means a table or other
6 device capable of bearing the full weight of a child or adult
7 up to 400 pounds.

8 ~~(b)(2)~~ Building means any of the following a structure
9 with one or more of the following occupancies:

10 (i) An assembly occupancy pursuant to the Florida
11 Building Code section 302.1.1 and as defined in section
12 303, specifically:

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

17 1. A motion picture theater.

18 2. A symphony or concert hall.

19 3. A television or radio studio
20 admitting an audience.

21 4. Theaters.

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

24 1. Restaurants.

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

29 1. Libraries (public).

30 2. Exhibition halls including convention
31 centers.

1 3. Passenger Terminals.

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

5 1. Sports arena.

6 2. Amusement Park structures.

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

10 1. Amusement Park structures.

11 2. Stadium.

12 (ii) A mercantile occupancy pursuant to the Florida
13 Building Code section 302.1.7 and as defined in section
14 309, specifically:

15 a. Mercantile Group M for facilities used for
16 the display and sale of merchandise, and involves
17 stocks of goods, wares, or merchandise incidental to
18 such purposes and accessible to the public, including
19 but not limited to:

20 i. Department or retail stores.

21 ii. Shopping centers and malls.

22 ~~1. A theater.~~

23 ~~2. A sports arena or stadium.~~

24 ~~3. A convention center, auditorium, or exhibition~~
25 ~~hall.~~

26 ~~4. A public library.~~

27 ~~5. A passenger terminal.~~

28 ~~6. An amusement park in a permanent location.~~

29 ~~7. A restaurant with a seating capacity of at least~~
30 ~~50 persons, except when there is a baby-changing table~~
31 ~~within 300 feet of the restaurant's entrance.~~

1 ~~8. A shopping center or shopping mall.~~

2 ~~9. A retail store larger than 5,000 square feet.~~

3 (3) Substantial renovation means any reconstruction,
4 rehabilitation, addition, or other improvement that involves
5 more than 50 percent of the gross floor area occupied by the
6 building, and that includes structural changes to any existing
7 public restroom.

8 ~~(2)(b)~~ Pursuant to Section 56.103, *Ordinance Code*, the
9 Building Codes Adjustment Board shall ~~re-adopt~~ readopt by rule a
10 requirement that, ~~except unless excepted~~ as provided in paragraph
11 ~~3(d)~~ (d) or exempt as provided in paragraph (e), a ~~baby-changing~~
12 changing table shall be available in any building, as defined in
13 section 321.103(a)(2), Ordinance Code, that is newly constructed or
14 undergoes substantial renovation on or after the effective date of
15 the Local Technical Amendment to the *Florida Building Code*, adopted
16 pursuant to F.S. § 553.73, ~~or October 1, 2019, whichever date is~~
17 ~~later~~, and that has a restroom open to the public. ~~As used in this~~
18 ~~subsection (2), the term "substantial renovation" means any~~
19 ~~reconstruction, rehabilitation, addition, or other improvement that~~
20 ~~involves more than 50 percent of the gross floor area occupied by the~~
21 ~~building, and that includes structural changes to any existing public~~
22 ~~restroom.~~

23 ~~(3)(c)~~ The rules ~~adopted~~ readopted by the Building Codes
24 Adjustment Board pursuant to this Section 321.103 must require or
25 provide at least all of the following:

26 ~~(a)(1)~~ On each floor that contains a restroom, the Each
27 building, as defined in section 321.103(a)(2), Ordinance Code,
28 must have at least one ~~baby-changing~~ changing table accessible
29 to women and at least one ~~baby-changing~~ changing table
30 accessible to men, or at least one ~~baby-changing~~ changing table
31 accessible to both women and men.

1 a. A building with restrooms on multiple floors
2 must also have at least one changing table accessible to
3 women and at least one changing table accessible to men,
4 or at least changing table accessible to both women and
5 men, on each floor. However, only one floor in the
6 building is required to have an adult changing table that
7 meets the accessibility addressed in this subsection.

8 ~~(b)~~ (2) The building must have signage:

9 a. At each changing table location, indicating the
10 ~~location of each baby-changing~~ changing table availability
11 for use, and

12 b. If signage is not visible from the main
13 entrance, a separate sign providing the location of the
14 changing table(s) shall be posted at the main entrance.

15 ~~(e)~~ (3) For any building that has a central directory
16 and multiple establishments, such as a mercantile occupancy
17 shopping center or shopping mall, the directory must indicate
18 the location of all ~~baby-changing~~ changing tables on the
19 premises.

