

ACCESSIBILITY CODE AND LAW WORKSHOP
January 20, 2011
Tampa, Florida

PUBLIC COMMENTS

Todd Anderson: Asked how to distinguish between the actual requirements and the DOJ advisories. Rick Dixon replied that the only content of the new code will be the technical requirements of the code found in the law and federal rules. The advisory information will be in a separate document as an advisory to explain the code.

Larry Schneider: Suggested that the advisories remain embedded in the code, rather than as a separate document.

Scott Cannard: Suggested continuing to publish a separate document for Chapter 11 as well as being a component of the overall Florida Building Code.

Todd Anderson: Asked how to distinguish between the actual requirements and the DOJ advisories. Rick Dixon replied that the only content of the new code will be the technical requirements of the code found in the law and federal rules. The advisory information will be in a separate document as an advisory to explain the code.

Larry Schneider: Suggested that the advisories remain embedded in the code, rather than as a separate document.

Scott Cannard: Suggested continuing to publish a separate document for Chapter 11 as well as being a component of the overall Florida Building Code.

Todd Anderson: Said the draft code incorporates requirements for curb ramps that exceed the scope of federal curb ramp specifications and they should be clarified.

Bemmie Eustace: Building officials are not consistent in calculating the number of occupants of a given area, particularly with respect to determining whether five or fewer are in a specific area.

Chris Zimmerman: Suggested adding a section stating there are no exceptions other than those enumerated in Chapter 553.

Bemmie Eustace: Suggested adding a modification to remove all levels and replace it with vertical accessibility requirements for only two levels or less in the Florida statutes, and allow the DOJ standards to kick in thereafter.

Dale Greiner: Suggested using only the DOJ standards, not the Florida code.

Todd Anderson: The federal regulations are civil rights laws and Florida incorporates them into the building code, which governs more types of facilities than are addressed in the federal guidelines.

Jack Humburg: Disagreed with eliminating the Florida-specific standards.

Larry Schneider, representing AIA Florida: AIA Florida supports using as much ADAAG as possible and eliminating most Florida specific requirements. There is no objection to retaining the 29" clear width opening into a bathroom in single family, duplex, triplex and condominiums. Recommend deleting the requirement for 29" doors not otherwise covered by ADAAG or Fair Housing guidelines. Recommend deleting the 72" clear space at the bottom of ramps and using the 60" in ADAAG. Recommend deleting the 18" extension on handrails. Suggest modifying 406.3 to delete the 1:10 standard and make curb ramp flares 1:12. Renumber section on door pressure. Delete the section on specific dining requirements in favor of ADAAG. There is no objection to retaining the Florida-specific requirements for 5% of hotel/motel rooms, and delete any reference to condominiums. Recommend using the ADAAG requirements for detectable warnings. Telephone installation requirements should be consistent with ADAAG. Recommend clarifying that the lavatory within a toilet stall is only mandatory in new construction. Delete any reference to restroom since there is no corresponding language in ADAAG and refer to toilet rooms. Delete requirements for checkout counters and defer to ADAAG. Delete turnstile requirements and defer to ADAAG. Maintain the state agency parking standards. Perpendicular and diagonal accessible parking spaces should conform to ADAAG. Parking space markings should be maintained. Recommend modifying parking requirements to allow a wheelchair user to wheel behind both his/her vehicle and one other. Delete references to multiple entrances in parking section as well as signage for van accessible spaces in open parking areas. Change the dimensions for accessible parking to 11 feet instead of 12 feet with a 5' access aisle. Maintain the standards for entertainment complex parking. Recommend using federal guidelines for on-street parking. The requirements for parallel parking and curb ramps should be consistent with ADAAG. Include a statement that the number of required parking spaces may not be reduced unless a waiver has been granted to permit use of the federal ratio. Add a drawing clarifying the design of the accessible parking sign.

Ben Ritter: Concerning the striping of Accessible Parking Spaces, there is a great deal of misunderstanding of 553.5041(6) - Parking spaces for persons who have disabilities - by many Florida code officials and paving/stripping contractors. Accessible parking spaces need to be striped in white and outlined in blue. We see parking spaces all over the state of Florida that have been striped entirely in blue. When code officials and contractors read (553.5041(6)): " - - - *must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities....*" it is, understandably, logical for them to believe that they are required to stripe the space ENTIRELY in blue. This is wrong. This requirement is repeated in the FACBC in Section 11-4.6.4 of the Florida Building Code. The misunderstanding can easily be eliminated by amending & clarifying 553.5041(6) and 11-4.6.4 Signage to read:

"Each parking space must be striped in white and prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities - - -". This amendment would clarify the intention of both the statute and the code.

Concerning access aisles: S. 553.5041(5)(c)1 requires that the "...access aisle must be striped diagonally to designate it as a no-parking zone."

We might further clarify the access aisle striping issue by amending 553.504(5)(c)1 to read:

"... access aisle must be striped diagonally in white to designate it as a no-parking zone."

