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Sent: Monday, January 12, 2026 3:03 PM
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Subject: Florida Building Code Glitch

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Good afternoon Chairman Bourre, Mo, Alan and Justin,

I believe there is a glitch in the Florida Building Code-Accessibility. None of my clients have asked me to do any work regarding the upcoming code edition (not yet, anyway) so I wasn't really thinking about proposing code changes... until I saw the notice seeking public comment for a binding interpretation (Petition 317, 2023 FBC-Accessibility) that just came out. The issue underlying Petition 317 seems to be related, at least somewhat, to the glitch. Since that petitioner already has representation, my primary concern in writing is that the error not be carried forward into the 2026 Florida Building Code-Accessibility, 9th edition.

In the 2023 Florida Building Code, Accessibility, 8th Edition ("2023 FAC"), the definition of *Places of Lodging* is as follows:

Places of lodging. Except for an establishment located within a *facility* that contains not more than five rooms for rent or hire and that actually is occupied by the proprietor of the establishment as the residence of the proprietor. For purposes of this part, a *facility* is a "*place of lodging*" if it is—

- (i) An inn, hotel, or motel; or
- (ii) A *facility* that—

(A)Provides guest rooms for sleeping for stays that primarily are short-term in nature (generally 30 days or less) where the occupant does not have the right to return to a specific room or unit after the conclusion of his or her stay; and

(B)Provides guest rooms under conditions and with amenities similar to a hotel, motel, or inn, including the following—

- (1)On- or off-site management and reservations service;
- (2)Rooms available on a walk-up or call-in basis;
- (3)Availability of housekeeping or linen service; and

(4)Acceptance of reservations for a guest room type without guaranteeing a particular unit or room until check-in, and without a prior lease or security deposit.

Resort condominiums are considered to be public lodging establishments pursuant to Section 509.242, F.S.;

2023 FAC § 106.5 (Greyed highlighting is part of the cited text).

The greyed highlighted section contains the error. *Resort condominium* was, at one time in the past, a defined category of public lodging establishment in Section 509.242, Florida Statutes. However, that term was eliminated from Section 509.242, Florida Statutes, a number of years ago. Accordingly, including the term *resort condominiums* in the definition of places of lodging as part of the definition of *Places of Lodging* is, in my opinion, erroneous and should be eliminated. Leaving the term in the code can be confusing and lead to misinterpretation.

I believe that the closest category in Section 509.242 to what used to be *resort condominium* is *vacation rental*. However, I have not spent much time looking into whether *vacation rental* would be an appropriate substitution for *resort condominium* so I am not proposing a particular change at this time except to eliminate the obsolete term.

I am happy to answer any questions you may have about the above.

Best regards,

Robert

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