

Reason(s) for Waiver Request: The Florida Building Commission may grant waivers of Florida-specific accessibility requirements upon a determination of unnecessary, unreasonable or extreme hardship. Please describe how this project meets the following hardship criteria. Explain all that would apply for consideration of granting the waiver.

[X] The hardship is caused by a condition or set of conditions affecting the owner which does not affect owners in general.

The issue of the requirement for vertical accessibility to all levels, as mandated by the Florida State Statutes, section 553.509 VERTICAL ACCESSIBILITY. This section states that - This part and the Americans with Disabilities Act Standards for Accessible Design do not relieve the owner of any building, structure, or facility governed by this part from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the standards require an elevator to be installed in such building, structure, or facility.

Furthermore Florida State Statutes, section 553.512 states that the Florida Building Commission shall provide by regulation criteria for granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by the Accessibility Advisory Council. The commission shall establish by rule a fee to be paid upon submitting a request for a waiver as provided in this section. **Notwithstanding any other provision of this subsection, if an applicant for a waiver demonstrates economic hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver shall be granted.** The FACBC requires the following – Section 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. Section 202.4.1 **Disproportionate Cost states that alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.** Costs that may be counted as expenditures required to provide an accessible path of travel may include: (i) costs associated with providing an accessible entrance and an accessible route to the altered area; (ii) costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls; (iii) costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a text telephone (TTY); (iv) costs associated with relocating an inaccessible drinking fountain. 202.4.2 Accessible Features in the Event of Disproportionality. When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs. In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order: (i) an accessible entrance; (ii) an accessible route to the altered area; (iii) at least one accessible restroom for each sex or a single unisex restroom; (iv) accessible telephones; (v) accessible drinking fountains; and (vi) when possible, additional accessible elements such as parking, storage, and alarms.

The project cost is \$208,650 which includes the following costs that would not be counted towards the 20% calculation – Division 1 General Conditions - \$16,223, Division 6 Wood and Plastics - \$9,557, Division 7 Thermal and Moisture Protection - \$887, Division 9 Finishes - \$16,805, Division 10 Specialties - \$171, Division 15 Mechanical - \$24,337 and Division 16 Electrical - \$47,436. The total for this work would be \$115,416 leaving a balance of \$93,234 for accessibility compliance. 20% of \$93,234 would be \$18,646 of which the following amounts are being spent - \$8,396 – cabinetry/break room and toilet room, \$14,032 for doors and hardware, \$23,481 for floors, \$1,443 for bathroom accessories and \$9,841 for plumbing; for a total of \$57,193 which is 306% of the 20% requirement of \$18,646; thereby exceeding the 20% requirement.