

**Pocket Guide  
to the  
2012 FACBC  
as Referenced by the  
Florida Building Code Accessibility  
5<sup>th</sup> Edition (2014)**

*With Access Board Notes and Selected Sections  
from the ADA Regulations*

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[www.iccsafe.org](http://www.iccsafe.org)

### **About Evan Terry Associates, LLC**

Evan Terry Associates (ETA) has been teaching seminars, publishing Pocket Guides and other books, and creating websites on the ADA, other accessibility standards, and universal design for over 24 years. From architects with a history of providing trusted reference materials on access requirements, this book has been written for design professionals, contractors, building officials, facility managers, and others who need to understand their facility-related obligations under the ADA.

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## **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](http://www.FloridaBuilding.org). Even after certification of equivalency by the Department of Justice, 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/Certification**

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 101<sup>st</sup> 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.

### **How To Use This Pocket Guide**

The ETA Editor's Notes in this Pocket Guide are intended to provide clarification and assistance to its readers. Unless stated to be otherwise, these notes are the opinions of the editors and are not official interpretations.

This Pocket Guide **includes selected sections from the revised Title II and Title III regulations that are applicable to new construction and alterations** that we at ETA believe are typically under the control or responsibility of a design professional, contractor, or facility manager. These selected sections are incorporated throughout this Pocket Guide and are **highlighted in gray**. Some definitions from Title II and Title III regulations have been included in this Pocket Guide and are **double underlined** wherever they appear. There are a few places where the

requirements between the standards and the regulations differ. In these cases, the regulations prevail.

The Florida Americans with Disabilities Accessibility Implementation Act adopts most of the federal 2010 ADA Standards in the 2012 Florida Accessibility Code for Building Construction -- the FACBC.

However, there are certain areas where the FACBC has changed or added to the 2010 ADA Standards. Where this occurs, the text is indicated with a dotted vertical line in the left margin.

Where an FACBC section differs from the 2010 ADA Standards section, the comparable ADA section follows with gray shading in the background, enclosed in a single-bordered box.

ETA Editor's Notes are shown in a clear double-bordered box.

Advisory notes are marked with a shaded double-bordered box.

For up-to-date information you can go to [www.ETAPocketGuides.com](http://www.ETAPocketGuides.com). You can also register there to be notified when you can **purchase updated versions of the pdf book or this printed version of this Pocket Guide at a discount** that will include additional clarifications of the safe harbor provisions as they become available.

Due to the complexity of Florida's safe harbor exception at 202.4, this Pocket Guide does not attempt to identify all of the possible provisions of earlier versions of the FACBC and UFAS that might qualify under the safe harbor exception.

For more information about safe harbors under the ADA and other accessibility codes, standards, and regulations, go to [www.ADA Safe Harbor.com](http://www.ADA Safe Harbor.com) or [Corada.com](http://Corada.com) and perform a keyword search on “Safe Harbor”.

It is important to note that, under the ADA regulations at Sections 36.406(b) and 35.151(d), **Scope of coverage**, the 1991 Standards and the 2010 Standards apply to fixed or built-in elements of buildings, structures, site improvements, and pedestrian routes or vehicular ways located on a site. Unless specifically stated otherwise, advisory notes, appendix notes, and figures contained in the 1991 Standards and 2010 Standards explain or illustrate the requirements of the rule; they do not establish enforceable requirements.

When considering the accessibility and usability of movable elements not directly covered by the Standards, the Department of Justice has stated, *“Once the construction or alteration of a facility has been completed, all other aspects of programs, services, and activities conducted in that facility are subject to the operational requirements established in this final rule. Although the Department may use the requirements of the 2010 Standards as a guide to determining when and how to make equipment and furnishings accessible, those determinations fall within the discretionary authority of the Department.”* Therefore, we believe that prudent designers and facility operators should assume that whatever features make a fixed element accessible will usually also make a similar moveable element accessible. Building code enforcement officials in Florida may ignore movable elements when enforcing the FACBC, but the obligation to make movable elements accessible under the ADA regulations remains.

Design professionals and facility operators are responsible for knowing the requirements of every section of the ADA regulations that affect their projects, facilities, and operations. We have not attempted to include the sections from the regulations that cover employment, program access, readily achievable barrier removal, policies, procedures, contracts, communications, or operational requirements in this Pocket Guide. More information on these topics can be found on [www.ada.gov](http://www.ada.gov), [www.EEOC.gov](http://www.EEOC.gov), and [Corada.com](http://Corada.com).

**The following are technical assistance hotlines:**

1. Florida Department of Community Affairs:  
850-487-1824
2. U.S. Architectural & Transportation  
Barriers Compliance Board: 800-872-  
2253 (800-993-2822 TTY)
3. U.S. Department of Justice: 800-514-0301  
(800-514-0383 TTY) <http://ada.gov> &  
<http://www.justice.gov>
4. Disability & Business Technical Assistance  
Centers: 800-949-4232 (V/TTY)
5. HUD Office of Fair Housing and Equal  
Opportunity Hot Line: 800-669-9777  
(800-927-9275 TTY)
6. Florida Commission on Human Relations:  
850-488-7082
7. Government Parking Facilities - Florida  
Department of Transportation Traffic  
Operations Office: 866-374-3368, ext.  
5253



## Responsible Agencies

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 the 2012 code to ensure that its manual was 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.

### **1. H.U.D. Office of Fair Housing and Equal Opportunity Hot Line**

Washington, D.C.

Voice: 202-708-1112

TTY: 202-708-1455

<http://portal.hud.gov/hudportal/HUD>

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

<http://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

<http://www.psc.state.fl.us/>

**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 :

<http://www.flhsmv.gov/>

**6. Elevator Accessibility: Department of Business  
Regulation Bureau of Elevator Inspection**

Automated Call System: 1-850-487-1395, select  
Hotels & Restaurants, then Elevators

<http://www.myfloridalicense.com/dbpr/hr/elevator/s/elevator-inspections.html>

**7. Florida Government Facilities: Department of  
Management Services Division of Real Estate  
Development and Management**

Voice: 1-850-488-2074

[http://www.dms.myflorida.com/business\\_operations/real\\_estate\\_development\\_and\\_management](http://www.dms.myflorida.com/business_operations/real_estate_development_and_management)

**8. Hospital and Health Care Facilities: Agency for  
Health Care Administration Office of Plans and  
Construction**

Voice: 1-850-412-4477

<http://ahca.myflorida.com/MCHQ/Plans/>

**9. Public Schools and State Universities: Florida Department of Education Office of Educational Facilities**

Voice: 1-850-245-0494

Fax: 1-850-245-9236

<http://www.fldoe.org/finance/edual-facilities>

**10. State Prisons: Department of Corrections Facilities Services**

Voice: 1-850-487-1330

<http://www.dc.state.fl.us/facilities/ciindex.html>

**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

[http://www.ada.gov/filing\\_complaint.htm](http://www.ada.gov/filing_complaint.htm)

*This publication has been edited from the 2012 Florida Accessibility Code for Building Construction. It contains the following sections:*

*The Florida Building Code in its unedited form may be obtained at [www.floridabuilding.org](http://www.floridabuilding.org). It is also available from the International Code Council, Inc. at <http://www.iccsafe.org> or (888) ICC-SAFE (422-7233).*

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