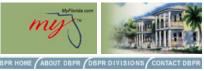
# Business & Professional Regulation



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Florida Building Codes

USER: Joe Bigelow, Department of Business & Professional Regulation, DBPR Personnel

 $\underline{Binding\ Interpretations\ Menu} > \underline{Petition\ Search} > \underline{Petition\ List} > \textbf{Petition\ Detail}$ 



Petition # 172

Do you have a Local Board of Appeals Yes

If Yes, have they rendered a decision on this issue Yes

Date	Attached File
02/17/2019	Pet ID 172 FNLOrder Building Board of Adjsutments and Appeals Application LMS.pdf

County Collier Jurisdiction County of Collier **Building Official** Johnathan Walsh Address/Phone/Email 2800 North Horseshoe Drive Naples, FL 34104 (239) 252-2490 Jonathan.Walsh@colliercountyfl.gov reative World Schools Three Oaks LLC Petitioner Name Address/Phone/Email 25110 Bernwood Drive Unit 104 Bonita Springs, FL 34135 (239) 947-6177 marianne@creativeworldschool.com Petitioner Representative's Name Larry M Schneider 4905 Midtown Lane Address/Phone/Email Suite 2313 Palm Beach Gardens, FL 33418 (561) 799-6942 Larry@LMSarch.net 2017 **Building Code Version** Sub Code Chapter 11 - Accessibility[Reserved] Chapter & Topic Section 604.8.1.6 If permitted, date of permit application

Enter explanation of how the Petitioner's substantial interests are being affected by the local interpretation of the Florida Building Code

This interpretation is not consistent with other jurisdictions in which the same design has been accepted and approved by that jurisdiction. Please see attached Certificates of Occupancy that have been issued approved the design in question.

Furthermore - Within our classrooms sinks are strategically located within the classroom, right outside the toilet room. This specific location allows for teachers to assist children with their hand-washing and ensure that the proper steps are taken, as toddlers and young preschoolers need assistance with pumping soap, washing thoroughly, and turning the water on and off. Our teachers are able to offer this assistance while still maintaining the required supervision of the rest of the students. If sinks were placed inside the toilet rooms, they would be a tempting source of fun, or be bypassed completely when children are in a hurry to return to an activity. Additionally, if the sinks were located within the toilet room, it would lengthen the amount of time the room is occupied by an individual child. With our room layout, we are able to have one child using the toilet room while two others complete the hand-washing process. We are very mindful that when children are toilet training and learning these important skills, every moment counts. Most importantly, the safety and supervision of our children in a busy classroom is essential. We know that if teachers had to keep stepping into the toilet room, it would create a potential supervision issue for the rest of the children. Our toilet room design is strategic to give every child access, while maintaining the supervision that young children need as they are developing early self-help skills.

Dr. Marianne Whitehouse, CEO Creative World School Franchising 25110 Bernwood Court Suite 104 Bonita Springs, FL 34135

Date	Attached File	
02/17/2019	Pet ID 172 Interest Certificate of Occupancy Creative World School 6 27 16 with Innovating Minds name on cert .pdf	
02/17/2019	Pet ID 172 Interest Certificate of Occupancy 867234 3490 OAKSTEAD BLVD.PDF	
02/17/2019	Pet ID 172 Interest Certificate of Completion CWS Tampa Palms.pdf	
02/17/2019	Pet ID 172 Interest City of St. Cloud Certificate of Occupancy.pdf	
02/17/2019	Pet ID 172 Interest CO Creative World CWS Oviedo.pdf	
02/17/2019	Pet ID 172 Interest Gateway, Ft. Myers - CO.pdf	

Enter statement of the interpretation given to provisions of the Florida Building Code by the local building official and the manner in which the interpretation was rendered (If information is entered, it must be exactly as it appears in the hardcopy)

Comments From The Plans Reviewer - Gentleman, Advisory 604.8.1.6 Lavatory and 604.8.1.7 Water Closet. Florida law, section 553.504(5), F.S., stipulates that "...required bathing rooms and toilet rooms in new construction shall be designed and constructed..." with an accessible lavatory in the wheelchair accessible compartment and the water closet located in a corner diagonal to the door. The ADA Standards for Accessible Design and therefore this code require wheelchair accessible compartments in new construction and in alterations of existing buildings to have self closing doors. While the Florida lavatory requirement and water closet placement apply only to new construction, they are desirable for all wheelchair accessible compartments and should be considered where feasible.

Respectfully,

Tim Rygiel, CFM Plumbing Plans Examiner and Inspector

Date	Attached File
02/17/2019	Pet ID 172 BGD Interp BOAA 1-31-2019 Complete packet.pdf

Enter statement of the interpretation that the petitioner contends should be given to the provisions of the Florida Building Code and a statement supporting the petitioner's interpretation

Please see attached file with our response as well as a copy of the drawings for this project

Date	Attached File
02/20/2019	Pet ID 172 PET Interp 15098.4 A300 - FIRST FLOOR PLAN.pdf
02/20/2019	Pet ID 172 PET Interp 15098.4 A600 - RESTROOM PLANS, ELEVATIONS, SECTIONS.pdf
02/20/2019	Pet ID 172 PET Interp Interpertation Comments Submittal.pdf

Enter local building official response by providing a statement admitting or denying the statements contained in the petition and a statement of the interpretation of the provisions of the Florida Building Code which the local jurisdiction or the local building official contends is correct, including the basis for the interpretation

No statement made, passed allowed time to make the statement submittal. History Date Paid 02/20/2019 Date Pending Building Official Response 02/20/2019 11:30 AM Date Building Official Response 03/04/2019 Date Submitted to BOAF 03/04/2019 Date Accepted 03/04/2019 Time Waiver Granted Date Extended To View Comments Cancel Submit Comment

DBPR Administration Menu

Contact Us: 2601 Blair Stone Road, Tallahassee FL 32399 Phone: 850-487-1824

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# BOARD OF ADJUSTMENTS & APPEALS AGENDA

January 31, 2019 2:00 p.m. Conference Room 610

#### NOTICE:

Persons wishing to speak on any Agenda item will receive up to three (3) minutes unless the Chairman adjusts the time. Speakers are required to fill out a "Speaker Request Form," list the topic they wish to address and hand it to the Staff member seated at the table before the meeting begins. Please wait to be recognized by the Chairman and speak into a microphone. State your name and affiliation before commenting. During the discussion, Committee Members may direct questions to the speaker.

Please silence cell phones and digital devices. There may not be a break in this meeting. Please leave the room to conduct any personal business. All parties participating in the public meeting are to observe Roberts Rules of Order and wait to be recognized by the Chairman. Please speak one at a time and into the microphone so the Hearing Reporter can record all statements being made.

- I. Call to Order Chairman
- II. Approval of Agenda
- III. Public Speakers
- IV. Agenda Item
  - A. Interpretation of the Florida Accessibility Code advisory 604.8.1.6 Lavatory and 604.8.1.7 Water Closet
- V. Committee Member Comments
- VI. Adjourn



# Growth Management Division Planning & Regulation Building Review

Date: 1.15.2019

#### **BOARD OF ADJUSTMENTS AND APPEALS**

Puilding Pormit Number (if analisable) PPRD2018105837201
Building Permit Number (if applicable) PRBD2018105837201
For construction/project located at 2260 OLYMPIA PARK BLVD.
Of a type_2-Bbuilding to be used for_DAYCARE
Name of Owner CREATIVE WORLD SCHOOLS THREE OAKS LLC
Phone # 239-947-6177 Email: MARIANNE@CREATIVEWORLDSCHOOL.COM
Address of Owner 25110 BERNWOOD DRIVE, UNIT 104, BONITA SPRINGS, FL 34135-7813
Name of Contractor/Developer:TBD
Phone #: Email:
Address of Contractor/Developer:
****(Attach plot plans, application for permit and other data if applicable)****
"Building Board of Adjustments and Appeals" adopted by the Board of County Commissioners, I hereby appeal to the Board of Adjustments and Appeals for  Interpretation of the Florida Accessibility Code advisory 604.8.1.6 Lavatory and 604.8.1.7 Water Closet.  Our understanding is that an accessible lavatory is required in the accessible toilet compartment within a toilet room. An accessible toilet compartment is a toilet stall not a toilet room. Therefrom in the case of a single toilet room for each of the Daycare classrooms an accessible lavatory is not required within the single toilet room.
n order that I might construct the above name structure as proposed and shown on the attachments.
MARIANNE WHITEHOUSE Manan Told
Printed Name of Applicant Signature of Applicant
Fee: \$250.00 payable to "Board of County Commissioners"

#### **Collier County Growth Management Division**

2800 Horseshoe Drive N. Naples, FL 34104 239-252-2400

#### RECEIPT OF PAYMENT

Receipt Number:

**Transaction Number:** Date Paid:

2019581758 2019-005032

01/17/2019 \$250.00

Payment Details:

Payment Method

**Amount Paid** 

**Check Number** 

Check

\$250.00

16980

**Amount Paid:** 

**Amount Due:** 

Change / Overage: Contact:

\$250.00 \$0.00

C&K Architechts | Interiors Inc. Michael Patterson

4221 Boy Scout Blvd. STE150

Tampa, FL 33607

#### FEE DETAILS:

**Fee Description** 

Reference Number

**Original** 

Amount GL Account

Building Board of

Adjustments and Appeals

PRBD20181058372

Fee \$250.00

Paid

\$250.00 113-138900-322110-000000

Cashier Name:

Batch Number:

LeaDerence

7960

**Entered By:** RenaldPaul

#### Building Board of Adjustments and Appeals Application and Backup Material

In accordance with provisions of the Collier County Land Development Code, Section 8.05.00 entitled "Building Board of Adjustments and Appeals" adopted by the Board of County Commissioners, I hereby appeal to the Board of Adjustments and Appeals for the following opinion of the building department as it specifically relates to the requirements of the Florida Accessibility Code for Building Construction - 2012 [FACBC].

