

**ACCESSIBILITY CODE WORKGROUP
REPORT TO THE FLORIDA BUILDING COMMISSION**



DECEMBER 7, 2009—MEETING V

ORLANDO, FLORIDA

FACILITATION, MEETING AND PROCESS DESIGN BY



CONSENSUS CENTER

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FLORIDA BUILDING COMMISSION

FLORIDA ACCESSIBILITY CODE WORKGROUP REPORT

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.

* *At the February 2, 2009 meeting.*

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.

Donald Dawkins, Bemie Eustace, Kiko Franco, Skip Gregory, Jeff Gross, Jon Hamrick, Jack Humburg, Diana Ibarra, Julia Kates, J.W. Longman, Chris Masal, Sharon Mignardi, John O'Conner, Barbara Page, Catherine Powell, Ben Ritter, Larry Schneider, Jim Schock, and Steve Watson.

REPORT OF THE DECEMBER 7, 2009 MEETING

Opening and Meeting Attendance

The meeting started at 1:00 PM, and the following Workgroup members were present: Bemie Eustace, Jeff Gross, Jon Hamrick, Jack Humburg, Diana Ibarra, Julia Kates, J.W. Longman, Sharon Mignardi, Ben Ritter (Angel Watson alternate), Larry Schneider, Jim Schock, Shelly Siegal (Doug Brown alternate), and Randy Vann.

Members Absent:

Donald Dawkins, Kiko Franco, Skip Gregory, Chris Masal, John O'Conner, Barbara Page, Catherine Powell, Julie Shaw, Steve Watson, and Phillip Wisely.

DCA Staff Present

Rick Dixon, Bruce Ketcham, Jim Richmond, and Mary Kathryn Smith.

Meeting Facilitation

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center 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, 12 - 0 in favor, to approve the agenda as presented including the following objectives:

- ✓ To Approve Regular Procedural Topics (Agenda and Summary Report)
- ✓ To Review Proposed Integration of Florida Specific Requirements
- ✓ To Discuss and Evaluate Level of Acceptability of Proposed Integration of Florida Specific Requirements into SAD
- ✓ To Consider Public Comment

- ✓ To Identify Needed Next Steps and Agenda Items for Next Meeting

October 12, 2009 Facilitator's Summary Report Approval

Jeff Blair, Commission Facilitator, asked if any members had corrections or additions to the October 12, 2009 Report, and none were offered. The Workgroup voted unanimously, 12 - 0 in favor, to approve the October 12, 2009 Facilitator's Summary Report as presented.

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

- Review draft integration of remaining Parking requirements, s. 553.5041, F.S. and s. 553.511, F.S.
- Review draft integration of vertical accessibility requirements, s.553.509, F.S.
- Review draft integration of other Florida Specific Requirements into the 2004 ADAAG

During Meeting I (February 2, 2009), The Workgroup voted unanimously to integrate all current Florida Specific requirements into the Proposed DOJ SAD, June 2008, "Proposed ADA Standards for Accessible Design".

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. A preliminary list of options were proposed by members as a pre-meeting assignment, and the Workgroup was requested to discuss and add any additional relevant options they deemed appropriate.

During Meeting III (August 10, 2009) members continued the process of reviewing options for the integration of Florida Specific Requirements into the Proposed DOJ SAD, June 2008. Members reviewed all of the remaining Florida Specific requirements except portions of the parking requirements and the vertical accessibility requirements. Staff will propose a draft integrating these provisions for member evaluation (remaining parking and vertical accessibility requirements).

During Meeting IV (October 12, 2009) members continued the process of reviewing options for the integration of Florida Specific Requirements into the Proposed DOJ SAD, June 2008. Members reviewed staff proposal for integration of Florida vertical accessibility requirements.

During Meeting V (December 7, 2009) members focused on the review of options for the integration of Florida Specific Requirements into the Proposed DOJ SAD, June 2008 for parking requirements and some "other" requirements. In addition, the Workgroup reviewed the integration of vertical accessibility requirements and some parking and "other" requirements to ensure the integration accurately reflected the Workgroup's intent.

At the February 1, 2010 meeting (Meeting VI) members will review the "Draft Final Draft" to ensure the Florida Specific requirements are integrated into the Proposed DOJ SAD, June 2008 as agreed by the Workgroup.

