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**FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF THE GENERAL COUNSEL
GENERAL GOVERNMENT SECTION
2555 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-2100
(850) 488-0410 SUNCOM 278-0410
FAX (850) 922-2679**

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M E M O R A N D U M

TO: All Local Government Building Officials

FROM: Suzanne H. Schmith
Staff Attorney, Florida Building Commission

SUBJECT: Florida Accessibility Code for Building Construction (1997)

DATE: October 26, 1999

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At its meeting on October 12, the Florida Building Commission requested that all building officials be sent a memo explaining the difference between two exemptions in the Florida Accessibility Code for Building Construction, 1997 (FACBC): the ADAAG exemption from the requirement for an elevator in a multi-story building, and the Florida legislature's exemptions from the Florida-specific requirement for vertical accessibility to all levels of the building, structure or facility. Due to the formatting of the FACBC, these two exemptions are often confused and may be misapplied during enforcement of the code.

FACBC Section 4.1.3 requires that a code compliant elevator be installed to serve all levels of any new multi-story building in Florida, with certain exceptions. One such exception is for buildings with less than three stories or fewer than 3000 square feet per story (section 4.1.3(5), Exception 1). This exception applies to the ADAAG specific requirement for an elevator. By comparison, Florida law requires that an owner provide vertical accessibility to all levels above and below the occupiable grade level of a building, structure or facility. *See* section 553.509, Florida Statutes (1999). The legislature has adopted specific exemptions from this requirement as well, including one for "occupiable spaces and rooms that are not open to the public and house no more than five persons." Section 553.509(3), Florida Statutes. This requirement, and applicable exemptions, are included in section 4.1.3 of the FACBC in a shaded box to distinguish them as

requirements independent of the ADAAG. It is important that these similar sounding exemptions not be applied interchangeably.

An owner may be able to satisfy the ADAAG specific requirement for an elevator and still need a waiver from the Florida-specific vertical accessibility requirement. For example, last month the commission issued a waiver for a courthouse which complied with the ADAAG requirement to

provide an elevator, but for which vertical accessibility was required under Florida law to all levels of the courtrooms, including the judges bench, witness stand and jury box. Further, an owner who may be able to satisfy the ADAAG exemption from elevators because his or her building has less than 3000 square feet per story, must still comply with the Florida-specific vertical accessibility requirement, unless waived by the commission. For example, a LULA, lift or stair glide may be used to provide vertical accessibility where the building is exempt from the ADAAG requirement for an elevator. The two requirements are separate and distinct, as are the exemptions from each of those requirements.

I hope this information is helpful to you in interpreting and applying the FACBC and enforcing compliance in the field. If you need further assistance, please contact the Customer Assistance Unit within the Codes and Standards section at (850)487-1824, or me at (850) 922-1689. Thank you for your attention to this matter.

cc: Raul Rodriguez, AIA
Chair, Florida Building Commission
Rick Dixon, Executive Director
Florida Building Commission