**Question -** Does Section 604.8.1.7 of the FACBC mandate the requirement to provide a lavatory within a single user toilet room as it specifically relates to the Creative World School Project in which there are single user toilet rooms serving the following rooms/spaces that are designed only with a toilet and the lavatory is located outside of the toilet room -

- Toddlers Daycare
- Twos Daycare
- ► Threes Daycare
- Fours Daycare

**Response -** Our answer is no, the FACBC does not require the lavatory to be within the single user toilet room.

Informational Backup - Pursuant to the Florida State Statutes and section 553.775 Interpretations (1) which states that it is the intent of the Legislature that the Florida Building Code and the Florida Accessibility Code for Building Construction be interpreted by building officials, local enforcement agencies, and the commission in a manner that protects the public safety, health, and welfare at the most reasonable cost to the consumer by ensuring uniform interpretations throughout the state and by providing processes for resolving disputes regarding interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction which are just and expeditious; we are requesting the Building Board of Adjustments and Appeals as it relates to an interpretation of the following accessibility code opinion by the plan reviewer as it relates to toilet rooms -

The question is does Section 604.8.1.7 of the FACBC mandate the requirement to provide a lavatory within a single user toilet room as it specifically relates to the Creative World School Project in which there are single user toilet rooms serving the following rooms/spaces that are designed only with a toilet and the lavatory is located outside of the toilet room -

Toddlers Daycare Twos Daycare Threes Daycare Fours Daycare<sup>1</sup>

<sup>&</sup>lt;sup>1</sup>The number relates to the age of the children within the room

#### Building Board of Adjustments and Appeals Application and Backup Material

**Project Comments -** The architectural design firm received a plan review comment from Collier County requiring lavatories inside the toilet room within the daycare classrooms of this project. The current layout has one toilet in each toilet room within the daycare classrooms with an accessible lavatory outside of the single user toilet room. The plan reviewer cited the following sections of the FACBC - 213.2, 603 & 604.

Comments From The Plans Reviewer - Gentleman, Advisory 604.8.1.6 Lavatory and 604.8.1.7 Water Closet. Florida law, section 553.504(5), F.S., stipulates that "...required bathing rooms and toilet rooms in new construction shall be designed and constructed..." with an accessible lavatory in the wheelchair accessible compartment and the water closet located in a corner diagonal to the door. The ADA Standards for Accessible Design and therefore this code require wheelchair accessible compartments in new construction and in alterations of existing buildings to have self closing doors. While the Florida lavatory requirement and water closet placement apply only to new construction, they are desirable for all wheelchair accessible compartments and should be considered where feasible.

Respectfully,

Tim Rygiel, CFM
Plumbing Plans Examiner and Inspector

**Response Comments** - Here is what the section referenced actually states - 604.8.1.6 Lavatory. In new construction, the wheelchair accessible toilet compartment shall contain an accessible lavatory within it, which must be at least 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floorspace areas required by section 604 for the wheelchair accessible toilet compartment and shall comply with section 606. Such lavatories shall be counted as part of the required fixture count for the building. See also section 213.3.4.

Advisory 604.8.1.6 Lavatory and 604.8.1.7 Water Closet. Florida law, section 553.504(5), F.S., stipulates that "...required bathing rooms and toilet rooms in new construction shall be designed and constructed..." with an accessible lavatory in the wheelchair accessible compartment and the water closet located in a corner diagonal to the door. The ADA Standards for Accessible Design and therefore this code require wheelchair accessible compartments in new construction and in alterations of existing buildings to have self closing doors. While the Florida lavatory requirement and water closet placement apply only to new construction, they are desirable for all wheelchair accessible compartments and should be considered where feasible.

**What The Florida State Statute States** - 553.504 (5) Notwithstanding ss. 213 and 604 of the standards, required bathing rooms and toilet rooms in new construction shall be designed and constructed in accordance with the following:

#### Building Board of Adjustments and Appeals Application and Backup Material

(a) The wheelchair accessible toilet compartment must contain an accessible lavatory within it, which must be at least 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floor space areas required by s. 604 of the standards for the wheelchair accessible toilet compartment and comply with s. 606 of the standards. Such lavatories shall be counted as part of the required fixture count for the building.

(b) The accessible water closet within the wheelchair accessible toilet compartment must be located in the corner, diagonal to the door.

**FACBC- 2012 - 213.3 Plumbing Fixtures and Accessories**. Plumbing fixtures and accessories provided in a toilet room or bathing room required to comply with 213.2 shall comply with 213.3.

LMS Comments - It appears that Mr. Rygiel is reading the section regarding the requirement for an accessible lavatory within the wheelchair accessible toilet compartment to also mean that a lavatory is required within a toilet room. As you can see section 213.3 states that where plumbing fixtures and accessories are provided in a toilet room that they are required to be accessible pursuant to the rest of that section; however it does not mandate that a lavatory be provided within a toilet room. Florida State Statutes clearly states that the lavatory is required, under new construction, that a wheelchair accessible toilet compartment must contain an accessible lavatory within it. The toilet room in question is a single user toilet room serving the daycare rooms. It has been standard design practice that for this age group, 2, 3, and 4 year olds, within a daycare facility, that the toilet room only has a toilet in it and that the lavatory be located outside the toilet room, within the daycare room.

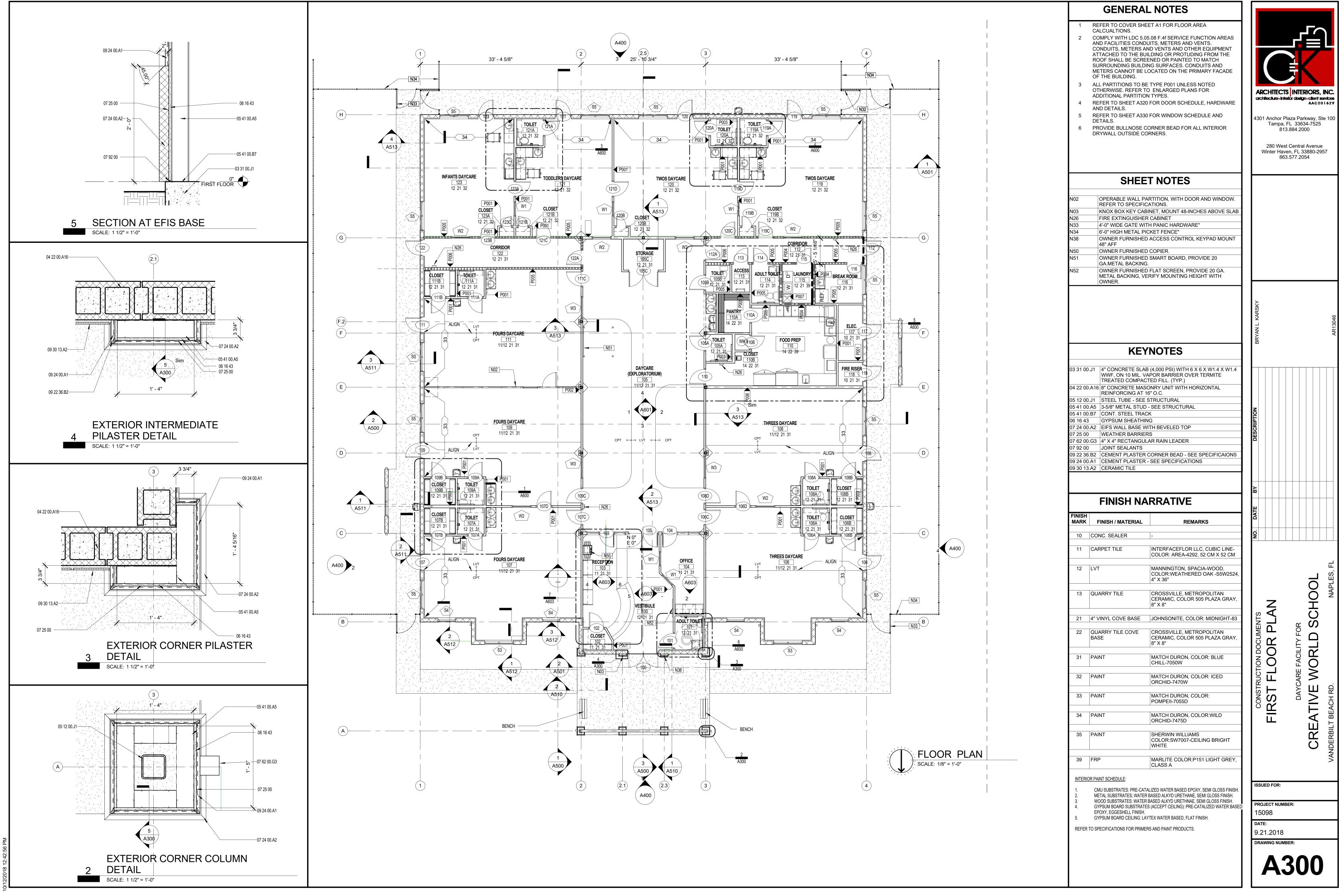
There is a common area accessible toilet room, with a lavatory within it for the staff. So, the question is does the FACBC - 2012 require that a lavatory be provided within a toilet room?

