

ACCESSIBILITY CODE WORKGROUP REPORT TO THE FLORIDA BUILDING COMMISSION



April 6, 2009

Gainesville, Florida

Facilitation, Meeting and Process Design By



CONSENSUS SOLUTIONS

Report By Jeff A. Blair
FCRC Consensus Center
Florida Conflict Resolution Consortium
Florida State University



jblair@fsu.edu
[http:// consensus.fsu.edu](http://consensus.fsu.edu)

This document is available in alternate formats upon request to Dept. of Community Affairs,
Codes & Standards, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850) 487-1824.

FLORIDA BUILDING COMMISSION

FLORIDA ACCESSIBILITY CODE WORKGROUP REPORT

April 6, 2009

OVERVIEW

The scope of the Workgroup is to develop recommendations for amending the Florida Accessibility Code for Building Construction once the US Department of Justice completes its adoption of the next generation of the ADA Accessibility Standards. The task is to integrate the relevant Florida standards in ss. 553.501-553.513, F.S., into the 2004 ADAAG as adopted by 28 CFR 36 (prospective). Although DOJ's process is not complete, the Workgroup will begin with the 2004 ADAAG and modify the new draft FACBC to reflect DOJ's amendments when those are available.

The process for developing the new Accessibility Code will be divided into major tasks as follows:

Task 1:

Integration of Florida standards located in the current Florida Accessibility Code into sections of the 2004 ADAAG that have a one for one parallel section.

Task 2:

Deciding what to do with Florida standards that are in sections/subsections of 1994 SAD that do not have a one for one parallel section in the 2004 ADAAG.

Task 3:

Integration of Florida standards into new sections in the 2004 ADAAG that have no parallel in the Florida Accessibility Code (e.g., recreational facilities).

Task 4:

Revising the draft Florida Accessibility Code based on the 2004 ADAAG for changes made by DOJ in its rule making.

Workgroup Adopted Project Strategy

The Workgroup voted unanimously, 18 - 0 in favor, to integrate all current Florida Specific requirements into the Proposed DOJ SAD (Standards for Accessible Design), June 2008, and concurrently evaluate and make recommendations on the Florida Specific requirements and ancillary topics, with recommendations forwarded to the Legislature for enhancements or removal of specific Florida requirements and ancillary issues.

At Meeting I the Workgroup was asked as a threshold question whether to proceed with consideration regarding integrating the Florida Specific requirements into the DOJ SAD, June 2008 or delay pending completion of rulemaking.

Workgroup Action:

Motion—The Workgroup voted unanimously, 18 - 0 in favor, to move forward with developing the new Florida Accessibility Code without delay.

MEMBERS AND REPRESENTATION

Raul L. Rodriguez, AIA, Chair of the Florida Building Commission, made the following appointments to the Florida Accessibility Code Workgroup. Members are charged with representing their stakeholder group's interests, and working with other interest groups to develop consensus package(s) of recommendations for submittal to the Commission.

Michael Elliot, Kiko Franco, Skip Gregory, Jeff Gross, Jon Hamrick, Jack Humburg, Julia Kates, Neal Melick, Sharon Mignardi, Bill Norkunas, Barbara Page, Ben Ritter, Larry Schneider, Jim Schock, Randy Vann, Steve Watson, and Phillip Wisely.

REPORT OF THE APRIL 6, 2009 MEETING

Opening and Meeting Attendance

The meeting started at 1:00 PM, and the following Workgroup members were present: Pam Darworth, Bemmie Eustace, Kiko Franco, Skip Gregory, Jeff Gross, Jon Hamrick, Jack Humburg, Diana Ibarra, Julia Kates, Sharon Mignardi, Bill Norkunas, Barbara Page, Larry Schneider, Jim Schock, Shelley Siegel, Randy Vann, Bob Vincent, Steve Watson, Soy Williams, and Phillip Wisely.

DCA Staff Present

Rick Dixon, Bruce Ketcham, and Mary Kathryn Smith.

