

M E M O R A N D U M

TO: Florida Building Commission Members
Members of the Plumbing/Gas and Accessibility TACs

FROM: Suzanne H. Schmith
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SUBJECT: Plumbing TAC recommendations on Accessibility Code

DATE: February 1, 1999

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This memorandum is in response to two recommendations by the Plumbing/Gas TAC at their meeting in January.

First, the TAC recommended replacing section 404 of the base plumbing code with applicable sections of the Florida Accessibility Code for Building Construction (Accessibility Code) and to reference sections of the Accessibility Code within specified sections of the plumbing code. There is no statutory provision which would prevent this type of incorporation; however, the Plumbing/Gas TAC should be guided by the incorporation method approved by the Accessibility TAC. In December, the Accessibility TAC recommended integration by replacing Chapter 11 of core code with the Accessibility Code and "main-streaming applicable sections into the core code." The Plumbing/Gas TAC should not take action which is inconsistent with this method.

Second, the TAC recommended modifying the base plumbing code to require a unisex/family toilet room as incorporated into the 1999 revisions to the International Plumbing Code (IPC). I advise against this recommendation as outside of the commission's authority. Section 553.73(1)(b), Florida Statutes (1998 Supp.), provides for incorporation of the Accessibility Code into the Florida Building Code and directs that the civil rights and technical portions of the Accessibility Code "shall remain as currently provided by law." This section further provides that "neither the commission nor any local government shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part V." Section 553.73(1)(b), Florida Statutes (1998 Supp.). Section 553.506, Florida Statutes (1997), authorizes the adoption of updated and revised versions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

It is my understanding that the Federal Access Board, which has recommended the most recent changes in the ADAAG, considered the unisex toilet requirements in the 1999 revisions to the IPC, but has not included those in the latest version of the ADAAG. Until such time as the ADAAG is revised to incorporate those requirements, the commission has no authority to include them in the Florida Building Code, regardless of whether they are placed in the plumbing chapter or the accessibility chapter. Alternatively, the commission may choose to recommend the unisex toilet requirements as a Florida-specific accessibility requirement.

However, legislative action is required to include those standards within the Florida exceptions to ADAAG, pursuant to section 553.504, Florida Statutes (1997).