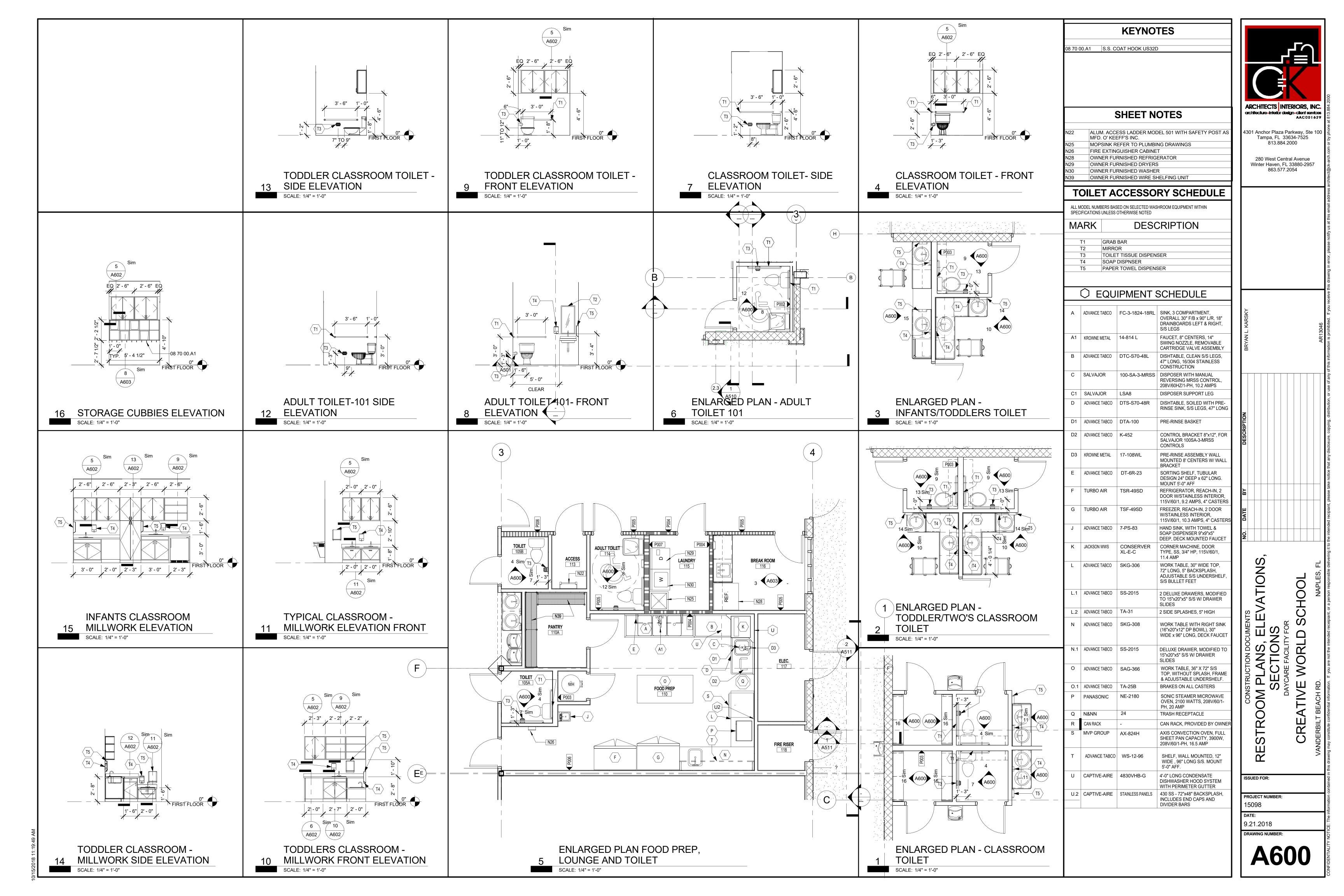
Pursuant to the applicable sections referenced above and the language of the Florida State Statute it is our opinion that the FACBC does not require a lavatory within a single user toilet room; but it does require a lavatory within an accessible toilet compartment in new construction.

Attached you will find copies of the floor plans of the project in question. We look forward to meeting with you to address and resolve this interpretation of the FACBC.

Thank you,

Larry M Schneider AIA





Architect - Accessibility Consultant

#### **EDUCATION**

UNIVERSITY OF FLORIDA - Bachelor of Architecture

#### REGISTRATION

Architect: Florida No 7443 Certified: NCARB No 21783

Past: Certified Building Inspector No CBI-110
Past: Certified Building Plans Examiner CBPE-110

Approved: Course Accreditor for the Florida Building Commission - Advanced Building Code Courses

Approved: Course Provider by the Florida Building Commission

Approved: Provider for Continuing Education Courses - Board of Architecture and Interior Designers

- Architects

Interior Designers
 Courses Provided

 Advanced Accessibility Compliance - The Good The Bad The Ugly Or Why Did I Do That???? Course Number 9877506

- Advanced Fair Housing Act OR The Seven Deadly Sins of the FHA Course Number 9877899

- The ABC's of the New ADA and the FACBC - Advanced Course Number 9878206

 FACBC and ADA Accessibility Standards for Medical/Hospital Facilities – Advanced Course Number 9878.906

#### PROFESSIONAL AFFILIATIONS

Past Member/ STATE OF FLORIDA

Chairman - State Board of Building Codes and Standards

Member FLORIDA BOARD OF BUILDING CODES AND STANDARDS/FLORIDA BUILDING

COMMISSION

- Accessibility Technical Assistance Committee

- ADAAG Workgroup to Update the Current Florida Accessibility Code to be in Harmony with the

2010 ADAAG Standards as Adopted by the DOJ

Past Member - Accessibility Ad Hoc Committee to write a Florida Accessibility Training Manual for the FACBC

- DCA Accessibility Code Training, Train the Trainer Task Force on the FACBC

- Technical Assistance Committee for Accessibility in Creating the new Florida Building Code

- Accessibility Ad Hoc Committee as it relates to requirements for Accessible Parking

Requirements

- Product Approval Working Group

- ICC Participation Workgroup

Participant Movie Theater Design CharetteParticipant Hotel Guest Room Design Charette

Member ANSI A117.1 COMMITTEE

- Committee Establishing the Standards for Accessible and Usable Buildings and Facilities as

Referenced by the International Building Code (ICC)

Past Member/ STATE OF FLORIDA STATE FIRE MARSHAL
- Fire Code Technical Advisory Committee
Member - State Fire Marshal Fire Code Advisory Council
Member AMERICAN INSTITUTE OF ARCHITECTS

- Past Regional Director - Florida/Caribbean Region

Past Member AIA National Board of Directors

- Past Member Accessibility Task Force to Review and Respond to the ADA Guidelines

- Past Member AIA Codes and Standards Committee

- Past Member AIA ADA Committee

- Past Member AIA Documents Committee

Architect - Accessibility Consultant

Member - AIA FLORIDA

Past State President

Past State First Vice President-President Elect

Past State Treasurer
Past State Vice President
- Past Member Board of Directors

Past Chairman - Codes and Standards Task Force

Palm Beach Chapter
 Past President

 Past Vice President
 Past Secretary
 Past Treasurer
 Past State Director
 Past Chapter Director

