

2012 FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION

**ADOPTED PURSUANT TO
SECTION 553.503, FLORIDA STATUTES**

**BASED ON
THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN**



Florida Building Code, Accessibility, 5th Edition (2014)

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PREFACE

The 1993 Florida Legislature enacted the “Florida Americans with Disability Accessibility Implementation Act” which incorporated the architectural accessibility requirements of the Americans with Disabilities Act of 1990, Public Law No. 101-336, 42 U.S.C. Section 12101 et. seq. ADA, into Florida law and maintained existing provisions of Florida law thought to be more stringent than the ADA accessibility guidelines. In 1997 the legislature amended the Act to address U.S. Department of Justice (DOJ) concerns with Florida requirements, which might not have been equivalent or more stringent than ADA architectural standards, to obtain federal certification of Florida’s building code as substantially equivalent to the Federal ADA Standards for Accessible Design as adopted by the Department of Justice (DOJ) in 28 CFR 36. The United States Access Board adopted revised ADA Accessibility Guidelines in 2004. DOJ published final regulations September 15, 2010 adopting the 2004 Guidelines with additions pursuant to 28 CFR 35 and 28 CFR 36 as the 2010 ADA Standards for Accessible Design. The Florida Building Commission updated the Florida Accessibility Code for Building Construction for consistency with the 2010 ADA Standards and Florida law, Part II, Chapter 553, Florida Statutes, in the summer of 2011. The intent as established by s.553.502, Florida Statutes, is to maintain the US Department of Justice certification of the Code as substantially equivalent to the ADA Standards so compliance with the Code provides presumption of compliance with the ADA Standards. The 1997 Florida Accessibility Code for Building Construction was certified by DOJ, however, the 2012 Florida Accessibility Code for Building Construction must also be reviewed and certified by DOJ. Until the review is completed and DOJ notifies the State the 2012 Code is certified all parties should maintain due diligence to ensure compliance with both the 2010 ADA Standards for Accessible Design and the 2012 Florida Accessibility Code. Note: Code certification provides presumption of rebuttable evidence of compliance with the ADA for private entities (Title III entities) but not public entities (Title II entities).

Accessibility is a multifaceted issue within the issues of life today. The legislative actions of the 101st Congress which implemented the Americans with Disabilities Act of 1990 and previous acts of the Florida Legislature have been combined in the following pages to reflect accessibility laws as they relate to most areas of construction in Florida. Areas of employment as related to accessibility and/or complaints would be the responsibility of the Equal Employment Opportunity Commission, 1-800-669-4000 or 305-536-4491.

Primarily because of the complexities of balancing the rights of the physically disabled and the technically specific requirements of the built environment, no single agency has been charged with enforcement of all issues pertaining to accessibility. The following is a listing of agencies and their statutory areas of responsibility for accessibility. A thorough attempt was made by the Florida Building Commission at the time of publication of this code to ensure that this manual is a reflection of the laws of Florida and the administrative rules of each agency as these requirements relate to construction. Because individual agency rules may change, it is the responsibility of the design professional and the property owner to ensure compliance with subsequent revisions.

RESPONSIBLE AGENCIES

- 1. H.U.D. Office of Fair Housing and Equal Opportunity Hot Line**
Washington, D.C.
Voice: 202-708-1112
TTY: 202-708-1455
www.hud.gov
Atlanta, GA
Voice: 1-404-331-5136

Forms and Publications
1-800-767-7468

Florida Offices

Jacksonville
Voice: 1-904-232-2627
FAX: 1-904-232-3759

Miami
Voice: 1-305-536-5678
FAX: 1-305-536-5765
TTY: 1-305-536-4734

Orlando
Voice: 1-407-648-6441
FAX: 1-407-648-6310

Tampa
Voice: 1-813-228-2026
FAX: 1-813-228-2431
TTY: 1-813-228-2115
- 2. Florida Commission on Human Relations**
Voice: 1-850-488-7082
Voice Message Service: 1-800-342-8170
TDD ASCII 1-800-955-1339
TDD Baudot 1-800-955-8771
Voice Relay Service: 1-800-955-8770
fchr.state.fl.us
- 3. Public Telephone Installation and Placement:**
Florida Public Service Commission
Voice: 1-800-342-3552
Fax: 1-850-511-0809
TDD: 1-800-955-8771
www.floridapsc.com
- 4. Government Parking Facilities:**
Florida Department of Transportation Traffic Operations Office
Voice: 1-866-374-3368, ext. 5253
FAX: 1-850-414-5251
TDD: 1-850-921-0762
- 5. Accessible Parking Placards:**
Department of Highway Safety and Motor Vehicles
Contact your local Tax Collector's Office.
Contact numbers listed by county at:
www.hsmv.state.fl.us/offices/
- 6. Elevator Accessibility:**
Department of Business Regulation Bureau of Elevator Inspection
Automated Call System: 1-850-487-1395, select Hotels & Restaurants, then Elevators
www.myfloridalicense.com/dbpr/hr/elevators.html
- 7. Florida Government Facilities:**
Department of Management Services Division of Real Estate Development and Management
Voice: 1-850-488-2074
www.dms.myflorida.com/business_operations/real_estate_development_management
- 8. Hospital and Health Care Facilities:**
Agency for Health Care Administration Office of Plans and Construction
Voice: 1-850-412-4477
www.AHCA.myflorida.com/MCHQ/plans/
- 9. Public Schools and State Universities:**
Florida Department of Education Office of Educational Facilities
www.fldoe.org/edfacil/
Voice: 1-850-245-0494
Fax: 1-850-245-9236
www.firn.edu/doe/edfacil/
- 10. State Prisons:**
Department of Corrections Facilities Services
Voice: 1-850-487-1330
www.dc.state.fl.us/facilities
- 11. ADA Questions and Complaints:**
United States Department of Justice
Voice: 1-800-514-0301 (select option 7 for technical assistance)
TTY/TDD: 1-800-514-0383
www.usdoj.gov/disabilities.htm