For further clarification, consider adding this wording: The correct markings for accessible parking spaces have *both* white and blue stripes, and access aisles are marked in white."

Larry Schneider: In Section 553.505, delete the last sentence; change the "on or after" date for code imposition; delete exception #1 for vertical accessibility; delete the portion exempting five or fewer employees; and maintain the requirements for van parking in garages.

Todd Anderson: Recommended no differentiation between the types of parking, e.g. public, employees or in the case of schools, students.

Sandy Shroka: Water closets in hotel rooms should not be 15 inches high; the bed height in accessible rooms should be standardized since higher mountings are unusable for many wheelchair users and the elderly.

Larry Schneider: Signs designating accessible parking should be mounted a minimum of 84 inches above grade.

Jack Humburg: Recommended retaining the ratio of required accessible seats in the Florida code rather than the new federal standards which do not provide as many, particularly in large venues.

Diana Ibarra (clarified workshop comment in writing): Texas has a fairly well-organized system of accessible plan review that takes the accessible plan review off of the building department and provides checks and balances for out-of-state architects and Owners working in Texas. The Texas Department of Licensing and Regulation has an established list of Accessibility Plan Reviewers who are independent contractors and not tied to the state or county. The Architect or Owner is required to contract to one of the reviewers which is the Architect's/Owner's choice as the reviewers are dispersed across Texas so it's possible to have a reviewer very near your project (some charge hourly for the drive time). The Architect must submit plans to the Accessibility reviewer within 2 days of submitting to the Bldg. Dept. for a permit application. It works better to submit 1 day before as the Architect's license can be in peril for non-compliance. The plan reviewer then issues a number that is required on the Permit Application to verify to the jurisdiction that plans have been received for accessibility review. The plan reviewer will review the plans and provide a list of deficiencies, if any, which the architect must correct. The plan reviewer must be notified within 12 months after the Certificate of Occupancy for a site inspection. If there are deficiencies, a 2nd site visit is required. Fees are posted on the varying plan reviewer websites as well as online forms, registration and payment. As a prudent Architect representing the Owner, it is useful to tie the GC's final retainer release to the Approved Site Inspection as it will ensure that the Inspection occurs more nearly to time of completion vs. 11.5 months afterwards.

Submitted Written Comments

Ben Ritter (Florida Gulf Coast Chapter Paralyzed Veterans of America):

- Recommend amending 553.5041(6), Parking spaces for persons who have disabilities– and 11-4.6.4 Signage – to clarify that correct markings for accessible parking spaces have both white and blue stripes; “...must be striped in white and prominently outlined in blue...” This amendment would clarify the intention of both the statute and the code.
- Recommend amending 553.504(5)(c)1 and 11-5.6.3 to clarify that access aisles must be striped in white: “The access aisle shall be striped diagonally in white to designate it as a no parking zone.”
- “Van accessible” signs are not necessary in Florida outside of parking structures and spaces with height limitations because all of Florida’s 12’ and 5’ spaces are van accessible. Recommend amending 11-4.6.4 Signage – Add: “Van accessible signs are not required outside of parking structures.”
- Wheelchair users have difficulty closing doors behind them when they pull into a toilet room or stall when the door opens out. Recommend amending statute to require door pulls be installed on the hinge side of the doors to accessible toilet rooms. Also amend 11-4.17.5 Doors (to toilet stalls) – Add the above language. This is a cheap, easy fix and would enhance the FACBC.
- Wheelchair users have difficulty transferring to hotel beds that are over 24” high. Recommend limiting hotel bed heights. Range 21”-24” to top of mattress.
- Wheelchair users have difficulty maneuvering in and out of hotel beds. Back boards with vertical bars that can be gripped are very helpful. Recommend amending appropriate statute(s).

Greg Alfsen (Florida Department of Health):

- The sections (101.1, 101.2, and 201.1) of the 2010 ADA and proposed Florida Code imply that only altered existing facilities will require the swimming pool retrofits found in ADA section 1009.
- Is this true for the Florida Code, or will existing facilities that are not altered also be required to retrofit their pools?
- Does the “no safe harbor” clause of ADA Title III require all the existing Florida pools to retrofit by March 2012?
- Will the alteration of a building where a pool is located trigger a requirement to retrofit the pool, or will only the pool alteration trigger the retrofit?
- Is one of the criteria that triggers a requirement to retrofit a pool based upon the cost of an alteration? If yes how much is that threshold?
- How will the FBC determine if compliance is “technically infeasible” for an existing pool facility?

Ben Ritter (Florida Gulf Coast Chapter Paralyzed Veterans of America):

- Concerning 11-4.6.3 Parking spaces. Oregon requires placing an access aisle on the passenger side where there is only one accessible space. I recommend we amend our Florida

code to include similar language. Go to:

<http://www.aocweb.org/crp/Portals/1/RoadManual/ORS/447/447.233.pdf>

See: 447.233 Accessible parking space requirements; inspection of spaces; violation.