Past President CONSTRUCTION SPECIFICATIONS INSTITUTE

- Palm Beach Chapter
Past Member/ PALM BEACH COUNTY

- Fire Code Board of Appeals & Adjustment

Building Code Advisory BoardFire Code Advisory Board

Past Member STATE OF FLORIDA

- Department of Community Affairs/Handicap Committee

Past Member STATE OF FLORIDA

Hurricane Andrew Workshop Member/Department of Community Affairs
 Hurricane Andrew Investigative Task-Force/Department of Community Affairs

Past Member CITY OF DELRAY BEACH CHAMBER OF COMMERCE

- Blue Ribbon Task Force

Past Member CITY OF DELRAY BEACH

Planning and Zoning Board
 VILLAGE OF PALM SPRINGS

Past Member VILLAGE OF PALM SPRINGS
- Planning and Zoning Board

- Code Enforcement Board

Past Member/ BUSINESS COALITION FOR AMERICANS WITH DISABILITIES - DADE COUNTY

Treasurer

Member AMERICAN INSTITUTE OF ARCHITECTS
Member INTERNATIONAL CODE CONGRESS (ICC)

- Past Committee Member Accessibility Exam Development Committee

Member BUILDING OFFICIALS ASSOCIATION OF FLORIDA

- Past Committee Member - Code Development Committee

- Member - Code Interpretation Committee

Member NATIONAL FIRE PROTECTION ASSOCIATION

Member FLORIDA FIRE MARSHALS AND INSPECTORS ASSOCIATION

Member NATIONAL ASSOCIATION OF ADA COORDINATORS
Member AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES

Member FLORIDA ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

Member UNITED STATES GOLF ASSOCIATION
Member FLORIDA STATE GOLF ASSOCIATION
Facilitator AMERICAN INSTITUTE OF ARCHITECTS

- AIA National Seminar on the Americans with Disabilities Act

Speaker AMERICAN INSTITUTE OF ARCHITECTS

- AIA National Grassroots

- National Conference - Building Performance: The Competitive Edge Addressing

Accessibility Issues

Architect - Accessibility Consultant

- AIA National Convention

ADA - The Good, The Bad and The Ugly or Why Did I Do That?

- AIA Texas State Conference

- AIA Oklahoma State Conference

- AIA Wisconsin Conference

Speaker AMERICAN INSTITUTE OF ARCHITECTS and the ARCHITECTURAL & TRANSPORTATION

BARRIERS COMPLIANCE BOARD

- Universal Accessibility Conference, Washington, DC

Speaker STATE OF FLORIDA FIRE MARSHAL'S ASSOCIATION

- Presenter Regarding the Codes and the Relationship of the Fire Marshal and the Architect

Speaker AIA FLORIDA

- Seminars on ADA and the Florida Accessibility Code around the State of Florida 1993 - 2014

Seminars on the Fair Housing Act around the State of Florida 2000 - 2014
 Seminars on the Florida Building Code - Building/Fire Code Relationship

Speaker NATIONAL ASSOCIATION OF ADA COORDINATORS - 2010

Speaker BUILDING OFFICIALS ASSOCIATION OF FLORIDA

- Accessibility Compliance seminars around the State of Florida

Speaker CONSTRUCTION SPECIFICATIONS INSTITUTE

- CSI National Convention - Washington, DC

- CSI National Convention - Baltimore, MD

Speaker FLORIDA COORDINATING COUNCIL ON ADA

- State Seminar on ADA and the State Accessibility Code

Speaker STATE OF FLORIDA GOVERNOR'S ADA WORKING GROUP (ADAWG)

- State Seminar on ADA and the Florida Accessibility Code

Speaker HILLSBORO COUNTY ADA COMPLAINCE FOR SMALL BUSINESSES CONFERENCE

- ADA Compliance for Small Business Workshop - Where to Start and What to Look for; Practical

Solutions to Technical Requirements - 2013

Speaker PALM BEACH COUNTY OFFICE OF EQUAL OPPORTUNITY

- Accessibility Seminars on the Requirements of the Fair Housing Act, the ADA and the Florida

Accessibility Code - 2010, 2012, 2014

Speaker CITY OF JACKSONVILLE ADA COORDINATORS OFFICE – ADA SYMPOSIUM

- Fair Housing and the ADA - 2012

- The ABC's of the New ADA and the FACBC Advanced Course - 2014

Speaker INTERNATIONAL INTERIOR DESIGN ASSOCIATION (IIDA) CEU BLITZ 2013

- The ABC's of the New ADA and the FACBC Advanced Course

Speaker INTERNATIONAL FACILITY MANAGEMENT ASSOCIATION - SUNCOAST CHAPTER -

**FLORIDA** 

- The ABC's of the New ADA and the FACBC - 2014

Speaker FIRE INSPECTOR ASSOCIATION OF BROWARD COUNTY

- Meeting the Requirements of the FFPC, the 2010 ADA Standards and the 2012 FACBC -

Who's Really In Charge Here????

Speaker NATIONAL ACADEMY OF BUILDING INSPECTION ENGINEERS (NABIE) 2014 ANNUAL

BUILDING INSPECTION ENGINEERING CONFERENCE

- Advanced Accessibility Compliance - The Good, The Bad, The Ugly - Or Why Did I Do That???

Speaker STATE OF FLORIDA COURT ADA COORDINATOR EDUCATION PROGRAM

- The Top Ten Things Court ADA Coordinators Need to Know about the 2010 ADA and the 2012

FACBC - 2012

Speaker SMALL BUSINESS DEVELOPMENT CENTER HILLSBOROUGH COUNTY

- ADA Compliance For Small Businesses - 2013

Speaker 2010 ADA REGULATIONS & DESIGNS STANDARDS SYMPOSIUM - TAMPA

- Additions, Alterations, Historical Structures & Applying the NEW FACBC Requirements – 2013

Architect - Accessibility Consultant

Speaker SCHOOL DISTRICT PALM BEACH COUNTY

- Title II and III Issues of the ADA and the State Accessibility Code

Speaker SCHOOL DISTRICT MIAMI - DADE COUNTY

- Title II and III Issues of the ADA and the State Accessibility Code

Speaker MIAMI - DADE COUNTY BUILDING DEPARTMENT

- Requirements of the ADA, the Florida Accessibility Code, and the Fair Housing Act

Speaker CITY OF MIAMI CIP DEPARTMENT

- Requirements of the ADA and the Florida Accessibility Code

Speaker AEC 96 CONFERENCE

- Accessibility Conflicts - Accessibility Solutions

Speaker PROFESSIONAL SEMINARS GROUP

- FACBC/ADA Update 1997 - 2004 around the State of Florida

Speaker CSI ORLANDO CONSTRUCTION DESIGN EXPO 1998

Speaker CITY OF HOLLYWOOD, FLORIDA

- FACBC/ADA Update

Speaker CITY OF MIAMI BEACH, FLORIDA

- FACBC/ADA Update

Speaker SOUTH FLORIDA BUILDING CODE EDUCATIONAL CONFERENCE

- FACBC Update 1997, 1998, 2000, 2006, 2008, 2011, 2012

Speaker AIA CENTER FOR BUILDING PERFORMANCE AND REGULATIONS

- Accessibility Panel Discussion

Speaker US DEPARTMENT OF HUD

- Workshop on Accessible Residential Housing Design and Construction

Speaker FLORIDA PETROLEUM MARKETERS & CONVENIENCE STORE ASSOCIATION

- Accessibility Compliance

Speaker FLORIDA EDUCATIONAL FACILITIES PLANNERS ASSOCIATION (FEFPA)

- The ABC's of the ADA and the FACBC - 2004

- Florida Accessibility Code for Building Construction Chapter 11 Advanced – 2007, 2009

- The ABC's of the New ADA and the FACBC Advanced Course - 2014

Speaker COLEGIO DE ARQUITECTOS DE PUERTO RICO

- The ABC's of ADA

Speaker BROWARD COUNTY, FLORIDA ADA SYMPOSIUM – 2012 & 2014

Speaker CITY OF JACKSONVILLE, FLORIDA ADA SYMPOSIUM BREAKING DOWN BARRIERS

-2012

- FACBC & ADA Accessibility Standards for Medical/Hospital Facilities Advanced

- The ABC's of the New ADA and the FACBC

- Advanced Fair Housing Act

Speaker NATIONAL ASSOCIATION OF ADA COORDINATORS CONFERENCE

- Hold the Airplane - I Want to Get On Accessibility Seminar - 2010

Speaker RON BLANK & ASSOCIATES, INC. – NATIONAL SPEAKER PROVIDER

The ABC's of the New ADA and the FACBC - Advanced - 2014
 FACBC and ADA Accessibility Standards for Medical/Hospital Facilities – Advanced -

2013

Speaker FLORIDA AGENCY FOR HEALTHCARE ADMINISTRATION

- The ABC's of the New ADA and the FACBC - Advanced - 2015

- FACBC and ADA Accessibility Standards for Medical/Hospital Facilities - Advanced -

2013

Speaker CITY OF JACKSONVILLE, FLORIDA 6<sup>TH</sup> ANNUAL ADA SYMPOSIUM – 2017

- Discussions include:

What's Happening in the ADA

Why are there still lawsuits after 25 years of the ADA?

