

RESOLUTION NO. 25-20

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, RELATING TO LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE AS APPROVED BY THE PINELLAS COUNTY CONSTRUCTION LICENSING BOARD; PROVIDING FOR REVISED DEFINITION OF “SUBSTANTIAL IMPROVEMENT”; REMOVAL OF PRIOR AMENDMENTS WHICH ARE NOW INCLUDED IN THE FLORIDA BUILDING CODE; PROVIDING FOR CODIFICATION OF SUCH AMENDMENTS PENDING ADOPTION BY THE FLORIDA BUILDING COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Florida Building Codes Act, codified at Chapter 553, Part IV., Florida Statutes, authorizes State adoption and modification of the Florida Building Code; and

WHEREAS, pursuant to Chapter 24-294, Laws of Florida, as amended, the Pinellas County Construction Licensing Board is the sole local governing body in Pinellas County authorized to adopt local technical amendments to the Florida Building Code, including those implementing the National Flood Insurance Program; and

WHEREAS, consequently, any local technical amendments to the Florida Building Code, including those implementing the National Flood Insurance Program, must be adopted by the Pinellas County Construction Licensing Board to be effective in Pinellas County; and

WHEREAS, County Staff proposed local technical amendments to the Florida Building Code implementing the National Flood Insurance Program in unincorporated areas, summarized below; and

WHEREAS, County Staff proposed revising the definition of “substantial improvement” in the Florida Building Code to mirror recent revisions of said definitions in Chapter 158 (Floodplain Management) of the County Land Development Code; and

WHEREAS, County Staff proposed removal of certain provisions included in the current edition of the Florida Building Code; and

WHEREAS, the Pinellas County Construction Licensing Board approved such local technical amendments for adoption on January 13, 2025;

WHEREAS, County Staff seeks the Board of County Commissioners’ approval to present such local technical amendments for adoption to the Florida Building Commission; and

WHEREAS, County Staff seeks authorization from the Board of County Commissioners to codify such local technical amendments in Appendix E of the County Code, pending adoption by the Florida Building Commission.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida that:

SECTION 1. The Pinellas County Board of County Commissioners hereby approves the adoption by the Pinellas County Construction Licensing Board of the following Local Technical Amendments to the Florida Building Code for submission to the Florida Building Commission, exclusive to unincorporated areas of the County and updates Appendix E to the Pinellas County Code as follows:

## **APPENDIX E LOCAL ADMINISTRATIVE AND TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE**

### **Florida Building Code, Building:**

#### **107.3.5 Minimum plan review criteria for buildings.**

##### **Section 202 Definitions.**

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a rolling one

(1) year period, the cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. The rolling period of accumulation begins when the permit for the first improvement or repair of each building is finalized. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Costs for repairs for the express purpose of repairing wind or flood damage to pre-damage condition of like kind and quality, provided the structure is not substantially damaged, and the costs of repairing wind or flood damage do not exceed 49 percent of the market value of the structure before the damage occurred.

## **Florida Building Code, Residential:**

**R322.3.6 Enclosed areas below the design flood elevation.** Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, elevators, and a storage area no larger than 100 square feet with one dimension not to exceed 6 feet.

## **Florida Building Code, Existing Building:**

### **Section 202 Definitions.**

**SUBSTANTIAL IMPROVEMENT.** For the purposes of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a rolling one (1) year period, the cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. The rolling period of accumulation begins when the permit for the first improvement or repair of each building is finalized. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Costs for repairs for the express purpose of repairing wind or flood damage to pre-damage condition of like kind and quality, provided the structure is not substantially damaged, and the costs of repairing wind or flood damage do not exceed 49 percent of the market value of the structure before the damage occurred.

[End of SECTION 1 (Local Technical Amendments)]

SECTION 2. The Pinellas County Board of County Commissioners directs the Floodplain Administrator or County Attorney to submit the Local Technical Amendments included in Section 1 of this Resolution to Municode for codification in Appendix E of the Pinellas County Code if and after the Pinellas County Construction Licensing Board adopts such Local Technical Amendments. The Pinellas County Board of County Commissioners recognizes that minor

alterations may be made to the Local Technical Amendments before adoption by the Pinellas County Construction Licensing Board.

SECTION 3. Except as expressly provided in this Resolution, nothing herein is intended to revise or repeal any existing Local Technical Amendments to the Florida Building Code.

SECTION 4. This Resolution is effective upon its adoption.

Commissioner Peters offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Scherer, and upon roll call the vote was:

Ayes: Scott, Eggers, Flowers, Latvala, Nowicki, Peters, and Scherer.

Nays: None.

Absent not voting: None.

PCAO 500992

**APPROVED AS TO FORM**

By: Amanda S. Coffey  
Office of the County Attorney