

CHAPTER 1: APPLICATION AND ADMINISTRATION

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101 Purpose

101.1 General. This document contains scoping and technical requirements for *accessibility* to *sites, facilities, buildings, and elements* by individuals with disabilities. The requirements are to be applied during the design, construction, *additions* to, and *alteration* of *sites, facilities, buildings, and elements* to the extent required by regulations issued by Federal agencies under the Americans with Disabilities Act of 1990 (ADA).

Advisory 101.1 General. In addition to the 2004 ADAAG requirements, covered entities must comply with the regulations issued by the Department of Justice and the Department of Transportation under the Americans with Disabilities Act.

The Department of Justice regulations 28 CFR, Part 35 and 28 CFR, Part 36, the Department of Transportation 49 CFR, Part 37 and the requirements of Florida law Part II, chapter 553, F.S. have been incorporated in this code.

This code is adopted as part of the Florida Building Code by law, s.553.73(1)(a), Florida Statutes. The administrative requirements of the Florida Building Code, Building, Chapter 1 not specifically addressed by this code apply to construction necessary to comply with this code, e.g. permitting, construction documents, plans review and inspections, etc.

101.1.1 This code shall take effect March 15, 2012. After July 1, 2011 and prior to March 15, 2012 this code may be used to comply with chapter 2011-222, section 29, Laws of Florida.

101.1.2 All new or altered *public buildings and facilities, private buildings and facilities, places of public accommodation, and commercial facilities* subject to this code shall comply with this code.

101.1.3 This code establishes standards for accessibility to *places of public accommodation and commercial facilities* by individuals with disabilities. This code shall also apply: to state and local government *facilities* pursuant to Section 553.503, F.S.; to *private clubs* pursuant to Section 553.505, F.S.; and to residential *buildings* pursuant to Section 553.504(2), F.S., and the ADA Standards for Accessible Design. It is to be applied during the design construction and *alteration* of such *buildings and facilities* as required by this code.

101.1.4 This code is not intended to expand or diminish the defenses available to a *place of public accommodation or a commercial facility* under the Americans with Disabilities Act and the ADA Standards for Accessible Design, including, but not limited to, the *readily achievable* standard, and the standards applicable to *alterations* to *places of public accommodation and commercial facilities*.

101.2 Effect on Removal of Barriers in Existing Facilities. Removal of architectural barriers, pursuant to 28 C.F.R. s. 36.304, from buildings, structures or facilities shall comply with this code's requirements for alterations unless compliance would render the removal not readily achievable. In no instance shall the removal of an architectural barrier create a significant risk to the health or safety of an individual with a disability or others.

This code applies to alterations to existing facilities that are subject to the barrier removal requirement under Title III of the ADA to the extent required by regulations issued by the

Department of Justice incorporated in 202.6.1 and to alterations undertaken by Title II entities to provide program access.

2010 ADA Standards 101.2 Effect on Removal of Barriers in Existing Facilities. This document does not address existing *facilities* unless *altered* at the discretion of a covered entity. The Department of Justice has authority over existing *facilities* that are subject to the requirement for removal of barriers under title III of the ADA. Any determination that this document applies to existing *facilities* subject to the barrier removal requirement is solely within the discretion of the Department of Justice and is effective only to the extent required by regulations issued by the Department of Justice.

102 Dimensions for Adults and Children

The technical requirements are based on adult dimensions and anthropometrics. In addition, this document includes technical requirements based on children's dimensions and anthropometrics for drinking fountains, water closets, toilet compartments, lavatories and sinks, dining surfaces, and work surfaces.

103 Equivalent Facilitation

Nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability. Departure from the explicit technical and scoping requirements of this code for any *element* voids any otherwise applicable presumption of rebuttable evidence that the *element* has been constructed or altered in accordance with the minimum accessibility requirements of the ADA.

Advisory 103 Equivalent Facilitation. The responsibility for demonstrating equivalent facilitation in the event of a challenge rests with the covered entity. With the exception of transit *facilities*, which are covered by regulations issued by the Department of Transportation, there is no process for certifying that an alternative design provides equivalent facilitation.

US Department of Justice “certification” of the Florida Accessibility Code as substantially equivalent to the ADA Standards for Accessible Design means the code meets or exceeds the minimum requirements of Title III of the ADA for accessibility and usability of *facilities* covered by Title III. Certification provides private entities, complying with the Florida code a “presumption of rebuttable evidence” of compliance with the ADA Title III regulations. However, the “presumption” applies only if the explicit requirements of the code are met. Equivalent Facilitation is authorized for alternate methods of providing accessibility but those alternate methods will not be afforded the “presumption”.

104 Conventions

104.1 Dimensions. Dimensions that are not stated as "maximum" or "minimum" are absolute.

104.1.1 Construction and Manufacturing Tolerances. All dimensions are subject to conventional industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points.