Panel discussion of the ADA from the user's standpoint

Best practices of the ADA

Architect - Accessibility Consultant

Code Plus

The next set of regulations

Website lawsuits

Speaker CITY OF ALTAMONTE SPRINGS, FLORIDA

- Compliance with the ADA and the FACBC for Parking, Parking Lots and Site Access -

2017

Speaker CITY OF MIAMI BEACH BUILDING DEPARTMENT, FLORIDA – 2018

- The ABC's of the New ADA and the FACBC

- Advanced Fair Housing Act

Speaker LEE COUNTY BUILDING DEPARTMENT, FT. MYERS, FLORIDA – 2018

- The ABC's of the New ADA and the FACBC

- Advanced Fair Housing Act

Speaker BROWARD COUNTY BOARD OF RULES AND APPEALS, FT LAUDERDALE,

FLORIDA - 2018

- The ABC's of the New ADA and the FACBC

Speaker CITY OF JACKSONVILLE, FLORIDA – ADA SYPOSIUM 2018

- The ABC's of the New ADA and the FACBC

Speaker NUMEROUS ARCHITECTURAL FIRMS IN FLORIDA – 2018

- The ABC's of the New ADA and the FACBC

Speaker ASID CHAPTER – TAMPA BAY, TAMPA, FLORIDA – 2018

- The ABC's of the New ADA and the FACBC

Speaker IIDA SOUTH FLORIDA CHAPTER, FT LAUDERDALE, FLORIDA – 2018

- The ABC's of the New ADA and the FACBC

Published AIA FLORIDA

- Accessibility Compliance - Accessibility Compliance with the Florida Accessible Toilet

Room

Published UNIVERSAL DESIGN NEWSLETTER

Published POCKET GUIDE TO THE FLORIDA ACCESSIBILITY STANDARDS

- Numerous Editions of Pocket Guide to the Florida Accessibility Standards 1994 – 2010

Co-Editor with Evan - Terry Associates

Published ACE NEWS (Architectural, Construction & Engineering) at MIA

Value Analysis at Miami International Airport Part I
Value Analysis at Miami International Airport Part II

#### CONTINUING EDUCATION

Key Bridge Foundation 40 Hour ADA Mediation Training

Harvard University Graduate School of Design - Advanced Training in ADA and UFAS Design Compliance

Value Engineering Module I Training in the Process and Facilitating a Value Engineering Study Value Engineering Module II Training in the Process and Facilitating a Value Engineering Study

Personnel Law Update - Council on Education in Management

Department of Community Affairs Florida Accessible Code Seminar(s)

Fair Housing Act Requirements

Fair Housing Act Amendments Accessibility Guidelines

Avoiding the Most Common ADA Errors

Proposed Changes to the ADA

When Architect and Attorneys Collide

ADA: Where Are We Going With the Law

Requirements for Existing Facilities Under ADA Title III

**ADA Risk Management** 

ADAAG Review and Harmonization

ABCs of ADA Bridging Accessibility into Project Process

Architect - Accessibility Consultant

Role a Mile in My Chair - Understanding ADAAG ADA Liability - Who is Responsible Under the Act

Concept of Universal Accessibility

Requirements for Existing Public Housing

Fair Housing Accessibility First

Fair Housing Act Accessibility Requirements

Strategies for Compliant Bathrooms Strategies for Compliant Kitchens

ADA National Coordinators Conference 2005 and 2007, 2008, 2009, 2010

- Accessibility Track

The IBC: A Step-by-Step Process

Building for Accessibility Affects Our Lifecycle

National Association of ADA Coordinators Conference - 2008, 2010, 2014

AIA Regional and Urban Design Knowledge Community Seminar National Center on Accessibility for Recreation and Parks Seminar

National ADA Symposium - St. Petersburg, FL

Harvard Graduate School of Design – ADA and Access to Public and Private Non-Residential Facilities and Programs

Harvard Graduate School of Design - Fair Housing, ADA, ABA, and 504 Access to Housing and Dorms

#### RECIPIENT

State of Florida Governor's Award for Extraordinary Title III Compliance Award

Metro-Dade County Award for Outstanding Activities that Enhance and Promote Opportunities for

Persons with Disabilities

AIA AIA National 2000 Component Excellence Award for an Outstanding Individual

Contribution to Government Affairs for Spearheading Legislation to Establish a

Unified Statewide Building Code for the State of Florida

AIA Upiohn Fellows Award

AIA Florida AIA Florida Gold Medal for Continual and Outstanding Service to the Profession,

the Community and to the State

AIA Florida AIA Florida Charles W. Cleary Government Service Award for Service to the

Profession, the Community and to the State

AIA Florida Anthony L. Pullara Award for Outstanding Service to the Architectural Profession AIA Florida President's Award for Outstanding Service as Chairperson of the Florida Board of

Building Codes and Standards

AIA Florida State of Florida Unbuilt Design Award for the Palm Beach County South County

Civic Center

AIA Palm Beach Gold Medal for Continual and Outstanding Service to the

Profession, the Community and to the Chapter

John Stetson Memorial Award for Outstanding Service to the

Architectural Profession and to the Chapter

AIA Palm Beach Design Award for Excellence Interstate Centre

Design Award for Excellence Temple Sinai

Design Award for Excellence 25 Seabreeze Office Building

Design Award for Excellence Old School Square Cultural Arts Center

Design Award for Excellence Dr. Jared Residence

Design Award for Excellence Delray Beach Fire Station No 2 Design Award for Auburn Trace a Low Income Housing Project

Delray Beach Housing Authority

City of Delray Beach

Design Award for Delray Beach Life Guard Station
Design Award for 25 Seabreeze Office Building

Appearance Board

Community

Architect - Accessibility Consultant

State of Florida Award for Meritorious Achievement for Historical Preservation Old School Square

Trust for Historical 1913 Building

Preservation Award for Meritorious Achievement for Historical Preservation Old School Square

1926 Gymnasium

#### **ACCESSIBILITY CONSULTING SERVICES**

Hotels Cruise Ships Shopping Centers/Malls Governmental Entities (Title II Requirements) **Medical Centers** Hospitals Airports **Public Schools** Movie Theaters Restaurants **Recreational Facilities** Office Buildings Condominiums Amusement/Entertainment Parks **Apartment Complexes** 

#### REPRESENTATIVE CLIENT/PROJECT LIST

Miami International Airport - Miami, Florida Miami Science Museum - Miami, Florida

Nassau County, Florida Hyatt Regency Hotel, Coral Gables, Florida Collier County, Florida Weeki Wachee Springs - Florida Lee County, Florida Safeway Grocery Stores - US St. Lucie County, Florida Busch Entertainment/Theme Parks Santa Rosa County, Florida Weston Town Center - Weston, Florida City of Miami Beach, Florida Ritz Carlton - West Palm Beach, Florida Bal Harbour Shops - Bal Harbour, Florida City of Orlando, Florida

City of Hollywood, Florida **HCA** Hospitals City of Hialeah, Florida **Tenet Hospitals** City of Boca Raton, Florida Carnival Cruise Lines City of Naples, Florida Holland Cruise Lines

City of Coral Gables, Florida Royal Caribbean Cruise Lines City of Coral Gables Golf Course Daytona International Speedway

City of Stuart, Florida Pizza Hut of America

City of Miami, Florida Goodyear Tire and Rubber Company - US

City of Pompano Beach, Florida Cracker Barrel Restaurants

City of Bonita Springs, Florida Grand Cypress Resort - Orlando, Florida

City of Ft Myers Beach, Florida Minto Communities Inc. - Florida Miami-Dade County - Miami, Florida Parrot Jungle - Miami, Florida

Orange County Convention Center, Orlando. Edison Community College - Naples, Florida Florida Florida Atlantic University - Boca Raton, Florida

Universal Studios - Orlando, Florida State of Florida's Supreme Court PGA Tour. Inc.