Options voted in favor of and options with 75% or greater number of 4's and 3's in proportion to 2's and 1's shall be considered consensus recommendations. Members of the public were also invited to provide feedback

and options for evaluation. Between meetings Workgroup members are requested to send their proposed options to Jeff Blair for compilation in the "Florida Specific Requirement Integration Draft".

The Draft Integration Document and other relevant project documents may be viewed or downloaded at the project webpage as follows: <http://consensus.fsu.edu/FBC/accessibility-code.html>
(Attachment 3—Index to Issues Discussed Regarding Draft Integration Document)

Discussion of Project Tasks and Identification of Assignments

Members were asked to 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 were provided opportunities to speak on each of the substantive discussion issues before the Workgroup.

Adoption of Recommendations for Integration of FL Specific Requirements into SAD

The Workgroup will consider adoption of the package of recommendations for the integration of Florida Specific Requirements into the Proposed DOJ SAD, June 2008, once they have concluded evaluating all of the relevant requirements. The Workgroup is expected to approve the Draft Integration Document at the February 1, 2010 meeting.

Review of Workgroup Delivery and Meeting Schedule

The Workgroup's meeting schedule for 2009 and 2010 is as follows:
2009: February 2, April 6, August 10, October 12, and December 7, 2009.
2010: February 1, 2010.

Next Steps

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

At the next meeting the Workgroup will review, evaluate and decide on integration of the Florida Specific requirements.

Assignments

Staff to prepare revised draft integrating Florida Specific Requirements into the Proposed ADA Standards for Accessible Design, and a guide (key) to comment locations.
Workgroup members should submit any comments and recommendations to Jeff Blair and DCA staff.

Adjournment

The Workgroup voted unanimously, 12 – 0 in favor, to adjourn at 5:05 PM.

ATTACHMENT 1

MEETING EVALUATION

Average rank using a 0 to 10 scale, where 0 means totally disagree and 10 means totally agree.

1. Please assess the overall meeting.

- 9.4 The background information was very useful.
- 9.5 The agenda packet was very useful.
- 8.9 The objectives for the meeting were stated at the outset.
- 9.4 Overall, the objectives of the meeting were fully achieved.

2. Do you agree that each of the following meeting objectives was achieved?

- 9.6 Discussion Regarding Integration of Florida Specific Requirements into SAD.
- 9.3 Acceptability Ranking of Proposed Integration Options.
- 9.4 Adoption of Recommendations for Integration of Florida Specific Requirements into SAD.
- 9.9 Identification of Next Steps.

3. Please tell us how well the Facilitator helped the participants engage in the meeting.

- 8.8 The members followed the direction of the Facilitator.
- 9.6 The Facilitator made sure the concerns of all members were heard.
- 9.4 The Facilitator helped us arrange our time well.
- 9.5 Participant input was documented accurately.

4. Please tell us your level of satisfaction with the meeting?

- 9.5 Overall, I am very satisfied with the meeting.
- 9.6 I was very satisfied with the services provided by the Facilitator.
- 9.4 I am satisfied with the outcome of the meeting.

5. Please tell us how well the next steps were communicated?

- 9.8 I know what the next steps following this meeting will be.
- 9.8 I know who is responsible for the next steps.

6. What did you like best about the meeting?

- Facilitator's ability to keep meeting moving forward.
- Good exchange and facilitation.
- Stayed on track and completed task.
- Made headway. Good substantive "catches".

7. How could the meeting have been improved?

- Stop adding new members.
- Start on time or run longer if necessary.

8. Other Comments

- Printing (the documents) is a plus!

ATTACHMENT 2
MEETING ATTENDANCE—PUBLIC

Public Meeting Attendance
Name
<i>None Provided</i>

ATTACHMENT 3

INDEX TO ISSUES DISCUSSED AT DECEMBER MEETING

Members were asked to provide recommendations for integrating the 19 Florida Specific Requirements into the DOJ SAD, June 2008. The draft of the proposed integration, and an updated draft with the Workgroup's comments and actions, may be viewed on the project webpage as follows:

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

LOCATION OF COMMENTS IN DRAFT INTEGRATED ADAAG/FLORIDA

PARKING

Section 101.4 Code construction P.2

Move to parking both 101.3 and 101.4 to 208.1

Section 208.1.1 in version 7 draft 1 August draft code was moved to 502.5.1 as decided by the workgroup. Sections 101.3 and 101.4 of the August draft are moved to 208.1.1 and 208.1.2 for the version 9 of draft 1, December meeting draft.