Advisory 104.1.1 Construction and Manufacturing Tolerances. Conventional industry tolerances recognized by this provision include those for field conditions and those that may be a necessary consequence of a particular manufacturing process. Recognized tolerances are not intended to apply to design work.

It is good practice when specifying dimensions to avoid specifying a tolerance where dimensions are absolute. For example, if this document requires "1 ½ inches," avoid specifying "1 ½ inches plus or minus X inches."

Where the requirement states a specified range, such as in 609.4 where grab bars must be installed between 33 inches and 36 inches above the floor, the range provides an adequate tolerance and therefore no tolerance outside of the range at either end point is permitted.

Where a requirement is a minimum or a maximum dimension that does not have two specific minimum and maximum end points, tolerances may apply. Where an element is to be installed at the minimum or maximum permitted dimension, such as "15 inches minimum" or "5 pounds maximum," it would not be good practice to specify "5 pounds (plus X pounds) or 15 inches (minus X inches)." Rather, it would be good practice to specify a dimension less than the required maximum (or more than the required minimum) by the amount of the expected field or manufacturing tolerance and not to state any tolerance in conjunction with the specified dimension.

Specifying dimensions in design in the manner described above will better ensure that facilities and elements accomplish the level of accessibility intended by these requirements. It will also more often produce an end result of strict and literal compliance with the stated requirements and eliminate enforcement difficulties and issues that might otherwise arise. Information on specific tolerances may be available from industry or trade organizations, code groups and building officials, and published references.

104.2 Calculation of Percentages. Where the required number of *elements* or *facilities* to be provided is determined by calculations of ratios or percentages and remainders or fractions result,

the next greater whole number of such *elements* or *facilities* shall be provided. Where the determination of the required size or dimension of an *element* or *facility* involves ratios or percentages, rounding down for values less than one half shall be permitted.

104.3 Figures. Unless specifically stated otherwise, figures are provided for informational purposes only.

Convention	Description
	dimension showing English units (in inches unless otherwise specified) above the line and SI units (in millimeters unless otherwise specified) below the line
	dimension for small measurements
	dimension showing a range with minimum - maximum
min	minimum
max	maximum
>	greater than
≥	greater than or equal to
<	less than
≤	less than or equal to
	boundary of clear floor space or maneuvering clearance
	centerline
	a permitted element or its extension
	direction of travel or approach
	a wall, floor, ceiling or other element cut in section or plan
	a highlighted element in elevation or plan
	location zone of element, control or feature

Figure 104
Graphic Convention for Figures

105 Referenced Standards

105.1 General. The standards listed in 105.2 are incorporated by reference in this document and are part of the requirements to the prescribed extent of each such reference. The Director of the Federal Register has approved these standards for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the referenced standards may be inspected at the Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW, Suite 1000, Washington, DC 20004; at the Department of Justice, Civil Rights Division, Disability Rights Section, 1425 New York Avenue, NW, Washington, DC; at the Department of Transportation, 400 Seventh Street, SW, Room 10424, Washington DC; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

105.2 Referenced Standards. The specific editions of the standards listed below are referenced in this document. Where differences occur between this document and the referenced standards, this document applies.

105.2.1 ANSI/BHMA. Copies of the referenced standards may be obtained from the Builders Hardware Manufacturers Association, 355 Lexington Avenue, 17th floor, New York, NY 10017 (<http://www.buildershardware.com>).

ANSI/BHMA A156.10-1999 American National Standard for Power Operated Pedestrian Doors (see 404.3).

ANSI/BHMA A156.19-1997 American National Standard for Power Assist and Low Energy Power Operated Doors (see 404.3, 408.3.2.1, and 409.3.1).

ANSI/BHMA A156.19-2002 American National Standard for Power Assist and Low Energy Power Operated Doors (see 404.3, 408.3.2.1, and 409.3.1).

Advisory 105.2.1 ANSI/BHMA. ANSI/BHMA A156.10-1999 applies to power operated doors for pedestrian use which open automatically when approached by pedestrians. Included are provisions intended to reduce the chance of user injury or entrapment.

ANSI/BHMA A156.19-1997 and A156.19-2002 applies to power assist doors, low energy power operated doors or low energy power open doors for pedestrian use not provided for in ANSI/BHMA A156.10 for Power Operated Pedestrian Doors. Included are provisions intended to reduce the chance of user injury or entrapment.

105.2.2 ASME. Copies of the referenced standards may be obtained from the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016 (<http://www.asme.org>).

ASME A17.1- 2000 Safety Code for Elevators and Escalators, including ASME A17.1a-2002 Addenda and ASME A17.1b-2003 Addenda (see 407.1, 408.1, 409.1, and 810.9).

ASME A18.1-1999 Safety Standard for Platform Lifts and Stairway Chairlifts, including ASME A18.1a-2001 Addenda and ASME A18.1b-2001 Addenda (see 410.1).

ASME A18.1-2003 Safety Standard for Platform Lifts and Stairway Chairlifts (see 410.1).