State of Florida Department of Management Services Surveys of Governmental Buildings Mercy Hospital, Miami, Florida

Caneel Bay Resort - Virgin Islands Home Depot - Florida

Chili's International Restaurants Kenco Communities - Florida

Seminole Hard Rock Resort and Casino -Wells Fargo Bank Hollywood and Tampa, Florida **Publix Grocery Stores** 

Miami Seaquarium - Miami, Florida Boca Raton Hotel and Resort - Boca Raton, Florida

State of Florida - Keys Marine Lab

Muvico Theaters - Florida Tampa Bay Performing Arts Center

Host Marriott Corporation - Florida University of Florida - Ben Hill Griffin Stadium -Jackson Hospital - Miami, Florida Gainesville, Florida

North Broward Hospital District - Broward Chili's Restaurants – Florida

County, Florida Gulfstream Racetrack - Hallandale Beach,

Florida Atlantic University - Boca Raton, Florida Florida

Pier House - Key West, Florida

# **Pro Bono Services**Numerous County and Local Municipalities throughout the State of Florida

Numerous Architectural Firms throughout the State of Florida and the United States

#### **EXPERIENCE**

Larry M. Schneider, AIA is the principal of his own firm Larry M. Schneider, AIA. Prior to reopening his own firm, he was the Accessibility, Value Analysis, and Partnering Coordinator with the firm of Dade Aviation Consultants at Miami International Airport. A graduate of the University of Florida in Gainesville, Mr. Schneider received his Bachelor of Architecture degree in 1973. He has been a principal with his own architectural firm of Currie Schneider Associates AIA, PA for ten years in which the firm won numerous design awards from such groups as AIA Florida, AIA Palm Beach, the City of Delray Beach and the State of Florida Trust for Historical Preservation. In addition to his commitment to the architectural profession, Mr. Schneider's career has been enhanced by the positions he has held with various professional organizations. He has been an active member of such organizations as the Construction Specifications Institute, the Southern Building Code Congress International, the ICC, the National Fire Protection Association, and the American Institute of Architects. He has been involved with the accessibility codes for the State of Florida since 1985 where he served as a member of the Department of Community Affairs Special Task Force to rewrite the Florida Accessibility Code. This resulted in the 1990 edition of the Florida Accessibility Manual. In 1992 he was appointed to the Florida Board of Building Codes and Standards and was elected its chair in 1993 and served as the chairperson of that board until 1996. In 1993 the State of Florida decided to rewrite its accessibility code to comply with the ADA Standards and he was the representing architect on this endeavor. Again in 1997, the State of Florida decided to rewrite its accessibility code, to comply with the DOJ comments for certification of the FACBC and he was the representing architect on this undertaking. He sat on the AIA National committee to review and prepare position papers for the AIA on the proposed changes to ADAAG. He currently is the AIA representative on the ANSI A117.1 Committee that creates the national guidelines for accessibility compliance and referenced by the International Building Code. He has continued to remain active in the code process and in those issues of concern by the disabled community. He is a Past President of AIA Florida (FAAIA). He was a member of the AIA National Board of Directors representing the Florida-Caribbean Region as their Regional Director. He was Past Chairman/member of the Palm Beach County Building Code Advisory Board, Past Chairman/member of the Palm Beach County Fire Code Advisory Board and has served on local community planning and zoning boards as well as the Blue Ribbon Task Force for the City of Delray Beach. He is a recipient of the AIA Florida Gold Medal, the Charles W. Cleary Government Service Award, the Anthony L. Pullara Award for outstanding service to the architectural profession, AIA Palm Beach Gold Medal for continual and outstanding service to the profession, the community and to the chapter, and the John Stetson Memorial Award for outstanding service to the architectural profession and to the chapter. He was awarded the State of Florida Governor's Award for Extraordinary Title III Compliance Award for his work in helping the citizens and design professionals to understand the Florida Accessibility Code. He has been a speaker at past AIA Florida Conferences on Accessibility (Fair Housing, the ADA and the FACBC), a Facilitator for the AIA National Seminar on ADA, a speaker at AIA National Grassroots, AIA Texas, AIA Oklahoma and the AIA National Convention, a speaker at the CSI National Convention, a speaker at the State of Florida Fire Marshall's Convention and at numerous Building Code Officials Conferences as well as government municipalities and school boards. He currently provides general accessibility consulting services to clients in the public and private sector as it relates to Title II and III of the ADA as well as to the Fair Housing Act accessibility compliance issues.



### **Certificate of Occupancy**

#### ORANGE COUNTY DIVISION OF BUILDING SAFETY ALAN C. PLANTE, BUILDING OFFICIAL

201 S. Rosalind Avenue Orlando, Fl. 32802-2687 Phone: 407-836-5550

DATE ISSUED:

June 27, 2016

PERMIT NUMBER: B14903811

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES AND REGULATIONS ENFORCED BY THE DIVISION OF BUILDING SAFETY OF ORANGE COUNTY, FLORIDA.

Tenant/Occupant: Creative World School

Owner: Innovating Minds LLC

Project Address: 1725 S Dean Rd.

Parcel I.D. Number: 05-23-31-1900-04-000

Contractor: Randall Ray Birchmier

Zoning District: P-D

Address: 549 Wymore Rd.

Licence #: CGC042156

Building Code: 2010 Florida Building Code, Building

THE PORTION OF THE STRUCTURE AND THE OCCUPANCY DESCRIBED IN THIS PERMIT HAS BEEN INSPECTED FOR COMPLIANCE WITH THE ABOVE REFERENCED CODE.

Square Footage: 15,487

Maximum Floor Load Allowable: 40

No. Of Stories: 1

Maximum Number of Persons: 417

Type of Construction: Type VB

No. of Units: 0

Sprinkler Sys Provided: Yes

Sprinkler Sys Req'd: Yes

Building Risk Category: II

Use & Occupancy Type: D (Daycare)

Wind Speed: 139

Wind Borne Debris Region: N/A

Special Conditions: N/C DAYCARE FACILITY

SITE WORK -B14903772

THIS CERTIFICATE OF OCCUPANCY BECOMES INVALID UPON CHANGE OF TENANT, OCCUPANCY OR UPON ANY CHANGES TO THE BUILDING OR PREMISES, OR UPON ANY VIOLATION OF THE ZONING ORDINANCE OR ANY AMENDMENTS THERETO.

# Certificate of Occupancy PASCO COUNTY Building Inspection Division

This Certificate issued pursuant to the requirements of the Florida Building Code certifying that at the time of issuance this structure was in compliance with the applicable ordinances of Pasco County regulating building construction or use, for the following:

Use Classification: **COMMERCIAL** 

Final Inspection: Oct 29, 2015

Building Permit No. 861234 Occupancy Group: MPUD

Work Code: CPB

Building Address: L-5.1 3490 OAKSTEAD BLVD

Owner of Building: WELLS SR 54 LLC

Parcel ID#: 22-26-18-0000-00100-0051

Contractor: ABI COMPANIES INC

Timothy J. Moore

Chief Building Official

Issue Date: November 6, 2015



## CITY OF TAMPA

# **Certificate of Completion**

Permit Number: BLD-17-0449742 Issue Date 7/14/2017

Project Location: 5365 Primrose Lake Cir, Tampa, Florida33647

Owner Name and Address:

Inuja Llc 10693 Cross Creek Blvd Tampa FL

Permit Type: Commercial Miscellaneous Permit

Construction Type:

Occupancy Class:

Description of Work:

Installation of underground fireline. 530' - 6" underground fire main

2 - 6" building risers

1 - storz FDC

1 - fire hydrant assembly

Attach this permit to BLD-16-0446542

Building Official: Bob Bass Design Occupant Load:

FBC Edition:

Automatic Fire Sprinkler System Required? Yes

**Special Conditions:** 

The construction work has been substantially completed in accordance with applicable city, state and federal codes, so that the owner can occupy or utilize the project for its intended use.

For buildings and structures located in flood hazardous areas, the as-built elevation certificate indicating the lower floor elevation is retained in the record of the department.