Section 202.3 Parking scope P. 16

Say see section 208 for existing parking.

Staff notes indicate the workgroup decision was to provide a pointer from 202.3 to 208.1. New subsections 208.1.1 and 208.1.2 were created for Florida parking requirements specific to existing parking lots and facilities in the version 9 draft 1 December meeting draft.

Section 208.1.1 Parking P. 30

Move all to 502.5.1 and put pointer from 208.1.1 to new section

Section 208.1.1 is cut but no pointer reference to 502.5.1 is provided; section 502.5.1 is the same as 502.5.1.1; need to delete 502.5.1.1.

Corrected in version 9 draft 1, December meeting draft.

MK – the parking section is a complicated one and I have arrows all over my notes to insert and delete....I thought it might be easier to cut and paste instead of try to explain, so there are a couple of sections below that shows how my understanding of the sections were going to lay out. Let me know if you have any questions.

Sorry I was not able to “undo” your highlighting so the highlighted portion is messed up....just follow the blue font and strikethroughs to make it easier to understand.

Section 208.2.3 Government provide parking Residential Facilities P. 31

Rework subsection numbering

Verified no action on Sharon’s comment but vote was for staff to research and staff created a new section subsection 208.2.5 with paragraphs 208.2.5.1 to 208.2.5.3.

Note re: theme parks – OK provided it says “Theme Parks Only”

This comment is on staff note in October draft on section 208.2.4 Van Parking Spaces.

Note: Committee decided to review at the December meeting whether to retain the section.

Staff recommend keeping this section but adding reference to section 502.2 for criteria where van accessible parking would be required.

Section 208.3.1 Parking spaces

P. 32

Section 208.3.3 Parking

P. 34

Agree 3 and 4 are not exceptions and should be moved up in 208.3.1 and 208.3.2 as requirements.

Leave theme park parking grouping as exception 3.

Add “safely” to 3 sentences in 208.3.1 and insert Fl specific dispersion sentence after the ADAAG dispersion sentence.

Verified each of the above was done.

Consider “safely” for removal from Fl law.

Yes to Jon’s comment on 208.3.3 to subsection p.34. make as subset of 208.3.1

Added to “208.3.1 General” paragraph, before the ADAAG text.

No action to sharon’s suggestion on 208.3.3.1

Move 208.3.4 (1) to 101.3 FIGURE THIS ONE OUT

The section is located in 101.1.3.1 in the December 2009 version 9 draft 1

Section 208.3.4 Parking

P. 34

Below is how my understanding of these sections would be shown....it is a complicated section and this seemed to be easier than describing the changes.

The below is an alternate way to the way staff reorganized these sections (see comments on each) and works equally well. The Workgroup can select either and still maintain the requirements of Florida law.

208.3 Location. Parking facilities shall comply with 208.3

208.3.1 General. Parking spaces complying with 502 that serve a particular building or facility shall be located on the shortest safely accessible route from parking to an entrance complying with 206.4.

Where parking serves more than one accessible entrance, parking spaces complying with 502 shall be dispersed and located on the shortest accessible route to the accessible entrances. In parking facilities that do not serve a particular building or facility, parking spaces complying with 502 shall be located on the shortest accessible route to an accessible pedestrian entrance of the parking facility.

208.3.1.1 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 Section 316.1958 or 320.0848 or a license plate under Section 320.084, 320.0842, 320.0843 or 320.0845.

208.3.1.2 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.

208.3.1.3 ~~3~~. All spaces must be located on an accessible route no less than 44 inches (1118 mm) wide so that users will not be compelled to walk or wheel behind parked vehicles.

The Florida requirements in the three subsections above (208.3.1.1 to 208.3.1.3) are integrated into “208.3.1 General” paragraph in version 9 draft 1, December meeting draft

EXCEPTIONS to 208.3.1: 1. All van parking spaces shall be permitted to be grouped on one level within a multi-story parking facility.

2. Parking spaces shall be permitted to be located in different parking facilities if substantially equivalent or greater accessibility is provided in terms of distance from an accessible entrance or entrances, parking fee, and user convenience.

3. If a theme park or an entertainment complex as defined in Section 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.

~~208.3.3 Any provision of this subsection to the contrary notwithstanding, a theme park or an entertainment complex 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 Sections 4.1 and 4.6~~

This subsection was moved to new exception 4. in version 9 of draft 1, December

~~208.3.2 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.~~

~~208.3.3. All spaces must be located on an accessible route no less than 44 inches (1118 mm) wide so that users will not be compelled to walk or wheel behind parked vehicles.~~

~~(moved to 208.3.1.2 and 208.3.1.3)~~

The two subsections above were integrated into “208.3.1 General” paragraph in version 9 draft 1, December

208.3.2 Residential Facilities. In residential facilities containing residential dwelling units required to provide mobility features complying with 809.2 through 809.4, parking spaces provided in accordance with 208.2.3.1 shall be located on the shortest accessible route to the residential dwelling unit entrance they serve. Spaces provided in accordance with 208.2.3.2 shall be dispersed throughout all types of parking provided for the residential dwelling units.

EXCEPTION: Parking spaces provided in accordance with 208.2.3.2 shall not be required to be dispersed throughout all types of parking if substantially equivalent or greater accessibility is provided in terms of distance from an accessible entrance, parking fee, and user convenience.

~~208.3.3 Any provision of this subsection to the contrary notwithstanding, a theme park or an entertainment complex 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 Sections 4.1 and 4.6 — correct these section numbers. (moved to 2nd paragraph of Exception 3 which also discussed theme park parking)~~

This subsection was moved to new exception 4. in version 9 of draft 1, December

Move to 101.3 The section below was supposed to be cut and moved to 101.3; it was cut but not added to 101.3.
The section is located in 101.1.3.1 in the December 2009 version 9 draft 1

208.3.4(1) This section is not intended to expand or diminish the defense available to a place of public accommodation under the Americans with Disabilities Act and the federal ADAAG, including, but not limited to , the readily achievable standard, and the standards not applicable to alterations to places of public accommodations. Subject to the exceptions described in subsections (2), (4), (5), and (6), when the parking and loading zone requirements of the federal ADAAG, as adopted by reference in 28 CFR 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.

208.2.4 Van Parking Spaces. For every six or fraction of six parking spaces required by 208.2 to comply with 502, at least one shall be a van parking space complying with 502. **Except as provided by s.553.5041(5), F.S.**

Note: Committee decided to review at the December meeting whether to retain the section.
Staff recommend keeping this section but adding reference to section 502.2 for criteria where van accessible parking would be required. See version 9 draft1 December meeting draft.

The section below was supposed to be inserted as 208.2.5 (shown here as strikethrough and inserted into 208.2.5 so it would look this...)

Staff proposed an alternative that uses the 208.2.5.1 to 205.2.4.3 but places the text in blue below as an exception to 208.2.5.2. See version 9 draft 1, December meeting draft.

~~208.2.2.1 The number of accessible parking spaces must comply with the parking requirements in ADAAG Section 4.1 and the following:~~

208.2.5 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.

208.2.5.1 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.

208.2.5.2 ~~5~~ There must be one accessible parking space for each 150 metered on-street parking spaces provided by state agencies and political subdivisions.

208.2.5.3 ~~6~~ The number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need.

Section 209.2.1.1 Parking and loading zones

P. 34

Consider repeal.

Break language into 2 parts and locate in parallel parking and loading zone

502.3.4 parallel parking

Section 208 Parking references 502 and 209 Passenger Loading references 503 so by putting the Florida modifications including the universal design space into those sections the intent of the law is met. See version 9 draft 1, December meeting draft.

Section 502.1.1 Parking

P. 101

502.1.1 replace 502.2 and exception

Section 502.2 language replaced with 502.1.1 language.

Section 502.2 Alternate Van Space Width

P. 101

Revised the ADAAG Exception in 502.2 for van parking space width to allow 96 inch for two Florida specifics, on-street parallel parking and theme parks with continuous attendant services.

Figure 502.2 Parking space

P. 101

The figure needs to be modified.

Section 502.2.1 Parallel parking

P. 101

Make 502.2.2 and .2.3 as subsets to 502.2.1 - .1 & .2

502.2.1 On street parallel parking spaces. On street parallel parking spaces must be located either at the beginning or end of a block or adjacent to alley entrances.