Meeting Facilitation

The meeting was facilitated by Jeff Blair from the Florida Conflict Resolution Consortium at Florida State University. Information at: <http://consensus.fsu.edu/>



Project Webpage

Information on the project, including agenda packets, meeting reports, and related documents may be found in downloadable formats at the project webpage below:

<http://consensus.fsu.edu/FBC/accessibility-code.html>

Agenda Review and Approval

The Workgroup voted unanimously, 14 - 0 in favor, to approve the agenda as presented including the following objectives:

- ✓ To Approve Regular Procedural Topics (Agenda and Summary Report)
- ✓ To Review Workgroup Member's Recommendations Regarding Florida Specific Requirements
- ✓ To Discuss and Evaluate Level of Acceptability of Proposed Options
- ✓ To Discuss Project Tasks and Identify Needed Information and Assignments
- ✓ To Consider Public Comment
- ✓ To Identify Needed Next Steps and Agenda Items for Next Meeting

February 2, 2009 Facilitator's Summary Report Approval

Jeff Blair, Commission Facilitator, asked if any members had corrections or additions to the February 3, 2009 Report, and none were offered.

The Workgroup voted unanimously, 14 - 0 in favor, to approve the February 2, 2009 Facilitator's Summary Report as presented.

Review and Discussion of Integration of Florida Specific Requirements into SAD Options

During Meeting I (February 2, 2009), The Workgroup voted unanimously to integrate all current Florida Specific requirements into the Proposed DOJ SAD, June 2008, and concurrently evaluate and make recommendations on the Florida Specific requirements and ancillary topics, with recommendations forwarded to the Legislature for enhancements or removal of specific Florida requirements and ancillary issues. In addition, members agreed to provide written feedback to Jeff Blair by March 5, 2009 regarding recommendations for integration of where to place the Florida Specific Requirements in the DOJ SAD, June 2008, "Proposed ADA Standards for Accessible Design" as follows:

Group 1 should provide recommendations for the following components

(Skip Gregory, Jon Hamrick, Barbara Page, Jim Schock and Soy Williams):

- (1) All new single-family houses, duplexes, triplexes, condominiums, restroom...
- (2) All required doors and walk-through openings in buildings width...
- (3) In addition to the requirements in reference 4.8.4 of the guidelines, all landings...
- (4) All curb ramps shall be designed and constructed in accordance with the...

Group 2 should provide recommendations for the following components

(Pam Darworth, Neil Melick, Bill Norkunas, Ben Ritter, Randy Vann, and Bob Vincent):

- (5) Exterior hinged doors shall be so designed that such doors can be pushed or pulled...
- (6) Public food service establishments, all establishments licensed under the Beverage Law for consumption on the premises, and all facilities governed by reference 4.1 of the guidelines shall provide seating or spaces for seating in accordance with the...
- (7) All aisles adjacent to fixed seating shall provide clear space for wheelchairs...
- (8) In motels and hotels a number of rooms equaling at least 5 percent of the guest...

Group 3 should provide recommendations for the following components

(Kiko Franco, Jack Humburg, Sharon Mignardi, Shelley Siegel, and Steve Watson):

- (9) Detectable warning surfaces required by the guidelines shall be governed by the...
- (10) Guidelines, the installation and placement of all public telephones shall be governed...
- (11) Guidelines, required restrooms and toilet rooms in new construction shall be...
- (12) All customer checkout aisles not required by the guidelines to be handicapped...

Group 4 should provide recommendations for the following components

(Bemmie Eustace, Jeff Gross, Diana Ibarra, Julia Kates, Larry Schneider, and Phillip Wisely):

- (13) Turnstiles shall not be used in occupancies which serve fewer than 100...
- (14) Barriers at common or emergency entrances and exits of business...
- (15) Parking...
- (16) Barrier removal...

During Meeting II (April 6, 2009) Members were requested to identify, discuss and evaluate a range of options regarding the integration of Florida Specific Requirements into SAD. For each of the Florida Specific Requirements, member's were asked to identify a range of potential options for the Workgroup to consider. Issues and Options were organized to address the tasks assigned by the Florida Building Commission and the Florida Legislature. A preliminary list of options was proposed by members as a pre-meeting assignment, and the Workgroup was requested to discuss and add any additional relevant options they deem appropriate. When available, staff will provide information from data collections, research studies, and other pertinent sources to the Workgroup. Members and staff were encouraged to request any information they feel necessary for evaluating an issue, option or range of options. Once ranked by the Workgroup, options will be listed within relevant key topical issue areas, in descending order of initial support as indicated by the initial acceptability ranking. Options with 75% or greater number of 4's and 3's in proportion to 2's and 1's shall be considered consensus draft recommendations. Members of the public were also invited to provide feedback and options for evaluation.

The Results of the Options Ranking Exercise and relevant comments and discussion are included as Attachment 3 of this Report.