# CERTIFICATE OF OCCUPANCY

BUILDING DEPARTMENT

1300 Ninth St. St. Cloud, FI 34769

BUILDING PERMIT NO. 16-00005142

DATE C.O. ISSUED May 02, 2018

PARCEL IDENTIFICATION NUMBER:

PROPERTY ADDRESS: 4500 LEXINGTON BLVD

FLOOD ZONE: X
OCCUPANCY TYPE: D
DESIGN OCCUPANCY LOAD: 216

TYPE OF CONSTRUCTION: V-B

AUTOMATIC SPRINKLER YES\_X\_ NO\_ NA\_

(If applicable)

UPANCY LOAD: 216

WELSH CONSTRUCTION, LLC DBA WE
3972 W. EAU GALLIE BLVD

SAINT CLOUD, FL 34769

BCM Property Investments 4500 LEXINGTON AVE

OWNER/MAILING ADDRESS

3972 W. EAU GALLIE BLVD SUITE A MELBOURNE, FL 32934

EDITION OF THE FLORIDA BUILDING CODES AND FLORIDE FIRE PREVENTION CODE, 2011 NATIONAL ON THE PERMI ELECTRICAL CODE, CITY CODE REQUIREMENTS AND IS APPROVED FOR THE USE AND OCCUPANCY AS STATED THE ABOVE STRUCTURE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE 5th (2014)

\*\*\*\*\*\*\*\*\*\*

DEPUTY BUILDING OFFICIAL

FIRE MARSHAL

elebrating Small Town

#### CITY OF OVIEDO 400 ALEXANDRIA BLVD (407) 971-5755 - FAX 971-5820 OVIEDO FL 32765

#### CERTIFICATE OF OCCUPANCY

Issue Date	3/19/18
Parcel Number	
Subdivision Name Legal Description Property Zoning	C-1
Owner	MTA BUSINESS SOLUTIONS LLC 975 CHAPEL ST OVIEDO FL 32765
Contractor	M PAUL GENERAL CONT/GODDARD P
Application Number  Description of Work  Construction Type  Occupancy Type  OCCUPANCY LOAD:  OCCUPANCY USE:  SPRINKLER SYSTEM YES/NO:  BUILDING CODE EDITION YR:	COMM NEW DAY CARE TYPE V-B EDUCATIONAL 289.00 DAYCARE
Approved	Robert Reading CBO Building Official

VOID UNLESS SIGNED BY BUILDING OFFICIAL

The described portion of the structure has been inspected for compliance with the requirements of the code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.





# Lee County, Florida Division of Development Services Certificate of Occupancy COMMERCIAL

**Date:** 02/08/2018 **PERMIT NUMBER:** COM2016-01837

Owner Name and Address: BAGET HOLDINGS LP

311 10TH ST SE NAPLES, FL 34117

Job Address: 11961 FAIRWAY LAKES DR FORT MYERS 33913

Contractor CGC060615 OWEN AMES KIMBALL CO

/Address: 11941 FAIRWAY LAKES DRIVE

FORT MYERS FL 33913

Description: NEW PRIVATE SCHOOL

Project Name: CREATIVE WORLD SCHOOL

Strap: 07-45-26-07-0000B.0020

Zoning: Fire District: So. Trail

Flood Elevation: Flood Zone: X

Type of Construction: 04 Type VB Occupancy Class: EDUCATIONAL

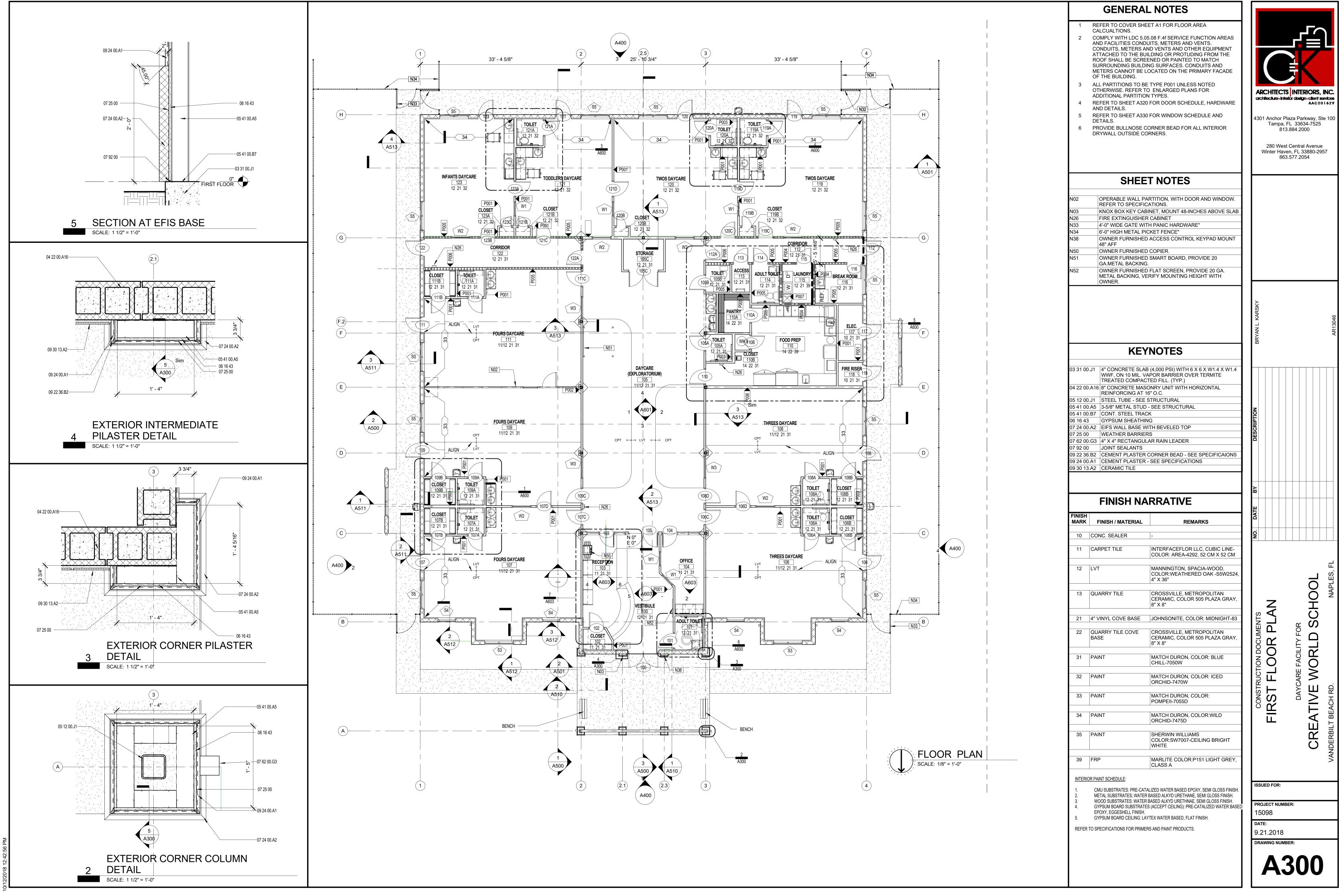
Use and Occupancy Classification: Occupancy Load:

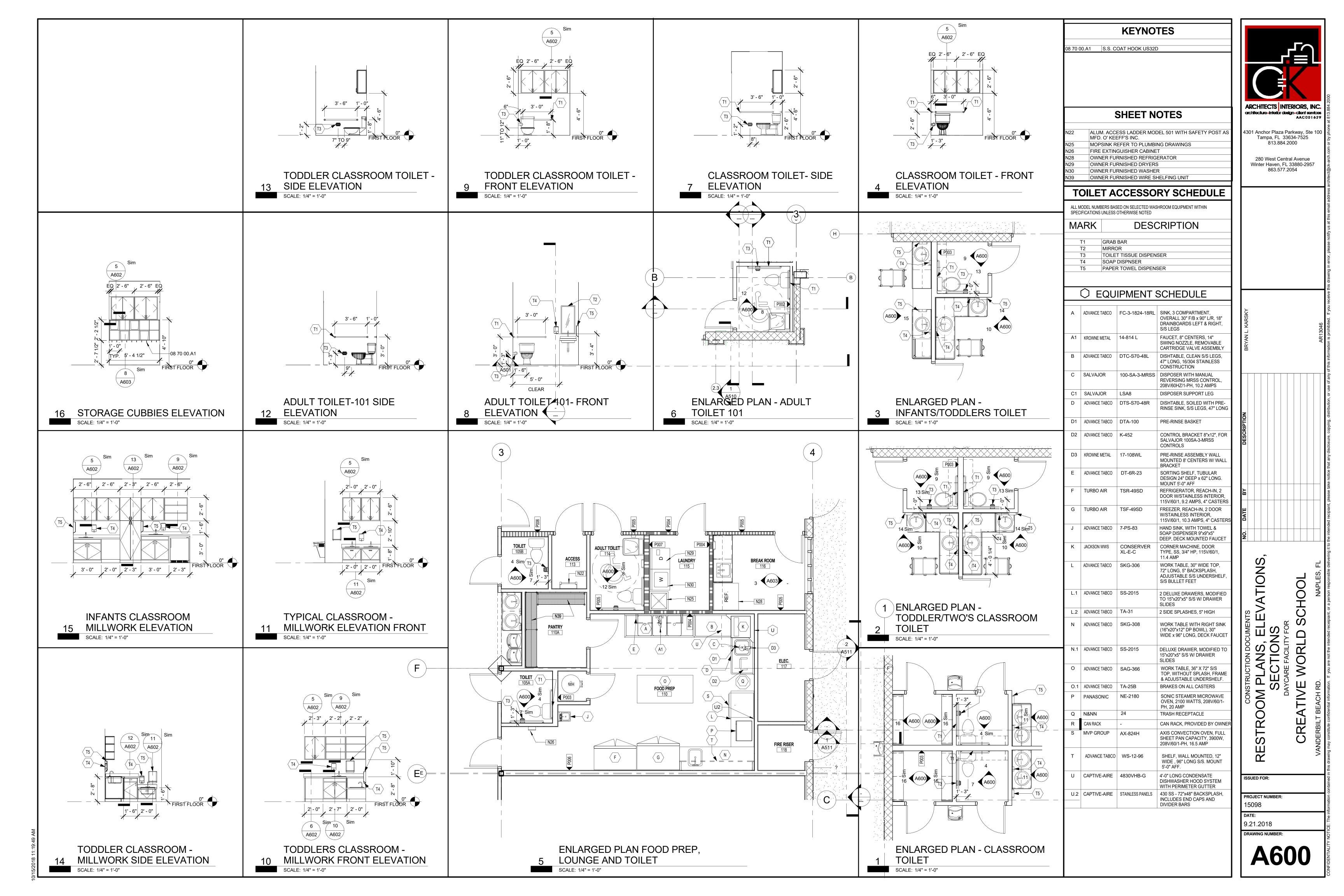
Sprinkler System Required: Sprinkler System Provided:

**Special Stipulations/Conditions:** 

This structure or portion thereof described above has been inspected for compliance of the Florida Building Code 5th Edition (2014) for the use and occupancy listed above.

**BUILDING OFFICIAL** 





**Question -** Does Section 604.8.1.7 and Advisory Section 604.8.1.6 of the FACBC mandate the requirement to provide a lavatory within a single user toilet room as it specifically relates to the Creative World School Project in which there are single user toilet rooms serving the following rooms/spaces that are designed only with a toilet and the lavatory is located outside of the toilet room -

- Toddlers Daycare
- Two Year Old Daycare
- Three Year Old Daycare
- Four Year Old Daycare

**Response -** Our answer is no, the FACBC does not require the lavatory to be within the single user toilet room.

The Collier County Building Department stated the following -

Comments From The Plans Reviewer - Gentleman, Advisory 604.8.1.6 Lavatory and 604.8.1.7 Water Closet. Florida law, section 553.504(5), F.S., stipulates that "...required bathing rooms and toilet rooms in new construction shall be designed and constructed..." with an accessible lavatory in the wheelchair accessible compartment and the water closet located in a corner diagonal to the door. The ADA Standards for Accessible Design and therefore this code require wheelchair accessible compartments in new construction and in alterations of existing buildings to have self closing doors. While the Florida lavatory requirement and water closet placement apply only to new construction, they are desirable for all wheelchair accessible compartments and should be considered where feasible.

Respectfully,

Tim Rygiel, CFM
Plumbing Plans Examiner and Inspector

**Response Comments** - Here is what the sections referenced actually state - **604.8.1.6 Lavatory.** In new construction, the wheelchair accessible toilet compartment shall contain an accessible lavatory within it, which must be at least 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floors pace areas required by section 604 for the wheelchair accessible toilet compartment and shall comply with section 606. Such lavatories shall be counted as part of the required fixture count for the building. See also section 213.3.4.

Advisory 604.8.1.6 Lavatory and 604.8.1.7 Water Closet. Florida law, section 553.504(5), F.S., stipulates that "...required bathing rooms and toilet rooms in new construction shall be designed and constructed..." with an accessible lavatory in the wheelchair accessible compartment and the water closet located in a corner diagonal to the door. The ADA Standards for Accessible Design and therefore this code require wheelchair accessible compartments in new construction and in alterations of existing buildings to have self closing doors. While the Florida lavatory requirement and water closet placement apply only to new construction, they are desirable for all wheelchair accessible compartments and should be considered where feasible.

**Section 604.8.1.7** Water Closet states that in new construction, the accessible water closet within the wheelchair accessible compartment shall be located in the corner, diagonal to the door.

**What The Florida State Statute States** - 553.504 (5) Notwithstanding ss. 213 and 604 of the standards, required bathing rooms and toilet rooms in new construction shall be designed and constructed in accordance with the following:

(a) The wheelchair accessible toilet compartment must contain an accessible lavatory within it, which must be at least 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floor space areas required by s. 604 of the standards for the wheelchair accessible toilet compartment and comply with s. 606 of the standards. Such lavatories shall be counted as part of the required fixture count for the building.

(b) The accessible water closet within the wheelchair accessible toilet compartment must be located in the corner, diagonal to the door.

**LMS Comments** - It appears that Collier County is reading the section regarding the requirement for an accessible lavatory within the wheelchair accessible toilet compartment [toilet stall] to also mean that a lavatory is required within a toilet room. Florida State Statute 553.504 (5) clearly states that a lavatory is required, within the wheelchair toilet compartment [toilet stall] under new construction. The toilet rooms in question are single user toilet rooms serving the daycare rooms. It has been standard design practice that for this age group, 2, 3, and 4 year olds, within a daycare facility, that the toilet room only has a toilet in it and that the lavatory be located outside the toilet room, within the daycare room and the reasoning for same has been clearly stated by Dr. Marianne Whitehouse, CEO of Creative World School Franchising -

Our classrooms sinks are strategically located within the classroom, right outside the toilet room. This specific location allows for teachers to assist children with their hand-washing and ensure that the proper steps are taken, as toddlers and young preschoolers need assistance with pumping soap, washing thoroughly, and turning the water on and off. Our teachers are able to offer this assistance while still maintaining the required supervision of the rest of the students. If sinks were placed inside the toilet rooms, they would be a tempting source of fun, or be bypassed completely when children are in a hurry to return to an activity. Additionally, if the sinks were located within the toilet room, it would lengthen the amount of time the room is occupied by an individual child. With our room layout, we are able to have one child using the toilet room while two others complete the hand-washing process. We are very mindful that when children are toilet training and learning these important skills, every moment counts. Most importantly, the safety and supervision of our children in a busy classroom is essential. We know that if teachers had to keep stepping into the toilet room, it would create a potential supervision issue for the rest of the children. Our toilet room design is strategic to give every child access, while maintaining the supervision that young children need as they are developing early self-help skills.

It is important to note that the Florida Accessibility Code for Building Construction is based upon Part III of the Americans with Disabilities Act, Public Law 101-336, 28 CFR Part 36 - Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities and the 2010 ADA Standards for Accessible Design. Since Florida's accessibility code is based upon these documents, we can rely on there interpretations and/or requirements for Florida's accessibility compliance. Within Part III of the Americans with Disabilities Act, Public Law 101-336, 28 CFR Part 36 - Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities it states that unless specifically stated otherwise, advisory notes, appendix notes, and figures contained in the 1991 Standards and 2010 Standards explain or illustrate the requirements of the rule; they do not establish enforceable requirements. <sup>1</sup>

Therefore the reliance on the advisory section 604.8.1.6 is not a section of the Florida Accessibility Code that is enforceable. It is strictly an advisory item and as highlighted in grey is Florida specific text that was added to the base document; which is the 2010 ADA Standards as noted on the cover page of the FACBC.

Section 604.8.1.6 Lavatory clearly states that in new construction, the wheelchair accessible toilet compartment shall contain an accessible lavatory within it. There is no requirement that this language requires that a lavatory is required within a single user toilet room; it states that within the accessible toilet stall, in new construction, you are required to have a lavatory within that toilet stall.

We have also taken the liberty to include six Certificate of Occupancy's that have been provide to this type of daycare project in which those jurisdictions have accepted this design solution of the single user daycare room with just a toilet in it and the lavatory directly outside of that toilet room.

So, the question is does the FACBC - 2012 sections 604.8.1.7 and Advisory Section 604.8.1.6 of the FACBC mandate the requirement to provide a lavatory within a single user toilet room as it specifically relates to the Creative World School Project in which there are single user toilet rooms serving the rooms/spaces that are designed only with a toilet and the lavatory is located outside of the toilet room.

Pursuant to the applicable sections referenced above and the language of the Florida State Statute it is our opinion that the FACBC does not require a lavatory within a single user toilet room; but it does require a lavatory within an accessible toilet compartment in new construction and a single user toilet room and a toilet stall are not the same

Attached you will find copies of the floor plans of the project in question. We look forward to meeting with you to address and resolve this interpretation of the FACBC.

<sup>&</sup>lt;sup>1</sup>§36.406(b)