~~Exception:~~ Access aisles are not required.

(Delete this as an exception and just add to the end of the section)

Made section 502.2.1 the requirement for 1:50 that applies to all parallel parking. Moved all requirements (end of block, adjacent curbs and no access aisle) for on-street parallel parking into 502.2.2. See version 9 draft 1, December meeting draft.

Section 502.2.4 Curb ramps

P. 101

Put pointer in 502.2.4 (renumbered 502.2.2) to 406.5

The pointer that says See 406.5 is floating between 502.2.2 and the figure and is not tied to anything...do we need a pointer here, and if so, it should be numbered as a section, otherwise it is confusing as to where it belongs.

Pointer to section 406.5 added at end of 502.2 Vehicle Spaces to implement WG decision

Remove from code - Check with attorneys

Figure 502.3 Parking space

P. 102

Yes

Figure still needs reworking and review when completed

The figure needs to be modified.

Figure 9(a) Parking (agrees fig is ok)

P. 103

No change

Don't remember discussing but seems to me that figures 502.3 and 502.3 address everything in Fig 9(a) so 9(a) should be deleted.

Staff notes indicate the same. Figures 502.2 and 502.3 need to be redrawn to show 0correct relative dimensions and dimensions revised a necessary then delete Figures 9(a) and 9(b).

Section 502.3.5 Parking space

P. 104

Move to 502.6 and delete ADAAG language with exception of moving ADAAG sentence on van parking sign to parking facilities section where Florida van language is put

Delete date

Staff relocated 502.3.5 into 502.6 but kept the ADAAG van space sign "Van accessible" designation in 502.6 instead of relocating to 502.5 as decided by the workgroup. All efforts are made not to move ADAAG requirements around in the document in order to facilitate Certification review.

It was my understanding that the date of Oct 1, 1996 was to remain but the enforcement piece in section 502.3.1 was going to be deleted (as shown below)

The date October 1, 1996 is restored to the text for the version 9 draft 1 December meeting draft.

Section 502.3.1 is used by the ADAAG for Access Aisle Width. Staff notes indicate all language not establishing a code requirement and not enforceable through the code were to be removed if authorized by legal counsel.

502.3.1 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.~~

Section 502.8 Parking

P. 105

Move to 502.5.1 consistent with 208.1.1 decision

Still need pointer in 208.1.1 which was not added and sections 502.5.1 and 502.1.1 are duplicated sections

What must have been meant is 502.5.1 and 502.5.1.1 in the version 8 draft 1 October, draft code are duplicated (they are). Section 502.1.1 was deleted from the version 9 draft 1 December draft code.

OTHER

Note that page numbers are for version 7, draft 1, August 2009 document.

Section 101.2 Barrier Removal

P. 23

Clarify with language that must comply with Florida Architectural Barrier Removal 553.508

Section 201.1 Dates P. 16
Correlation issue

Section 202.1.1 Churches P. ~~46~~ 17
Not resolvable with current language in law
Make a & b consistent numbering with ADAAG

Section 202.1.1 Conflict with law P. 17
Dealt with
Section 202 does not make any sense; the added 202.1.1 through 202.1.3 don't really apply to this "Existing Buildings" section since it talks about new construction.
202.1.4 through 202.1.6 should become 202.1.1 through 202.1.3. the consideration of removing 202.1.6 (Removal of Barriers section) by legal as it conflicts with the new ADAAG.
These are sections from the draft amendment to rules 28CFR36 and their placement is a guess at this point in time. Placement was not discussed at the August meeting but staff concur with the comments above. The August version 7 draft 1 section 202.1.3 was relocated to new added section 201.4 as it clarifies scoping and to section 101 in that it establishes figures as explanatory only and they do not establish enforceable requirements. The August version sections 202.1.1 and 202.1.2 are relocated to section 101 for informational purposes only and as notes in the draft indicate they are not for publication in the Florida code.

Section 202.2 Additions has been removed and should be re-inserted.
Editing error, added back into the version 9 draft 1, December meeting draft code.