(Attachment 1—Options Evaluation Exercise Results)

Discussion of Project Tasks and Identification of Assignments

Members were asked to have a review key project tasks and to identify any needed documents/information. In addition, members of the public were invited to provide comments on same.

General Public Comment

Members of the public were invited to provide the Workgroup with comments.

There were no general public comments provided. Members of the public spoke on each of the substantive discussion issues before the Workgroup.

Review of Workgroup Delivery and Meeting Schedule

The Workgroup's tentative meeting schedule for 2009 is as follows:

February 2, April 6, June 8, and August 10, 2009.

The next meeting will be held on June 8, 2009 in Tampa.

Next Steps

Staff will prepare a draft integrating Florida Specific Requirements as proposed by the Workgroup.

At the next meeting the Workgroup will review, evaluate and decide on the draft recommendations.

Assignments

Staff to prepare draft integrating Florida Specific Requirements into the Proposed ADA Standards for Accessible Design.

Members requested power strips, and laptops loaded with relevant project documents for the next meeting.

Adjournment

The Workgroup voted unanimously, 14 – 0 in favor, to adjourn at 6:00 PM.

ATTACHMENT 1

OPTIONS EVALUATION RESULTS

Members were asked to provide recommendations for integrating the 19 Florida Specific Requirements into the DOJ SAD, June 2008 as follows:

ITEM 1 -553.504 Exceptions **single-family houses, duplexes, triplexes, condominiums, and townhouses**

ITEM 2 -553.504 Exceptions to the guidelines –**Required Doors**

ITEM 3 -553.504 Exceptions to the guidelines- **landings on ramps**

ITEM 4 -553.504 Exceptions to the guidelines- **curb ramps**

ITEM 5 - 553.504 Exceptions to the guidelines –**Exterior hinged doors**

ITEM 6 - 553.504 Exceptions to the guidelines – **All public food establishments**

ITEM 7 -553.504 Exceptions to the guidelines –**Fixed Seating**

ITEM 8 -553.504 Exceptions to the guidelines – **motels and hotels**

ITEM 9 -553.504 Exceptions to the guidelines –**Detectable warnings**

ITEM 10 -553.504 Exceptions to the guidelines.-**Public telephones**

ITEM 11 -553.504 Exceptions to the guidelines- **Restrooms and toilets**

ITEM 12 -553.504 Exceptions to the guidelines – **Checkout aisles**

ITEM 13 -553.504 Exceptions to the guidelines –**Turnstiles**

ITEM 14 -553.504 Exceptions to the guidelines- **Barriers at common or emergency entrances**

ITEM 15- 553.5041 **Parking spaces for persons who have disabilities**

ITEM 16 -553.508 **Architectural barrier removal**

ITEM 17 -553.509 **Vertical accessibility**

ITEM 18 -553.507 Exemptions –**in existence on October 1, 1997**

ITEM 19 -553.504 Exceptions to the guidelines- **new or altered buildings and facilities frequented in, lived in, or worked in by the public**

Evaluation of Integrating Florida Specific Requirements into DOJ SAD, June 2008

Members were asked to identify where (which section(s)) the Florida Specific requirements should be integrated into the DOJ SAD, June 2008. In some cases members used a four-point acceptability scale and in other cases a simple yes no vote was utilized. The results are as follows:

Item 1: 553.504 Exceptions **single-family houses, duplexes, triplexes, condominiums, and townhouses**

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(2) All new single-family houses, duplexes, triplexes, condominiums, and townhouses shall provide at least one bathroom, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a 29-inch clear opening. However, if only a toilet room is provided at grade level, such toilet room shall have a clear opening of not less than 29 inches.

2008 FACBC 1.3 and 4.1.1(1)(c) and 4.22.2 and 4.23.2 and 11.1(1)

Following discussions the members agreed to the following:

Include language in Section(s): 233, 603.1, 809.4.

Rankings and Comments:

Eliminate 213 as a Florida specific requirement.

Should consider placing in only one location, and referencing back at other locations.

Options Evaluated:

Place in 233 and provided reference notes at 213.2, 603.1, 809.4: 10 – 4 in favor (failed to achieve 75% in support).

Place in 233: 15 – 0 in favor.

Provide reference pointer in 213.2. 8 – 7 in favor (failed to achieve 75% in support).

Place in 603.1: 13 – 2 in favor.

Place in 603.2.3: 0 – 15 in favor (failed to achieve 75% in support).

Place in 809.4: 15 – 0 in favor.

Place in 202.3: 0 – 15 in favor (failed to achieve 75% in support).

Place in 404.1 as Exception 1: 0 – 15 in favor (failed to achieve 75% in support).

Item 2: 553.504 Exceptions to the guidelines –**Required Doors**

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(3) All required doors and walk-through openings in buildings excluding single-family homes, duplexes, and triplexes not covered by the Americans with Disabilities Act of 1990 or the Fair Housing Act shall have at least 29 inches of clear width except under ss. [553.501](#)-553.513.

2008 FACBC 4.13.1(2)

Following discussions the members agreed to the following:
Include language in Section(s): 404.2.3, 404.1

Rankings and Comments:

Eliminate this as a Florida specific requirement.

Options Evaluated:

Place in 404.2.3: 12 – 2 in favor.

Place in 404.1: 15 – 0 in favor.

Item 3: 553.504 Exceptions to the guidelines- **landings on ramps**

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(4) In addition to the requirements in reference 4.8.4 of the guidelines, all landings on ramps shall be not less than 60 inches clear, and the bottom of each ramp shall have not less than 72 inches of straight and level clearance.

2008 FACBC 4.8.4(2)

Following discussions the members agreed to the following:
Include language in Section(s): 405.7.3

Rankings and Comments:

Remove this as a Florida specific requirement.

Change Statute 553.504 to agree with ADDAG requirement, then this could be eliminated as a Florida specific requirement.

Options Evaluated:

Place in 405.7: 3 – 12 in favor (failed to achieve 75% in support).

Place in 405.7.3: 13 – 2 in favor.

Item 4: 553.504 Exceptions to the guidelines- **curb ramps**

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(5) All curb ramps shall be designed and constructed in accordance with the following requirements:

(a) Notwithstanding the requirements of reference 4.8.5.2 of the guidelines, handrails on ramps which are not continuous shall extend not less than 18 inches beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface.

2008 FACBC 4.8.5(2)

(b) Notwithstanding the requirements of references 4.3.3 and 4.8.3 of the guidelines, curb ramps that are part of a required means of egress shall be not less than 44 inches wide.

2008 FACBC 4.3.3 and 4.8.3

(c) Notwithstanding the requirements of reference 4.7.5 of the guidelines, curb ramps located where pedestrians must use them and all curb ramps which are not protected by handrails or guardrails shall have flared sides with a slope not exceeding a ratio of 1 to 12.

2008 FACBC 4.7.5 and Figure 12(b)

Following discussions the members agreed to the following:

Include language in Section(s): 505.10.1 for part (a), 406.1 for parts (b) and (c), provide a reference pointer in 406.3 for part (c).

Rankings and Comments:

Options Evaluated:

Place in 505.10.1 for part (a): 15 – 0 in favor.

Place in 406.1 for parts (b) and (c), provide a reference pointer in 406.3 for part (c). 15 – 0 in favor.

Item 5: 553.504 Exceptions to the guidelines –**Exterior hinged doors**

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(6) Notwithstanding the requirements in reference 4.13.11 of the guidelines, exterior hinged doors shall be so designed that such doors can be pushed or pulled open with a force not exceeding 8.5 foot pounds.

2008 FACBC 4.13.11(2)(a)

Following discussions the members agreed to the following:

Include language in Section(s): 404.2.9.

Rankings and Comments:

Options Evaluated:

Place in 404.2.9: 15 – 0 in favor.

Item 6: 553.504 Exceptions to the guidelines – **All public food establishments**

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(7) Notwithstanding the requirements in reference 4.33.1 of the guidelines, all public food service establishments, all establishments licensed under the Beverage Law for consumption on the premises, and all facilities governed by reference 4.1 of the guidelines shall provide seating or spaces for seating in accordance with the following requirements:

2008 FACBC 4.33.1

(a) For the first 100 fixed seats, accessible and usable spaces must be provided consistent with the following table:

Capacity of Seating In Assembly Areas	Number of Required Wheelchair Locations
1 to 25	1
26 to 50	2
51 to 100	4

2008 FACBC 4.1.3(19)(a)

(b) For all remaining fixed seats, there shall be not less than one such accessible and usable space for each 100 fixed seats or fraction thereof.

Following discussions the members agreed to the following:
Include language in Section(s): 226.1 for scope.

Rankings and Comments:

Options Evaluated:
Place in 226.1 for scope: 15 – 0 in favor.

Item 7: 553.504 Exceptions to the guidelines –**Fixed Seating**

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(8) Notwithstanding the requirements in references 4.32.1-4.32.4 of the guidelines, all fixed seating in public food service establishments, in establishments licensed under the Beverage Law for consumption on the premises, and in all other facilities governed by reference 4.1 of the guidelines shall be designed and constructed in accordance with the following requirements:

- (a) All aisles adjacent to fixed seating shall provide clear space for wheelchairs.
- (b) Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.

2008 FACBC 4.32.2

Following discussions the members agreed to the following:
Include language in Section(s): 206.2.5.

Rankings and Comments:

Options Evaluated:
Place in 206.2.5: 15 – 0 in favor.

Item 8: 553.504 Exceptions to the guidelines – **motels and hotels**

Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(9) In motels and hotels a number of rooms equaling at least 5 percent of the guest rooms minus the number of accessible rooms required by the guidelines shall provide the following special accessibility features:

- (a) Grab rails in bathrooms and toilet rooms that comply with s. 4.16.4 of the guidelines.
- (b) All beds in designed accessible guest rooms shall be open-frame type to permit passage of lift devices.
- (c) All standard water closet seats shall be at a height of 15 inches, measured vertically from the finished floor to the top of the seat, with a variation of plus or minus $\frac{1}{2}$ inch. A portable or attached raised toilet seat shall be provided in all designated handicapped accessible rooms.

All buildings, structures, or facilities licensed as a hotel, motel, or condominium pursuant to chapter 509 shall be subject to the provisions of this subsection. Nothing in this subsection shall be construed as relieving the owner of the responsibility of providing accessible rooms in conformance with ss. 9.1-9.5 of the guidelines.

2008 FACBC 9.1.2 and 9.2.3 (Note wording in law is all contained but rearranged in FACBC)

Following discussions the members agreed to the following:

Include language in Section(s): 224.2 for scope and Table 224.2 add column for 5%, 806 for requirements.

Rankings and Comments:

Options Evaluated:

Place in 224.2 for scope and Table 224.2 add column for 5%, 806 for requirements: 15 – 0 in favor.

Item 9: 553.504 Exceptions to the guidelines –**Detectable warnings**

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(10) Notwithstanding the requirements in reference 4.29.2 of the guidelines, all detectable warning surfaces required by the guidelines shall be governed by the requirements of American National Standards Institute A117.1-1986.

2008 FACBC 4.29.2(1)

Following discussions the members agreed to the following:

Include language in Section(s): 705.

Rankings and Comments:

Recommend deletion of the current detectable warning requirements contained in FS 553.504(10) and keep the detectable warnings requirements in the Proposed ADA Standards for Accessible

Design. The ANSI A117.1-1986 standard is outdated and should be replaced with the new federal standard.

Options Evaluated:

Place in 705: 15 – 0 in favor.

Item 10: 553.504 Exceptions to the guidelines.-Public telephones

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(11) Notwithstanding the requirements in references 4.31.2 and 4.31.3 of the guidelines, the installation and placement of all public telephones shall be governed by the rules of the Florida Public Service Commission.

2008 FACBC (Note there are no indications in the FACBC of changes to ADAAG)

Following discussions the members agreed to the following:

Include language in Section(s): 217.1.

Rankings and Comments:

Options Evaluated:

Place in 217.1: 15 – 0 in favor.

Item 11: 553.504 Exceptions to the guidelines- Restrooms and toilets

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(12) Notwithstanding the requirements in references 4.1.3(11) and 4.16-4.23 of the guidelines, required restrooms and toilet rooms in new construction shall be designed and constructed in accordance with the following requirements:

(Note there is no indication in 2008 FACBC 4.1.3(11) of change to ADAAG)

(a) The standard accessible restroom stall shall contain an accessible lavatory within it, the size of such lavatory to be not less than 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floor space areas required by s. 4.17 figure 30(a) of the guidelines for the standard accessible stall and to comply with s. 4.19 of the guidelines. Such lavatories shall be counted as part of the required fixture count for the building.

2008 FACBC 4.17.3 added Exception (1)

(b) The accessible water closet shall be located in the corner, diagonal to the door.

2008 FACBC 4.17.3 added Exception (2)

(c) The accessible stall door shall be self-closing.

2008 FACBC 4.17.5 (Requirement imbedded in ADAAG text)

Following discussions the members agreed to the following:
Include language in Section(s): 604.8.1.

