

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HHSC 11-06 Public Restrooms
SPONSOR(S): Health & Human Services Committee
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|--------|-----------|--|
| Orig. Comm.: Health & Human Services Committee | | Mathieson | Gormley |

SUMMARY ANALYSIS

PCB HHSC 11-06 repeals s. 553.86, F.S., which provides for a male to female toilet ratio in public buildings to be included in the Florida Building Code, via rule. This has been called "potty parity."

The incorporation of the International Plumbing Code into Florida's Building Code (Code) has provided an alternative standard that depends on the occupancy and the type of facility. In many cases, it has superseded the potty parity standard in Florida Statutes.

The bill has no fiscal impact on state or local governments.

The bill provides for an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation.

The Florida Building Code (Code) contains the regulations that control the construction, erection, alteration, repair or demolition of buildings in the state of Florida.¹ Section 553.77(1)(b), F.S., requires the Florida Building Commission (FBC) to make a continual study of the building code, and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. The FBC is authorized by s. 553.73(1)(a), F.S., to make rules or incorporate standards into the Code.

Section 553.86, F.S., was enacted in 1992 in response to long waiting times at restrooms for women at public events such as football games.² The Legislature at the time found that this was an important state interest, and that it caused not only a gender specific inconvenience, but also a threat to public health safety and comfort.³ In the House staff analysis of CS/HB 769, potty parity was estimated to have a fiscal impact on the Florida Department of General Services, of \$2,500 per toilet in construction or major remodeling of new state buildings.⁴

The ratio applies to new construction or major remodeling of buildings open to the public. A ratio of 3 women's toilets for every 2 male equivalents⁵ was provided for in rule by the Department for Community Affairs (DCA).⁶

In 1993, the Legislature enacted an exemption because of the fiscal impact for smaller occupancy businesses licensed under ch. 509, F.S.,⁷ if the establishment did not accommodate more than 150 persons and the establishment had at least the same number of toilets or urinals are provided for women as the combined total of male equivalents.⁸

The FBC has incorporated the International Plumbing Code (IPC) into the Code, which provides for a variety of minimum fixture standards for toilets.⁹ These standards are based on the facility's capacity and purpose.¹⁰ For example, the IPC standard, sets a ratio of 1 toilet for every 150 males in a church and 1 toilet for every 75 females.¹¹ In a stadium the ratio is more complex – for men, requiring 1 toilet per 75 for the first 1,500 people and 1 per 120 for the remainder exceeding 1,500, and for women, 1 toilet per 40 for the first 1,500 people and 1 per 60 for the remainder exceeding 1,500.¹² In some cases, the ratio is equal – such as a night club, where the standard is 1 toilet for every 40 people, regardless of gender.¹³

In many cases, the IPC standards have superseded the 3:2 ratio promulgated in rule by the DCA.¹⁴

¹ Ch. 553, F.S.

² J. Mailander, *Potty Parity Proves Costly for Schools*, The Miami Herald, Aug., 15, 1993.

³ Ch. 92-68, Laws of Florida, 1992.

⁴ Bill Analysis and Economic Impact Statement of CS/HB 769, Committee on Community Affairs, Feb. 25, 1992.

⁵ Ch. 9B-56.003, F.A.C. defines the male equivalent as toilets and urinals.

⁶ Ch. 4, s. 403.1.1 Florida Building Code, Plumbing, (2007).

⁷ This chapter of the Florida Statutes regulates lodging and food service establishments, and membership campgrounds.

⁸ Ch. 93-45, L.O.F., 1993.

⁹ S. 553.73(7)(a) provides that the FBC shall triennially select the most recent version of the IPC to form the foundation code for plumbing regulations. The IPC is promulgated by the International Code Council. See *a/so*, DCA email on file March 16, 2011 on file with House Health and Human Services Committee staff.

¹⁰ Ch. 4, s. 403.1, Florida Building Code, Plumbing, (2007).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Ch 9B-56.003, F.A.C.

Effect of the Proposed Changes.

The bill repeals s. 553.86, F.S., and removes the requirement for a standard ratio of women's to men's toilets for all facilities in the Florida Statutes. The IPC restroom ratios, based on occupancy and the facility's purpose, will not be effected by repealing s. 553.86, F.S.

B. SECTION DIRECTORY:

Section 1.: Repeals s. 553.86, F.S.

Section 2.: Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None

B. RULE-MAKING AUTHORITY:

Repealing s. 553.86, F.S, removes authority for DCA to set a ratio of women's to men's restrooms.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES