

**Advisory 202.3 Alterations.** Although covered entities are permitted to limit the scope of an alteration to individual elements, the alteration of multiple elements within a room or space may provide a cost-effective opportunity to make the entire room or space accessible. Any elements or spaces of the building or facility that are required to comply with these requirements must be made accessible within the scope of the alteration, to the maximum extent feasible. If providing accessibility in compliance with these requirements for people with one type of disability (e.g., people who use wheelchairs) is not feasible, accessibility must still be provided in compliance with the requirements for people with other types of disabilities (e.g., people who have hearing impairments or who have vision impairments) to the extent that such accessibility is feasible.

Florida requirements for existing parking s.553.5041(g), F.S., and vertical accessibility s.553.509, F.S., are incorporated into this general section applicable to alterations. Florida requirements may be waived down to the ADA Standards requirements.

**202.3.1 Prohibited Reduction in Access.** An *alteration* that decreases or has the effect of decreasing the accessibility of a *building or facility* below the requirements for new construction at the time of the *alteration* is prohibited.

**Advisory 202.3.1 Prohibited Reduction in Access.** Department of Justice regulations 28 CFR 35.133 for *public entities* (Title II) and 28 CFR 36.211 for *private entities* (Title III) clarify that reduction of accessibility is benchmarked to the 2010 ADA Standards for Accessible Design as adopted by this code. Those regulations state: “If the 2010 Standards reduce the technical requirements or the number of required accessible elements below the number required by the 1991 Standards, the technical requirements or the number of accessible elements in a facility subject to this part may be reduced in accordance with the requirements of the 2010 Standards.”

**202.3.2 Extent of Application.** An *alteration* of an existing *element, space, or area of a building or facility* shall not impose a requirement for accessibility greater than required for new construction.

**202.3.3 Barriers at Common or Emergency Entrances and Exits.** Barriers at common or emergency *entrances* and exits of business establishments conducting business with the general public that are existing, under construction, or under contract for construction which would prevent a person from using such *entrances* or exits shall be removed.

**202.4 Alterations Affecting Primary Function Areas.** In addition to the requirements of 202.3, an *alteration* that affects or could affect the usability of or access to an area containing a *primary function* shall be made so as to ensure that, to the *maximum extent feasible*, the *path of travel* to the altered area, including the rest rooms, telephones, and drinking fountains serving the altered area, are readily *accessible* to and usable by individuals with disabilities, unless such *alterations* are disproportionate to the overall *alterations* in terms of cost pursuant to 202.4.1. *Alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of or access to an area containing a primary function.*

#### EXCEPTIONS:

1. *Residential dwelling units* shall not be required to comply with 202.4.
2. If a *private entity* has constructed or altered required *elements of a path of travel at a place of public accommodation or commercial facility* in accordance with the specifications in the 1994 or 1997 Florida Accessibility Code, the *private entity* is not required to retrofit such *elements* to reflect incremental changes in the proposed standards solely because of an *alteration to a primary function area served by that path of travel.*
3. The *path of travel* requirements shall not apply to measures taken solely to comply with barrier removal requirements.
4. If a *public entity* has constructed or altered required *elements of a path of travel* in accordance with the specifications in either the 1994 or 1997 Florida Accessibility Code or the Uniform Federal Accessibility Standards, as an equivalent facilitation, before March 15, 2012, the *public entity* is not required to retrofit such *elements* to reflect incremental changes in this code solely because of an *alteration to a primary function area served by that path of travel.*