Rankings and Comments:

Recommend that the language be changed to coincide with the sections in the Proposed ADA Standards for Accessible Design. Suggest incorporating this into 604.8.1 with language changes. Two options were provided. Delete this requirement since it is contained in 604.8.1.2 of Proposed ADA Standards for Accessible Design.

Options Evaluated:

Place in 604.8.1: 15 – 0 in favor.

Item 12: 553.504 Exceptions to the guidelines – **Checkout aisles**

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(13) All customer checkout aisles not required by the guidelines to be handicapped accessible shall have at least 32 inches of clear passage.

2008 FACBC 7.3(4)

Following discussions the members agreed to the following:
Include language in Section(s): 227.2 for scope, 904 for requirements.

Rankings and Comments:

Options Evaluated:

Place in 227.2 for scope: 15 – 0 in favor.

Place in 904 for requirements: 15 – 0 in favor.

Item 13: 553.504 Exceptions to the guidelines –**Turnstiles**

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(14) Turnstiles shall not be used in occupancies which serve fewer than 100 persons, but turnstiles may be used in occupancies which serve at least 100 persons if there is an unlocked alternate passageway on an accessible route affording not less than 32 inches of clearance, equipped with latching devices in accordance with the guidelines.

2008 FACBC 4.13.2(2)

Following discussions the members agreed to the following:
Include language in Section(s): 404.3.7.

Rankings and Comments:

Options Evaluated:

Place in 404.3.7: 15 – 0 in favor.

Item 14: 553.504 Exceptions to the guidelines- Barriers at common or emergency entrances

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(15) Barriers at common or emergency entrances and exits of business establishments conducting business with the general public that are existing, under construction, or under contract for construction which would prevent a person from using such entrances or exits shall be removed.

2008 FACBC 4.1.8(2)

Following discussions the members agreed to the following:

Include language in Section(s): 202.1 for requirements, 207.1 for scope.

Rankings and Comments:

Options Evaluated:

Place in 202.1 for requirements: 15 – 0 in favor.

Place in 207.1 for scope: 15 – 0 in favor.

Item 15: 553.5041 Parking spaces for persons who have disabilities

553.5041 Parking spaces for persons who have disabilities.--

(1) This section is not intended to expand or diminish the defenses available to a place of public accommodation under the Americans with Disabilities Act and the federal Americans with Disabilities Act Accessibility Guidelines, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation. Subject to the exceptions described in subsections (2), (4), (5), and (6), when the parking and loading zone requirements of the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG), as adopted by reference in 28 C.F.R. part 36, subparts A and D, and Title II of Pub. L. No. 101-336, provide increased accessibility, those requirements are adopted and incorporated by reference as the law of this state.

(2) State agencies and political subdivisions having jurisdiction over street parking or publicly owned or operated parking facilities are not required to provide a greater right-of-way width than would otherwise be planned under regulations, guidelines, or practices normally applied to new development.

2008 FACBC 4.1.2(5)(f)

(3) If parking spaces are provided for self-parking by employees or visitors, or both, accessible spaces shall be provided in each such parking area. Such spaces shall be designed and marked for the exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems that substantially impair their ability to ambulate and who have been

issued either a disabled parking permit under s. [316.1958](#) or s. [320.0848](#) or a license plate under s. [320.084](#), s. [320.0842](#), s. [320.0843](#), or s. [320.0845](#).

2008 FACBC 4.1.2(5)(a)

(4) The number of accessible parking spaces must comply with the parking requirements in ADAAG s. 4.1 and the following:

(a) There must be one accessible parking space in the immediate vicinity of a publicly owned or leased building that houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, if no parking for the public is provided on the premises of the building.

(b) There must be one accessible parking space for each 150 metered on-street parking spaces provided by state agencies and political subdivisions.

(c) The number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need.

2008 FACBC 4.12(5)(a) (i), (ii) and (iii)

(5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located in conformance with the guidelines set forth in ADAAG ss. 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking Design."

2008 FACBC (See specifics below)

(a) All spaces must be located on an accessible route no less than 44 inches wide so that users will not be compelled to walk or wheel behind parked vehicles.

2008 FACBC 4.3.3 and 4.6.2(1)

(b) Each space must be located on the shortest safely accessible route from the parking space to an accessible entrance. If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. [509.013\(9\)](#) provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest safely accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.