Section 206.2.5 4. Renumbering P. 25
Use Sharon's recommendation

Section 206.4.5 Tenant spaces P. 28
Vertical access

Section 207.1 Accessible means of egress P. 30
Correlate to FBC sections
Still needs reviewing when completed

Section 207.2 Platform lifts P. 30
Correlate to FBC
Still needs reviewing when completed

Section 217.1 Public telephones P. 40
No action

Table 224.2 Hotel guest rooms P. 47
When reference say section 224.2. Give as footnote.
The footnote is floating and not tied to anything; need to superscript it and tie it with the heading in the table. Also need to eliminate all the lines in the FL column so it shows that the requirement applies to all number categories. I still think that deleting the lines only but keeping the reference in the table is

the best way to show it, otherwise the footnote gets lost and there is plenty of room to keep the reference in the table.

Staff agree and recommend the workgroup reconsider. The solution selected at the August meeting was in response to a graphics issue. The graphical solution, eliminating lines in the Florida 5% column as suggest above and creating a table consistent with the one in the current code is the best course of action. However, the version 9 draft 1 December draft code implemented the footnote link to superscript reference in the table.

Section 226.1.3 Seating in assembly areas
No action –

P. 49

Section 227.2 Check out aisles

P. 49

Implement Sharon’s rcmand and delete the section not referenced with the duplicate Inag
Change the reference to section 904....cut and pasted sections below to show.

Numbering error corrected in version 9 draft 1, December meeting draft.

227.2 Check-Out Aisles. Where check-out aisles are provided, check-out aisles complying with 904.3 shall be provided in accordance with Table 227.2. Where check-out aisles serve different functions, check-out aisles complying with 904.3 shall be provided in accordance with Table 227.2 for each function. Where check-out aisles are dispersed throughout the building or facility, check-out aisles complying with 904.3 shall be dispersed. All customer checkout aisles not required by Table 227.2 to be handicapped accessible shall comply with 904.3.4 [2](#).

Numbering error corrected in version 9 draft 1, December meeting draft

Section 233.3.6 Toilet room door width
No action required

P. 54

Section 303.4 Ramps
No action required

P. 61

Section 404.1 Door width
Fix the reference to statute numbers- way we do it now
[Still need to review when completed](#)

P. 72

Section 406.1.2 Numbering
Yes to Sharon’s rcmand

P. 84

Section 406.3 Sides of Curb Ramps
Yes to Sharon’s rcmand and correct figure 406.3.1
[Still need to review figure when corrected](#)

P. 84

Section 505.10.1.1 Ramp extensions
No action needed

P. 110

Need to add to list to correct in the statute, taking out reference to curb ramps.

OTHER – Not Discussed at August or October 2009 Meetings
Note the page numbers are for ??????version

404.2.9 Page 79: Exterior Hinged Doors should be moved to 3. (above the
We agree and will put this in the version 9 draft 1, December meeting draft.
Still needs to be raised at the meeting for WG action

404.3.7 Page 81: Turnstiles: ADA seems to trump FL’s requirement. Either
way, do we need a section 404.3.8?
We agree and will put this in the version 9 draft 1, December meeting draft. The file 11-24 after the 11-
23 file sent .
Still needs to be raised at the meeting for WG action

603.1.1 Page 54: Move to 233 Residential Section
Has been moved to 233.3.6 in version 7 draft 1, August meeting draft.

604.8.1.1 Page 118: Delete (a) and (b) references; replace with the following:
213.3.1 Page 34

604.8.1.1.1 “New construction only; this section
does not apply to alterations”

604.8.1.1.1.1 to replace (a)

604.8.1.1.1.2 to replace (b)

Replace red font (current code references) as noted below:

Replace “s 4.17 Figure 30(a)” with “604.8.1.1 &
figure 604.8.1.1”

Replace “s 4.19 of the guidelines” with “604.8.1”

Add statement in scoping section 213.3.1 after “Where
provided, at least one toilet compartment must comply with
604.8.1”. Add note that references that FL’s requirement to
have an accessible lavatory in the accessible toilet
compartment does not apply to alterations per 604.8.1.1.1
note indicating “These forces do not apply...”

We use the organization recommendation provided above but quote the language from the law exactly,
without the emphasis you prefer. That will leave open to interpretation by declaratory statement what is
intended by “new construction”.

705.1 Page 148: Detectable Warnings – side note “repeal of 553.504(c)”
should be “repeal of 553.504(10)”

Note corrected in

809.6 Page 162 The inserted 809.6 should be 809.4.1 (adding bathroom language to that section that refers to toilet facilities)
(Has been moved.)

