

WHITECAPS SOUTH CONDOMINIUM PETITION #317

RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION

QUESTIONS FOR PANEL

1. Whether the Sanibel Building Official erred by determining that the Whitecaps South condominium units are “places of lodging” based on the definition of that term in the Florida Building Code Section 106.5, rather than applying the definition of a “place of lodging” in the federal standards, as adopted in 28 CFR 36.104.
2. Whether the Sanibel Building Official erred in using the definition of “transient public lodging” and “transient lodging” in the Florida Building Code as an additional basis to require all the Whitecaps South condominium units to be fully accessible under the ADA standards, despite Sections 554.503, 553.507, and 553.73 of the Florida Statutes, stating that only the Federal standards apply in determining applicability of the ADA to buildings.
3. As Section 553.507 of the Florida Statutes, titled “Applicability,” states that the Florida Accessibility Code for Building Construction applies to “newly constructed buildings and facilities **as determined by the Federal Standards** as established and adopted pursuant to Section 553.503,” whether the Sanibel Building Official erred in applying the vertical accessibility requirements of Section 553.509 and the Florida Building Code before determining whether the Whitecaps South condominium units are “places of lodging” under 28 CFR 36.104.