2008 FACBC 4.6.2

2008 FACBC 4.6.2(2) and 12(2) (Note- third sentence above in both FACBC sections)

(c)1. Each parking space must be no less than 12 feet wide. Parking access aisles must be no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. In accordance with ADAAG s. 4.6.3, access aisles must be placed adjacent to accessible parking spaces; however, two accessible parking spaces may share a common access aisle. The access aisle must be striped diagonally to designate it as a no-parking zone.

2008 FACBC 4.6.3

2. The parking access aisles are reserved for the temporary exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp in order to exit from or enter a vehicle. Parking is not allowed in an access aisle. Violators are subject to the same penalties that are imposed for illegally parking in parking spaces that are designated for persons who have disabilities. A vehicle may not be parked in an access aisle, even if the vehicle owner or passenger is disabled or owns a disabled parking permit.

Not in FACBC - Not a building construction requirement

3. Any provision of this subsection to the contrary notwithstanding, a theme park or an entertainment complex as defined in s. [509.013\(9\)](#) in which are provided continuous attendant services for directing individuals to marked accessible parking spaces or designated lots for parking

by persons who have disabilities, may, in lieu of the required parking space design, provide parking spaces that comply with ADAAG ss. 4.1 and 4.6.

2008 FACBC 4.6.3 Exception and 12(1)

(d) On-street parallel parking spaces must be located either at the beginning or end of a block or adjacent to alley entrances. Such spaces must be designed in conformance with the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5, exception: access aisles are not required. Curbs adjacent to such spaces must be of a height that will not interfere with the opening and closing of motor vehicle doors. This subsection does not relieve the owner of the responsibility to comply with the parking requirements of ADAAG ss. 4.1 and 4.6.

2008 FACBC 4.6.2(3) (Note- Yellow shaded text is in this section of the Code)

2008 FACBC 4.6.3 (Note- Blue shaded text is in this section of the Code)

(e) Parallel parking spaces must be even with surface slopes, may match the grade of the adjacent travel lane, and must not exceed a cross slope of 1 to 50, where feasible.

2008 FACBC 4.6.3 (Note: where did additional exception and curb height reqmnts in this section come from)

(f) Curb ramps must be located outside of the disabled parking spaces and access aisles.

2008 FACBC 4.7.1

(g)1. The removal of architectural barriers from a parking facility in accordance with 28 C.F.R. s. 36.304 or with s. [553.508](#) must comply with this section unless compliance would cause the barrier removal not to be readily achievable. If compliance would cause the barrier removal not to be readily achievable, a facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have disabilities to the alternative parking if readily achievable. The facility may not reduce the required number or dimensions of those spaces, nor may it unreasonably increase the length of the accessible route from a parking space to the facility. The removal of an architectural barrier must not create a significant risk to the health or safety of a person who has a disability or to that of others.

2008 FACBC 4.1.8(3)

2. A facility that is making alterations under s. [553.507\(2\)\(b\)](#) must comply with this section to the maximum extent feasible. If compliance with parking location requirements is not feasible, the facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have a disability to alternative parking. The facility may not reduce the required number or dimensions of those spaces, nor may it unnecessarily increase the length of the accessible route from a parking space to the facility. The alteration must not create a significant risk to the health or safety of a person who has a disability or to that of others.

2008 FACBC 4.1.6(k)(iv)

(6) Each such parking space 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 and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, which is placed on or at a distance of 84 inches above the ground to the bottom of the sign and which bears the international symbol of accessibility meeting the requirements of ADAAG s. 4.30.7 and the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign erected after October 1, 1996, must indicate the penalty for illegal use of the space. Any provision of this section to the contrary notwithstanding, in a theme park or an entertainment complex as defined in s. [509.013\(9\)](#) in which accessible parking is located in designated lots or areas, the signage indicating the lot as reserved for accessible parking may be located at the entrances to the lot in lieu of a sign at each parking place. This subsection does not

relieve the owner of the responsibility of complying with the signage requirements of ADAAG s. 4.30.