(d) The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.

- Concerning Illegal parking in Access Aisles:
It is common to see vehicles with Parking Permits and ISA symbol license plates and Specialty Plates illegally parked in access aisles. This action prevents a wheelchair-user from reentering his or her lift or ramp-equipped vehicle, unless a companion or a courteous passer-by is able to back the van out far enough to allow access. But when the driver with the disability is driving seated in his or her wheelchair, this is not possible because there is no driver's seat for an able bodied person to assist. We receive many complaints from our PVA Members on this issue, and I, myself have experienced this problem twice in the past two weeks.

Yesterday at the Workshop I mentioned that Hawaii requires No Parking signs to be posted in Access Aisles. They amended their statute a few years ago to require signage in access aisles of their VAN ACCESSIBLE spaces because judges were dismissing cases when people with parking permits and specialty plates protested their fines in court. Here in Florida, ALL of our accessible parking spaces are Van Accessible. I recommend we amend our code to require similar signage be placed in all of our state's access aisles. This would be appropriate, given our high population of elderly individuals and veterans and out-of-state visitors with disabilities

Go to: <http://hawaii.gov/health/dcab/parking/> and click on the PDF: How to Design an Accessible Parking Space. Note that Hawaii's "no parking in the access aisle" sign does not display the parking fine. We should include. Go to:

<http://webcache.googleusercontent.com/search?hl=en&q=cache:GI57dGn83pUJ:http://www.state.hi.us/health/dcab/pt11219/+Hawaii++State+requirements+for+signage+of+car+and+van-accessible+spaces&ct=clnk>

See §11-219-14 Signage and marking of parking spaces and access aisles §11-219-14 Signage and marking of parking spaces and access aisles. (a) Parking spaces designated as reserved for persons with disabilities shall be identified as follows:

The parking space shall be posted with the following notice signs:

A reserved parking sign with the dimensions and text and graphic sizes as shown on the "Typical Reserved Parking Sign for Persons with Disabilities" (Exhibit 1) and "Typical Reserved Parking Sign for Van Accessible Stall" (Exhibit 2), dated 5/29/02 at the end of this chapter and made a part of this section. The reserved parking sign shall be located at the front

of each parking space reserved for persons with disabilities. The reserved parking sign shall be mounted at minimum 80 inches above the finished floor to the bottom of the reserved parking sign, unless technically infeasible because of low ceiling height, in which case the sign shall be mounted at the highest point above the finished floor. The reserved parking sign shall be mounted on a free-standing pole, on a wall, or suspended overhead. The reserved parking sign shall not be mounted so as to obstruct ingress to, or egress from, a vehicle parked in the parking space.

If the parking space is designed to accommodate a passenger van, a van-accessible sign with the dimensions and text size shown on Exhibit 2 at the end of this chapter. The van-accessible sign shall be mounted immediately below the reserved parking sign at minimum 80 inches above the finished floor to the bottom of the van-accessible sign, unless technically infeasible because of low ceiling height, in which case the van-accessible sign shall be mounted at the highest point above the finished floor.

Beyond the requirements imposed by the Americans with Disabilities Act Accessibility Guidelines with respect to dimensions, location, and slope, the parking space shall be striped on two sides of the parking space. The striping shall be four (4) inches in width and shall be clearly visible in contrast to the parking surface.

(b) Access aisles shall be identified as follows:

Van access aisles shall be posted with a no parking sign with the dimensions and text sizes shown on the "Typical Access Aisle Sign" (Exhibit 3) dated 5/29/02, at the end of this chapter and made a part of this section. The no parking sign shall be mounted at minimum 80 inches above the finished floor to the bottom of the no parking sign, unless technically infeasible because of low ceiling height, in which case the sign shall be mounted at the highest point above the finished floor. The no parking sign shall be on a free-standing pole, on a wall, or suspended overhead. The no parking sign shall not be mounted so as to obstruct ingress to, or egress from, a vehicle parked in the parking space. The no parking sign shall be placed in a location reasonably calculated to call the sign to the attention of drivers.

Access aisles, other than van access aisles, shall not require additional signage.

Go to:

<http://webcache.googleusercontent.com/search?hl=en&q=cache:s-uVZEWx4kgJ:http://hawaii.gov/health/dcab/designaccparkingstall/+hawaii+state+parking+statutes+access+aisle&ct=clnk>

What are the additional (Hawaii) State requirements for signage of car and van-accessible spaces?

The following elements are required on the sign:

- the words "Reserved Parking,"
- the International Symbol of Access,
- the words "Maximum Fine \$500," and
- the words "Placard or Special License Plate Required."
- Minimum sign dimensions are 12" wide by 18" long.
- Minimum mounting height of the "Reserved Parking" sign is 80" from the bottom of the sign to the ground.
- Minimum mounting height of the "Van Accessible" sign is 80" from the bottom of the sign to the ground.
- Access Aisles for van-accessible spaces must have a "No Parking – Access Aisle" sign posted.