20 ~~(d) An exemption for buildings when the cost of~~
21 ~~installation of the required baby-changing table would exceed~~
22 ~~10 percent of the total construction or renovation costs.~~

23 (d) Exceptions

24 (1) Only a child-changing table is required for:

25 (i) An Assembly Group A-2 occupancy with a seating
26 capacity of 50 to 149 persons.

27 (ii) A Shopping Center or Mall with a Mercantile
28 Group M occupancy between 25,000 and 499,999 square feet.

29 (iii) A single Department Store or Retail Store with
30 a Mercantile Group M occupancy with between 5,000 and
31 14,999 square feet.

1 (e) Exemptions

2 (1) A changing table is not required for:

3 (i) Assembly Group A-2 occupancy with seating
4 capacity under 50 people or where an applicable changing
5 table is within 300 feet of the entrance to the structure.

6 (ii) A Department Store or Retail Store with a
7 Mercantile Group M occupancy retail store smaller than
8 5,000 square feet.

9 (iii) A Shopping Center or Mall with a Mercantile
10 Group M occupancy with less than 24,999 square feet.

11 (iv) Buildings when the cost of installation of the
12 required changing table would exceed ten percent of the
13 total construction or renovation costs.

14 ~~This Section 321.103, Ordinance Code, shall not be effective~~
15 ~~until the City of Jacksonville re-adopts a Local Technical Amendment~~
16 ~~to the Florida Building Code, pursuant to F.S. § 553.73. The effective~~
17 ~~date of this Section 321.103 may be obtained from the Chief of the~~
18 ~~Building Inspection Division.~~

19 **Section 3. Repealing Section 321.103.1 (Changing table**
20 **requirements), Ordinance Code, in its entirety.** Chapter 321 (Adoption
21 of Building Code), Section 321,103.1 (Changing table requirements),
22 *Ordinance Code*, a copy of which is attached hereto as **Exhibit 1**, is
23 hereby repealed in its entirety.

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

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

7 **Section 6. Readopting the Local Technical Amendment.** The
8 City of Jacksonville hereby readopts the changing table requirements,
9 as set forth in the amended section 321.103, *Ordinance Code*, through
10 a local technical amendment to Chapter 12, section 1210.4 of the 8th
11 edition of the *Florida Building Code*, last re-adopted by Ordinance
12 2020-764-E, and originally adopted through ordinance 2019-803-E.

13 **Section 7. Transmittal to the Florida Building Commission.**
14 The Office of General Counsel is directed to transmit the local
15 technical amendment adopted herein to the Florida Building Commission
16 pursuant to Section 553.73, *Florida Statutes*.

17 **Section 8. Requesting One Cycle Emergency Passage Pursuant**
18 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this
19 legislation is requested. The nature of the emergency is that the
20 current local amendments expire on December 31, 2023. The approval
21 of technical amendment in one-cycle is required to allow sufficient
22 time for submission and posting by the Florida Building Commission
23 as required by law to maintain the requirements set forth in the
24 technical amendment.

25 **Section 9. Severability.** It is the specific intent of the
26 Council that in the event that any portion of this ordinance, is
27 declared invalid, unenforceable, unconstitutional or void, or is
28 permanently enjoined, or if the existence of any provision of this
29 ordinance would result in any other portion of any chapter of the
30 *Ordinance Code* being held to be invalid, unenforceable,
31 unconstitutional or void, and the court does not sever such invalid

1 portion of this section, then the invalid portion of this ordinance
2 is repealed and invalid. It is the specific intent that the
3 invalidity of any portion of this ordinance shall not affect any
4 other section, subsection, paragraph, subparagraph, sentence, phrase,
5 clause, or word of the *Ordinance Code*.

6 **Section 10. Codification Instructions.** The Codifier
7 and the Office of General Counsel are authorized to make all chapter
8 and division "table of contents" consistent with the changes set
9 forth herein. Such editorial changes and any other necessary edits
10 to make the Ordinance Code consistent with the intent of this
11 legislation are approved and directed herein, and the changes to the
12 Ordinance Code shall be made forthwith and when inconsistencies are
13 discovered.

14 **Section 11. Effective Date.** This Ordinance shall
15 become effective immediately upon adoption in the manner provided by
16 law.

17
18 Form Approved

19
20 _____
 /s/Trisha D. Bowles

21 Trisha D. Bowles
22 Office of General Counsel
23 Legislation Prepared by: Trisha D. Bowles

24 GC-#1598519-v1-2023-780__Bldg_Code_Tech_Amd_Chg_Tables.docx

25