Did not find an added section 809.6 in the version 7 draft 1 August meeting draft! ????

Excerpts from the 11-24-09 version of version 9 draft 1 (revised to address the issues above after the version sent to members) P. 78

404.2.9 Door and Gate Opening Force. Fire doors shall have a minimum opening force allowable by the appropriate administrative authority. The force for pushing or pulling open a door or gate other than fire doors shall be as follows:

1. Interior hinged doors and gates: 5 pounds (22.2 N) maximum.
2. Sliding or folding doors: 5 pounds (22.2 N) maximum.
3. Exterior hinged doors shall be so designed that such doors can be pushed or pulled open with a force not exceeding 8.5 pounds.

P. 79

404.3.7 Revolving Doors, Revolving Gates, and Turnstiles. Revolving doors, revolving gates, and turnstiles shall not be part of an accessible route.

404.3.8 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.

P. 52

233.3.6 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

P. 34 & P. 117

213.3.1.1 Required restrooms and toilet rooms shall be designed and constructed in accordance with the following requirements of section 604.8.1.1.

604.8.1 Wheelchair Accessible Compartments. Wheelchair accessible compartments shall comply with 604.8.1.

604.8.1.1 Size. Wheelchair accessible compartments shall be 60 inches (1525 mm) wide minimum measured perpendicular to the side wall, and 56 inches (1420 mm) deep minimum for wall hung water closets and 59 inches (1500 mm) deep minimum for floor mounted water closets measured perpendicular to the rear wall. Wheelchair accessible compartments for children's use shall be 60 inches (1525 mm) wide minimum measured perpendicular to the side wall, and 59 inches (1500 mm) deep minimum for wall hung and floor mounted water closets measured perpendicular to the rear wall.

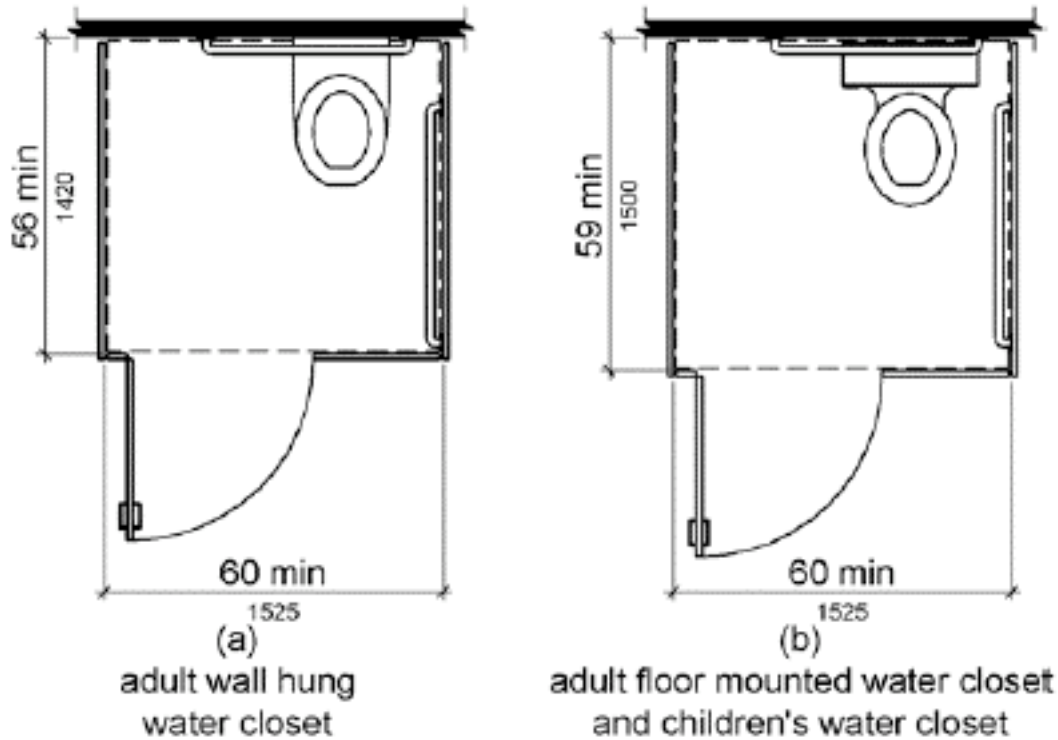


Figure 604.8.1.1 Size of Wheelchair Accessible Toilet Compartment

604.8.1.1.1 Required restrooms and toilet rooms in new construction shall be designed and constructed in accordance with the following requirements.

