
2020 Florida Building Code Advanced 7th Edition: Accessibility, Application and Administration Internet

Federal Standards and Accessibility

- The US Department of Justice (DOJ) revised ADA Regulations and Standards for Accessible Design in 2010.
- The DOJ updates, Titles II and III, of the regulations that went into effect on September 15, 2010, amend the Access Board's 2004 guidelines.
- In 2010, the Accessible Design Standards were published, which included additional regulatory language from the US Department of Justice.
- Title III is what the state and local government facilities must comply with. That is 28 of the Code of Federal Regulations, Part 35.151, plus the 2001 ADAAG.
 - In the few places where requirements between the two differ, the requirements of 28, CFR 36.151 prevail.
- Title III is for public accommodations and commercial facilities of the rest of the buildings.
- The public accommodations for commercial facilities adhere to the requirements of the 2010 standards, including both Title III regulations of 28 CFR Part 36, subpart D, and the 2004 ADAAG at 36 CFR, part 1191, Appendices B and D.
- When you combine 28 CFR with the 2004 ADAAG, you again come up with the 2010 ADA Standards for Accessible Design for Title III buildings, which are public accommodations or commercial facilities.

Florida Laws

- From 1974 to 1989, Florida Handicapped Laws were adopted and revised.
- Florida accessibility laws are more stringent than federal laws and laws passed in most other states.
- In 1993, Florida adopted ADAAG, the Americans with Disabilities Act Accessibility Guidelines. The Florida Accessibility Code for Building Construction (FACBC) was published at that time, and it was a separate rule in the State of Florida, which again, retains more stringent requirements over federal and other state requirements.
- In 1998, the Florida Accessibility Code for Building Construction (FACBC) was certified by the Department of Justice as an equivalent to ADA compliance.

Base Documents

- The base documents for the Florida Building Code - Accessibility are the Department of Justice rules, 28 CFR 25, Part 35, and 28 CFR Part 36, as revised September 15, 2010.
- The Department of Justice's final ADA Standards for Accessible Design was completed on September 15, 2010, and published Florida Statute sections 553.501 through 553.515.

- The Florida Statutes are a base for the Florida Building Code - Accessibility, and the 2009 Florida Accessibility Code for Building Construction (FACBC) served as a base document for the 2010 code.
- The US Department of Justice (DOJ) revised ADA Regulations and Standards for Accessible Design in 2010. They updated Title II and Title III regulations on September 15, 2010.
- Title II applies to state and local government buildings, while Title III applies to public accommodations and commercial buildings.

Date of Implementation - SAD

- The mandatory date of implementation of the 2010 Standards for Accessible Design was March 15, 2012.
- Between September 2010, when the new design standards were published, and March 15, 2012, the designer could use either the previous standards or the new standards.
- Florida Building Code - Accessibility is one of eight volumes of the Florida Building Code 2010.
- The legislation passed in 2011 and is listed in Chapter 2011-222 Laws of Florida
- The implementation of the 2010 Florida Building Code - Accessibility was part of the overall Florida Building Code, which was implemented on March 15, 2012.

General Notes

- Waivers of an accessible element or changes not providing an equivalent facilitation negate any effective rebuttable evidence.
- The Florida Building Code - Accessibility uses shading and colored text within the document to indicate various elements.
 - Gray background, that indicates requirements that are based on Florida law, as Florida Statute 553.
 - Blue text indicates elements that are based on federal regulations.

Enforcement

- Though the FBC-A is promulgated by the state, statute clearly places enforcement in the hands of local code enforcement officials.
- The enforcement process is a Civil Rights enforcement at the federal level.
 - The building is occupied.
 - The accessibility barrier is noted by someone who goes in to use the building and notes that it doesn't meet code.
 - They would then file a lawsuit or a complaint with the US Department of Justice (DOJ) to have the barrier removed.
 - The DOJ does an investigation.
 - They first seek voluntary compliance to try to get that barrier removed.
 - If they can't get voluntary compliance, they go to a Department of Justice lawsuit.

- At this point, Title III civil penalties may be levied, which is \$50,000 for the first violation and \$100,000 for later violations.
- Florida Code Enforcement process:
 - Documents are submitted to the Building Department for permits.
 - The plans are reviewed.
 - There's an appeal process where if the Building Department does not agree with the accessibility provisions, the owner or the submitter for the permit can go to the Florida Accessibility Advisory Council for a recommendation to the Florida Building Commission.
 - The Florida Building Commission has the authority to waiver and to grant waivers of the accessibility provisions.
 - After the appeal process, permits are issued.
 - Then the inspection is ongoing.
 - The Certificate of Occupancy is issued when the building is completed and inspections are final.

Code Maintenance

- The code is maintained on a triennial basis.
- The Florida Building Commission is charged with the responsibility of maintaining the code and updating the entire code, including the Florida Building Code - Accessibility volume, every three years.
- There are base codes and international codes, and those that form the basis of the Florida Building Code.
- When the new editions come out every three years, the Building Commission is required to update the Florida Building Code to follow those new editions.

Waivers

- If there's a determination by the Commission of unnecessary, unreasonable, or extreme hardship, the Commission is authorized to grant waivers to Florida-specific requirements of the Florida Building Code - Accessibility.
- Waivers for any of any of the federal portions of the code would need to be handled by the US Department of Justice.
- The State of Florida has an agency called the Accessibility Advisory Council that is appointed by the Secretary of the Department of Business and Professional Regulations.
 - This Council consists of seven members that make recommendations to the Florida Building Commission. Waivers to Florida Building Code - Accessibility can only be granted by the Florida Building Commission.
- Where the applicant demonstrates the cost of alterations to provide an accessible path and it is disproportionate to the overall alteration costs, the waiver must be granted.
- The cost is considered disproportionate when the cost of all alterations to provide the accessible path exceeds 20% of the cost of the alteration to the primary function area, which was the original job.

