

**CHAPTER 9N-4**  
**FLORIDA BUILDING COMMISSION – HANDICAPPED ACCESSIBILITY STANDARDS**

- 9N-4.001      Procedures  
9N-4.002      Florida Accessibility Code for Building Construction

**9N-4.001 Procedures.**

(1) All applications for a waiver or modification of the requirements of the Act or the Code shall be filed on the Request for Waiver, Forms No. ~~2002-04~~ No. 2012-01 and ~~2001-02~~ 2012-02, which the Commission hereby incorporates by reference, effective ~~October 18, 2007~~ July 1, 2012. Copies of Forms No. ~~2002-04~~ No. 2012-01 and ~~2001-02~~ 2012-02 are available by writing to the ~~Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.~~ Florida Building Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772. Upon certification from an applicant that all information requested by these rules has been furnished and review and verification by Commission Staff, the request will be scheduled for consideration at the Commission's Accessibility Advisory Council's next scheduled meeting provided that at least 14 days notice can be given to the members of the Advisory Council.

(2) All Requests shall be prepared in accordance with the instructions on Form No. ~~2002-04~~ No. 2012-01, but the Commission may waive a requirement in the instructions if the Commission finds the requirement unnecessary to the consideration of the Request. A Request shall be for one Project only, and no Request shall be considered by the Commission unless it shall have first been reviewed by the Council.

(3) The Commission and the Council may delegate to staff the authority to review an application and place it on a consent agenda only for the Council and Commission in the following circumstances:

(a) A majority of the Council has recommended approval of a waiver application accompanied by a particular set of design documents;

(b) The Commission has ordered a waiver based on the same set of design documents; and

(c) The Project for which application for a waiver is made is:

1. Owned by the same owner, franchised by the same franchiser, or licensed by the same licensor as the project previously approved by the Commission; and

2. To be built according to the same set of design documents previously approved by the Commission; and

3. The design documents described in subparagraph 2. above have been certified by the architect of record using Form ~~2001-02~~ 2012-02, which the Commission hereby incorporates by reference, effective ~~October 18, 1997~~ July 1, 2012. Copies of Form No. ~~1997-04~~ 2012-02 are available at [www.floridabuilding.org](http://www.floridabuilding.org) or by writing to the ~~Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.~~ Florida Building Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-077; and

(d) The delegation has been entered in the minutes of the meetings of the Commission and of the Council. The Commission may, upon the request of any Commission member, remove an application from the consent agenda. If an application is removed from the consent agenda, it shall be placed on the agenda for hearing in sequence that day.

(4) At its meetings, the Council shall consider all Requests, and shall prepare a recommendation for the Commission on each Request. The recommendation may be for approval, approval for a specified time, approval with a specified condition, or disapproval. If the Council finds that the Request does not give it sufficient information to make a recommendation, it may also recommend that the Commission defer action on the Request until such information is furnished. In the absence of a quorum, individual members of the Council may present recommendations to the Commission.

(5) At the meeting of the Commission, the Chairman of the Council or his designee shall present the recommendations of the Council on each Request. At its discretion, the Commission may hear any argument in support of or opposition to any Request and it may at its discretion vote upon more than one Request together. In acting upon a Request, at its discretion the Commission may wholly or partly agree or disagree with the recommendation of the Council, and may approve any Request, may approve it for a specified time, may approve it with a specified condition, may disapprove it, or may defer it for additional information.

(6) The Commission may, subject to the limitations and requirements of s.553.512, F.S., waive one or more Florida specific requirements of the Act or the Code created by ss.553.504-553.511, F.S. if it finds that compliance with the literal requirements will cause an unnecessary, unreasonable, or extreme hardship. A waiver or denial of a waiver shall be applicable only to the project in

the Request, and no waiver shall stand as precedent for any other project or projects. In order for the Commission to find an unnecessary, unreasonable, or extreme hardship, the owner of the project must show the following:

- (a) That the hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.
- (b) That substantial financial costs will be incurred by the owner if the waiver is denied.
- (c) That the owner has made a diligent investigation into the costs of compliance with the Code, but cannot find an efficient mode of compliance.

(7) The Commission shall reflect its action in a Final Order. The original of each Final Order shall be filed with the Clerk of the Department, who shall also act as Clerk of the Commission. Copies of each Final Order shall be sent by United States mail to the owner, to all professionals engaged in designing or the architect of record of the building the project, and to the Building Official of the permitting jurisdiction. In addition, pertinent information concerning each Final Order shall be entered in a Master Topical Index of Final Orders, which shall be maintained by the Clerk of the Commission.

*Rulemaking Authority 553.512(1) FS. Law Implemented 553.512(1) FS. History—New 1-31-79, Formerly 9B-7.03, Amended 10-1-96, 9-14-97, 9-7-00, 1-20-02, 10-18-07, Formerly 9B-7.003.*

#### **9N-4.002 Florida Accessibility Code for Building Construction.**

The 2012 Florida Accessibility Code for Building Construction (the Code) is adopted by reference. Copies of the Code are available on the internet at [www.floridabuilding.org](http://www.floridabuilding.org) or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00713> or by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Florida Building Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772.

*Rulemaking Authority 553.503 FS. Law Implemented 553.503 FS. History—New 9-14-97, Amended 10-31-99, 1-20-02, 1-20-08, 5-14-08, Formerly 9B-7.0042, Amended 3-15-12.*

#### **Color Coding:**

Text shaded in yellow indicate sections where consideration should be given to policy implications such as time periods, identification of which entity to reference, limitations on what parts of Code may be waived, and location final orders are maintained.

Text shaded in gray are necessary changes to agency identification, form numbers and effective dates