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M E M O R A N D U M

TO: Members of the Accessibility TAC
and Bruce Ketcham

FROM: Suzanne H. Schmith
Commission Staff Attorney

SUBJECT: Outstanding Issues from June

DATE: June 24, 1999

Exception 1 to section 4.1.3(5), FACBC

At the June meeting, Accessibility TAC members expressed frustration with the inclusion in the FACBC of Exception 1 from the requirement of section 4.1.3(5), which is an ADAAG requirement. Members asked why this exception was carried over from ADAAG, since it conflicts with the Florida specific requirement for vertical accessibility, and whether it could be eliminated to reduce confusion.

After reading through this section of the code, I can understand the frustration. Like many other aspects of the FACBC, this may be misleading to some users of the code who are unfamiliar with Florida specific requirements (or a convenient way to justify noncompliance by those who do not wish to comply). The combination of the ADAAG provisions and the Florida specific provisions is simply not accomplished in a user friendly way. However confusing the layout may be, the State of Florida does not have the authority to delete ADAAG provisions which were in place when it was adopted as the law of this state. This exception

is still applicable in Florida. Further, deletion of this exception may presuppose that providing an elevator is the only way to comply with the vertical accessibility requirement. In practice an owner or builder may qualify for this exception and still comply with the vertical accessibility requirement by means other than an elevator.

This concern could be addressed by reformatting the FACBC to insert language referring to the vertical accessibility requirement within this exception, and by making similar changes throughout the document to address related issues. Short of reformatting the FACBC however, education is our best defense against misinterpretations of this provision. The law itself is clearer than the FACBC. Our law specifically adopts ADAAG subject to the exceptions in 553.504, Florida Statutes. The department's customer assistance staff, who conduct training statewide on the FACBC, use the statute itself to clarify issues just like this one. Of course, no amount of training will make a difference for those contractors and design professionals who do not avail themselves of it.

ASME 17.1

The FACBC adopts the 1990 edition of ASME 17.1, but the state elevator code (which is being incorporated into the Florida Building Code (FBC)) adopts the 1993 edition of the same standard. This creates an internal conflict within the FBC between the Accessibility and Special Occupancy chapters. Kathy Butler has contacted the Department of Justice to inquire what effect updating this standard would have on federal certification of the FACBC. We are waiting for a response and will notify the TAC as soon as an opinion is rendered. In the meantime, commission staff has contacted technical staff of the Bureau of Elevators for a comparison of the two editions.