- In the event of disproportionality, the code prioritizes elements providing the greatest access.

Accessibility Advisory Council

- The Accessibility Advisory Council represent:
 - The Advocacy Center for Persons with Disabilities, Inc.
 - The Division of Blind Services
 - The Division of Vocational Rehabilitation
 - A statewide organization representing the physically handicapped,
 - A representative for the hearing impaired,
 - A representative from the President of the Florida Council for Handicapped Organizations,
 - And a representative from the Paralyzed Veterans of America.
- Members have a term of four years for their appointment.
- Meetings are held in conjunction with regular meetings of the Florida Building Commission.

Revisions in Law

- The revisions in the law of the Florida Building Code - Accessibility are established by law at Chapter 553, Part II, Florida Statutes 553-501 through 553-513.
- The Laws of Florida are published immediately after a legislative session before the entire statute is codified.

General Section 101.1.1 and 101.1.2

- The Charging Statement of the code.
- Advisories are not enforceable, which is stated in 28 CFR Part 35, and 35.151.
- Advisories include Florida advisories, US Department of Justice advisories, and US Department of Transportation advisories.
- The US Department of Transportation has accessibility provisions for transportation areas like airports, bus stations, and train stations.

Purpose

- Purpose, Section 101, the Scoping and Technical Requirements for Accessibility provides the scoping and technical requirements for accessibility by individuals with disabilities. This includes access to sites, facilities, buildings and elements.
- These requirements are applied to design, construction, additions to and alterations of sites, facilities, buildings, and elements.

Exemptions

- Churches are exempt from ADA, including portions of church properties used for other than religious services.

General Section 101.1.4 - Florida Specific

- Section 101.1.4. This is a Florida-specific requirement. While the Florida Building Code - Accessibility is based on the ADA and standards for accessible design, the code is not intended to have any impact on any federal law or standard.

Barrier Removal

- The removal of architectural barriers from building structures and facilities is required.
- This is a Florida-specific provision in the code and is not found in the federal standards.
- The Department of Justice has authority over existing facilities, subject to the requirement of removal of barriers under Title III of the ADA.

Dimensions for Adults and Children

- The technical requirements are based on adult dimensions.
- The code now includes provisions for children with technical requirements based on children's dimensions for drinking fountains, water closets, toilet compartments, lavatories and sinks, dining surfaces, and work surfaces.

Equivalent Facilitation

- Equivalent facilitation means that the use of alternatives is permitted provided they provide substantially equivalent or greater accessibility and usability.
- Departure from the code voids any applicable presumption of rebuttable evidence of compliance with the ADA.
- Responsibility for demonstration of equivalent facilitation lies with the covered entity. (Ex. Owner of the building)

Effect of Certification by DOJ

- Certification of equivalency is only for features or elements covered both by the certified code, Florida Building Code - Accessibility and the DOJ Standards of Accessible Design 2010. The certification only applies to the edition of the code that is certified.
- When ADA standards are revised or amended substantially, existing certifications of the equivalency are no longer valid as of the date the revised standards take effect.
- The 1997 Florida Accessibility Code for Building Construction was certified by DOJ. When they changed and updated the standards in 2010, that certification was no longer valid.
- Construction that complies with that certified code, during the period of certification that it was effective, provides presumption or rebuttal evidence for compliance with the ADA standards.

- The state may reapply for certification each time the Americans with Disabilities Act is revised, and the Department of Justice, to the extent possible, will give priority to request a review process.

Presumption of Rebuttable Evidence

- Any standard changes to the Florida Building Code - Accessibility requires it to be re-reviewed and certified again by the Department of Justice.
- Certification provides presumption of rebuttal evidence of compliance with the ADA for private entities, or Title III entities, but not for public entities (Title II).
- There are no guarantees for the Title II entities. Presumption is not assured.

Dimensions & Tolerances

- Conventions used are in Section 104. Unless shown as a maximum or minimum dimension of the code, it's an absolute dimension.
- Where the requirements are not stated as a range for tolerances with specific minimum and maximum endpoints, all dimensions are subject to conventional industry tolerances.
- Information on specific tolerances may be available in industry trade organizations, code groups and building officials, and other published references.

Calculation of Percentages

- When you calculate the number of elements, and there are ratios or percentages involved that yield partial numbers, such as remainders or fractions, use the next greater or whole number.
- If there's any kind of a fraction, you round up.
- Rounding down for values less than 0.5 is permitted when determination of required size or dimension involves ratios or percentages.

Referenced Standards

- Referenced standards, Section 105, lists referenced standards that are incorporated by reference.
- When it says incorporated, it means that referenced standard, to the extent that that's prescribed in the code, is as though it was printed in the code itself.

Definitions

- Definitions are in Section 106. This is the only volume of the code where definitions are not found in Section 2, Chapter 2, but it's in Section 106 of this particular volume of the code.
- Terms that are specifically defined in a reference standard but not defined in the Florida Building Code - Accessibility, Section 106.2, or regulations of the ADA or the Department of Justice, or the DOT, Department of Transportation, have the meaning specified in the standard unless it's stated otherwise within the code.

- Undefined terms, as defined by collegiate dictionaries in the sense the context implies.
- Words, terms, and phrases used in the singular include the plural and those used in a plural include the singular.