
CHAPTER 1: APPLICATION AND ADMINISTRATION

101 PURPOSE

- * **101.1 General.** This code 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.*

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.*

- 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 code 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.