**12. Florida Accessibility Code and Waiver
Questions/Direction to Additional
Resources:**

Florida Building Commission

Voice: See Commission Website

FAX: See Commission Website

www.FloridaBuilding.org

**13. Historic Preservation:
Office of Cultural and Historical Resources
Division of Historical Resources**

Florida Department of State

Voice: 1-850-245-6372

FAX: 1-850-245-6437

dhr.dos.state.fl.us/preservation

**14. Code Compliance and
Enforcement:
Local Building Departments**

553.513 Enforcement. It shall be the responsibility of each local government and each code enforcement agency established pursuant to Section 553.80 to enforce the provisions of this part. This act expressly preempts the establishment of handicapped accessibility standards to the state and supersedes any county or municipal ordinance on the subject. However, nothing in this section shall prohibit municipalities and counties from enforcing the provisions of this act.

History.—s. 6, ch. 89-97; s. 2, ch. 93-183.

Note.—Former s. 553.495.

Department of Business and Professional Regulation

553.75(3) The department shall be responsible for the provision of administrative and staff-support services relating to the functions of the commission. With respect to matters within the jurisdiction of the commission, the department shall be responsible for the implementation and faithful discharge of all decisions of the commission made pursuant to its authority under the provisions of this part. The department is authorized to use communications media technology in conducting meetings of the commission or any meetings held in conjunction with meetings of the commission.

Florida Building Commission

553.506 Powers of the commission. In addition to any other authority vested in the Florida Building Commission by law, the commission, in implementing this part, may, by rule, adopt revised and updated versions of the Americans with Disabilities Act Standards for Accessible Design in accordance with Chapter 120.

553.512 Modifications and waivers; advisory council. The Florida Building Commission shall provide by regulation criteria for granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by the Accessibility Advisory Council (see Section 553.512, Florida Statutes).

(1) Notwithstanding any other provision of this subsection if an applicant for a waiver demonstrates economic hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver shall be granted. The commission may not consider waiving any of

the requirements of Section 553.5041 unless the applicant first demonstrates that he or she has applied for and been denied waiver or variance from all local government zoning, subdivision regulations, or other ordinances that prevent compliance therewith. Further, the commission may not waive the requirement of Section 553.5041(5)(a) and (c)1 governing the minimum width of accessible routes and minimum width of accessible parking spaces.

(2) The Accessibility Advisory Council shall consist of the following seven members, who shall be knowledgeable in the area of accessibility for persons with disabilities. The secretary of community affairs shall appoint the following: a representative from the Advocacy Center for Persons with Disabilities, Inc.; a representative from the Division of Blind Services; a representative from the Division of Vocational Rehabilitation; a representative from a statewide organization representing the physically handicapped; a representative from the hearing impaired; a representative from the president, Florida Council of Handicapped Organizations; and a representative of the Paralyzed Veterans of America. The terms for the first three council members appointed subsequent to October 1, 1991, shall be four years; the terms for the next two council members appointed shall be for three years; and the terms for the next two members shall be for two years. Thereafter, all council member appointments shall be for terms of four years. No council member shall serve more than two four-year terms subsequent to October 1, 1991. Any member of the council may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an individual waiver or modification may be granted by the commission so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

(3) Members of the council shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by Section 112.061.

(4) Meetings of the advisory council shall be held in conjunction with the regular meetings of the commission.

History.—s. 3, ch. 78-333; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 25, ch. 86-220; s. 5, ch. 89-97; ss. 1, 5, 6, ch. 91-172; s. 5, ch. 91-429; s. 2, ch. 93-183; s. 10, ch. 97-76; s. 68, ch. 2000-141; s. 61, ch. 2000-154; s. 13, ch. 2002-293.

Florida Law

The Florida Accessibility Code for Building Construction is established by Florida law, Part II, Chapter 553, Florida Statutes, (sections 553.501 - 553.513, Florida Statutes). The law was amended in 2011 and its resulting requirements are integrated into this code. The revisions are established by chapter 2011-222, Laws of Florida. Laws of Florida and Florida Statutes can be accessed through the Florida Department of State, Division of Library & Information Sciences web site <http://dlis.dos.state.fl.us/fgils/government.html>.

Waivers

The Florida Building Commission may waive Florida specific requirements of this code. It does not waive requirements of this code to standards below the federal ADA standards on which it is based. Applications for waiver and the criteria for their review are established by Rule Chapter 9N-4, Florida Administrative Code. Current versions of the Rule can be accessed through the Florida Department of State web site <http://dlis.dos.state.fl.us/fgils/government.html>. Applications can be found on the Florida Building Commission web site www.FloridaBuilding.org.

General Notes

If an official either waives an accessible element or feature or allows a change that does not provide equivalent facilitation, the fact that the Department of Justice has certified the code itself will not constitute rebuttable evidence the facility has been constructed or altered in accordance with the minimum accessibility requirements of the ADA.

Background shaded text and blue print text indicate changes to the 2004 ADA Accessibility Guidelines (ADAAG). Requirements based on Florida law are indicated by gray background shading. Requirements based on the U.S. Department of Justice regulations 28 CFR, Part 35 and 28 CFR, Part 36 and the U.S. Department of Transportation regulation 49 CFR, Part 37 are indicated in blue print.

Federal ADA Rules

US Department of Justice
2010 ADA Standards for Accessible Design
http://www.ada.gov/2010ADASTandards_index.htm

US Department of Transportation
ADA Standards for Transportation Facilities
<http://www.access-board.gov/ada-aba/ada-standards-dot.cfm>

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