604.8.1.1.1.1 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, normal 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.

604.8.1.1.1.2 The accessible water closet shall be located in the corner, diagonal to the door.

P. 147
705.1 General.

All detectable warning surfaces required by the guidelines shall be governed by the requirements of American National Standards Institute A117.1-1986.

Note: Consider repeal of 553.504(10)

VERTICAL ACCESS

Note: Page numbers are for version 8, draft 1, October 209 meeting document

- p.15 201.1.1 “with^h”
- p.16 202.1 (4) to (1); (2) to (5); (3) to (6)
- p.16 202.3 Add phrase to the Exception – “Except as provided in Section 201.1.1
- p.17 202.4 1. Add to Exception “Except as provided in Section 201.1.1
2. Find where to put HUD, FHA & fed funded housing exception from MK’s file
- p.18 203 Add reference to 201.1.1 between 203 and 203.1
- p.18 to ? Remove the references to 201.1.1 from exceptions in 203.2 to 203.14
- p.22 206.1.1 Eliminate the Florida Vertical Access language
- p.22 Put a red text note indicating – reference to 201.1.1 was added to sections 206.2.3, 206.2.4, 206.2.5 and 206.2.7. Other sections were ignored during workgroup review because they were not flagged by staff as potential locations for including reference to Florida Vertical Access requirements. Should the same convention as used for 206.2.3 be used, i.e. put Florida Vertical Access language at the end of 206.2 and before 206.2.1 so it applies to 206.2.1 through 206.2.17?
- p.23 206.2.3 1. Put reference to 201.1.1 immediately at the end of 206.2.3 and
2. Strike all ADAAG Exception 1 language and mark “**Reserved**”
3. Strike all ADAAG Exception 2 language and replace with Florida language in gray
- p.23 Remove reference to 201.1.1 from remaining Exceptions
- p.24 206.2.4 1. Put “Except as provided in Section 201.1.1” reference at the end of the main text and before the ADAAG Exceptions
2. Do not put this clause at end of each ADAAG Exception
- p.24 206.2.5 Put “Except as provided in Section 201.1.1” at the end of the main text like is done for 206.2.3 and 206.2.4
- p.25 206.2.7 Put “Except as provided in Section 201.1.1” reference at the end of the main text and before the ADAAG Exceptions
- p.26 Staff review 206.2.9, 206.2.10, 206.2.14, 206.2.15, 206.2.16, 206.2.17, etc. ending language “Except as modified by 1007.2 for all references to respective sections 1000’s
- p.28 206.4.5 Do not add reference to 201.1.1
- p.57 240.1 Check MK’s file for whether or not to add reference to 201.1.1
- p.57 240.2.1.1 Add reference to 201.1.1 at end

p.57 240.2.1.2 Add the reference in the main section not in the Exception, i.e. 206.1.1 was eliminated and reference will be 201.1.1

p.58 240.2.2 Add reference in the main section

p.58 241 Add reference to 201.1.1 to the main section

Section 405.7.3 Ramp landing length

P. 82

NOT APPLICABLE

EXISTING 28 CFR 36, SUBPARTS A & D

106.5 Defined terms

Commerce	P. 7
Commercial Facility	P. 7
Disabilities	P. 8
Path of Travel	P. 9
Place of Public Accommodation	P. 9
Primary Function	P. 10
Professional Office of Health Care Provider	P. 11
Shopping Center and Shopping Mall	P. 12

CHANGES TO 28 CFR 36, SUBPARTS A & D, PER DOJ 2008 NPRM

106.5 Defined terms

Existing facility	P. 8
Place of Lodging	P. 9
Qualified small business	P. 11

202.1 Existing Building. General	P. 16
202.1.1 Path of Travel upgrade	P. 16
221.1 Assembly areas	P. 43
228.1 Medical Care Facilities	P. 45
224.1 Transient Lodging Guest Rooms	P. 46
233.1 Residential Facility	P. 52