2008 FACBC 4.6.4 (First and third paragraphs)

553.511 Parking facilities; minimum height clearance requirement.--Every nonresidential structure built on or after January 1, 1991, which is designed to use covered or underground parking as the primary available parking space shall design the covered or underground parking facility to maintain a minimum height for the portion of the street-accessible level of the parking facility directly over van-accessible parking spaces and for providing ingress and egress to such parking spaces of at least 8 feet 2 inches. Signs shall be posted to warn operators of handicapped-equipped vans that they cannot pass beyond a certain point due to height limitations. If compliance with this minimum height clearance requirement will cause the structure to exceed local height limitations imposed by local zoning, planning, or fire ordinances, or will result in the imposition of any additional requirements of such ordinances, the structure may exceed the height limitation specified in those particular codes as necessary to comply with the requirements of this section and is exempt from such additional requirements. Structures for which the plans were sealed by an architect prior to January 1, 1991, are exempt from this section.

2008 FACBC 4.6.5

Following discussions the members agreed to the following:

Include language in Section(s): 202.3 for scope currently in 4.1.6(k)(iv), 208.1.1 for scope currently in 4.1.2 (5)(f) and 4.1.2(5)(a), staff to integrate in 502.1, 502.6 (500's) and 1001.1 for theme parks and recreational facilities.

Rankings and Comments:

Options Evaluated:

Place in 202.3 for scope currently in 4.1.6(k)(iv): 15 – 0 in favor.

Place in 208.1.1 for scope currently in 4.1.2 (5)(f) and 4.1.2(5)(a): 15 – 0 in favor.

Staff to integrate in 502.1, 502.6 (500's) and 1001.1 for theme parks (1000: recreational facilities): 15 – 0 in favor.

Item 16: 553.508 Architectural barrier removal

553.508 Architectural barrier removal.--Removal of architectural barriers, pursuant to 28 C.F.R. s. 36.304, from buildings, structures, or facilities to which this act applies shall comply with ss. [553.501](#)-553.513 unless compliance would render the removal not readily achievable. In no instance shall the removal of an architectural barrier create a significant risk to the health or safety of an individual with a disability or others.

2008 FACBC 4.1.1(1)(b) and 4.1.8(1)

Following discussions the members agreed to the following:

Include language in Section(s): 202.

Rankings and Comments:

Options Evaluated:

Place in 202: 15 – 0 in favor.

Item 17: 553.509 Vertical accessibility

553.509 Vertical accessibility.--

- (1) Nothing in ss. [553.501](#)-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility, except for:
- (a) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms;
 - (b) Unoccupiable spaces, such as rooms, enclosed spaces, and storage spaces that are not designed for human occupancy, for public accommodations, or for work areas; and
 - (c) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.
- 2008 FACBC 4.1.2 and 4.1.3(5) and 4.1.6(1)(f) and 4.1.6(1)(k)(iii) and 5.4 Exception**

Following discussions the members agreed to the following:

Include language in Section(s): 202.1 for scope, 206.1.3.1 for scope, 303.4 for requirements, 1001.1 them parks (1000 recreational facilities).

Rankings and Comments:

Options Evaluated:

Place in 202.1 for scope, 206.1.3.1 for scope, 303.4 for requirements, 1001.1 theme parks (1000: recreational facilities): 15 – 0 in favor.

Item 18: 553.507 Exemptions –in existence on October 1, 1997

553.507 Exemptions.--Sections [553.501](#)-553.513 do not apply to any of the following:

- (1) Buildings, structures, or facilities that were either under construction or under contract for construction on October 1, 1997.
- 2008 FACBC 4.1.1 and 4.1.2 and 4.1.3**
- (2) Buildings, structures, or facilities that were in existence on October 1, 1997, unless:
- (a) The building, structure, or facility is being converted from residential to nonresidential or mixed use, as defined by local law;
 - (b) The proposed alteration or renovation of the building, structure, or facility will affect usability or accessibility to a degree that invokes the requirements of s. 303(a) of the Americans with Disabilities Act of 1990; or
 - (c) The original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.

2008 FACBC 4.1.6 and (a) in 11.1(2)

Following discussions the members agreed to the following:

Include language in Section(s): 201 for scope.

Rankings and Comments:

Options Evaluated:

Place in 201 for scope: 15 – 0 in favor.

Item 19: 553.504 Exceptions to the guidelines- new or altered buildings and facilities frequented in, lived in, or worked in by the public

553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. [553.503](#), all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(1) All new or altered buildings and facilities subject to ss. [553.501](#)-553.513 which may be frequented in, lived in, or worked in by the public shall comply with ss. [553.501](#)-553.513.

2008 FACBC 1.2

Following discussions the members agreed to the following:
Include language in Section(s): 101.

Rankings and Comments:

Options Evaluated:

Place in 101: 15 – 0 in favor.