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Mo Madani, Program Manager
Building Codes and Standards
Florida Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399

DS 2014-129

Pursuant to Chapter 28-105 (Declaratory Statements) I am asking for a response to the question posted below.

Company: University of Florida
Address: 916 Newell Drive
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Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which the Declaratory Statement is sought:
2012 Florida Accessibility Code for Building Construction
Specific section of Chapter 3 (307 Protruding Objects), section 307.2 (protrusion limits) and 307.4 specifically (vertical clearance) and Definitions under Chapter 1 (Circulation Path)

Background:

The University of Florida through the UF Building Code Enforcement Office reviews all construction for adherence to FBC compliance. In past design reviews we have informed architects that all showers shall be fully compliant with Florida Accessibility Code. One area in particular is the height of the shower curtains in pre-fabricated shower units and on site constructed showers. We are requiring shower curtains to be no lower than 80 inches from AFF to bottom of rod. A manufacturer of pre-fabricated showers is contending that their unit is compliant even though the curtain rod is at 74 inches AFF. We don't want to require architects and our contractor to adhere to the 80 inch vertical clearance requirement if our interpretation of the code is incorrect.

We are about to begin the design phase for four new projects, all of which will have showers (Leed Points) and we want to provide the best information possible to our design and construction team. Project 1 is an addition to Farrior Hall that will double the size of the building. This is a heavily used student building for advising and tutoring. Project 2 is an ENT Ophthalmology Clinic is primarily used for treatment of patients. Project 3 is the NEXUS building for collaborative engineering study. This building is primarily a student oriented building. Project 4 is the renovation and restoration of Newell Hall. The intent of this project is to provide a 24 hour student study building.

The pre-fabricated manufacturer believes their unit is ADA compliant and sells the unit as an ADA compliant shower. They contend that the shower is not within a circulation path (defined in section 106 of accessibility chapter of FBC as "an exterior or interior way of passage provided for pedestrian travel, including but not limited to, walks, hallways, courtyards, elevators, platform lifts, ramps, stairways, and landings"). Our contention is that it is a

pedestrian path under the section “but not limited to” section of the definition and hence should be compliant with vertical clearance requirements.

Chapter 1 – section 106 (Definitions)

Circulation Path - an exterior or interior way of passage provided for pedestrian travel, including but not limited to, walks, hallways, courtyards, elevators, platform lifts, ramps, stairways, and landings

Chapter 3 – Section 307 (Protruding Objects), specifically section 307.2 (Protrusion Limits) – Objects with leading edges more than 27 inches and not more than 80 inches above the finish floor or ground shall protrude 4 inches maximum horizontally into the circulation path.

Section 307.4 (Vertical Clearance) – Vertical clearance shall be 80 inches high minimum. Guardrails or other barriers shall be provided where the vertical clearance is less than 80 inches high. The leading edge of such guardrail or barrier shall be located 27 inches maximum above the finish floor or ground.

Question:

Would a shower curtain rod with the height of 74 inches (AFF) be considered a head obstruction under the 80 inch vertical clearance specification in section 307.4 for a person who is visually impaired?

Question:

Would a toilet room, restroom be considered within the definition of Circulation Path under the “not limited” to part of the definition?

Summary: Petitioner respectfully believes the answer to both questions outlined above is “YES”. We believe that a shower curtain lower than 80 inches (AFF) is in non-compliance with 307.4 (Vertical Clearance) and that a restroom/toilet room is within a circulation path for anyone with a visual impairment and as such the rod would be a vertical obstruction.

Respectfully Submitted,



David B. Kramer
Building Code Administrator
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