

Appendix 8.1 Summary of UF's Recommendations

FL Statute Number	Relevant FACBC Section	Explanation	University of Florida's Recommendation
553.504(1)	101.1.2	This statute expands the coverage of buildings in the 2010 ADA Standards by adding coverage for "private buildings and facilities" which includes private clubs' and religious entities' facilities not covered by the ADA. Florida statute 553.505 specifically states that private clubs are governed by the FACBC.	No Change.
553.504(2)	233.3.6	The FACBC expands coverage beyond the ADA and federal Fair Housing obligations by having additional requirements for residential housing. The Americans with Disabilities Act Standards require any building built after 1992 to be "readily accessible to and usable by" those with disabilities; however it does not apply to private housing, unless that housing was funded through state and local government housing programs. Also, the Fair Housing Act only applies to multifamily housing. According to AARP, people with limited physical capabilities are desiring to live in their houses and communities longer, making the need for "visitable" residential facilities.	No Change.
553.504(3)	404.2.9(3)	The FACBC requires the opening force of exterior hinged doors and/or gates not to exceed 8.5 lb, which is not required in the ADA Standards. The ADAAG states that the ADA Standards do not specify a maximum opening force for exterior swing doors because the force required by the building code usually exceeds an "accessible" resistance. The current FACBC exterior door opening force limit exceeds the 5 pound maximum considered suitable for many people with disabilities however it is consistent with five other states that have similar requirements to Florida: California, Illinois, Massachusetts, Oregon, and Washington.	Change the language to state " <i>exterior hinged doors must be designed, constructed, and maintained so that such doors ...</i> "
553.504(4)	806.4	The FACBC requires an additional number of rooms, besides those required in Table 224.2, to have additional accessibility features. Due to the increasing number of people with disabilities and aging baby boomers who wish to travel without strong caregivers to assist them with transfers, the number of rooms needed to have accessible features is expected to expand. Many hotel beds are placed on stationary platforms which limit access for lifts and also prevent the bed from being moved should someone need a wider accessible route. California has a similar requirement for an open frame under a percentage of transient lodging beds in the 2013 California Building Code, requiring a 7 inch clearance under the bed.	<p>Highly recommend that the requirements be rewritten to clearly require open-frame beds to be provided in the fully accessible mobility feature guest rooms (as well as the rooms with additional accessible features) since those rooms are designed to more fully accommodate people who most need the lifting devices.</p> <p>Further, we recommend that the FACBC specify the minimum clear height under the bed "that allows the passage of lift devices".</p>

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553.504(5)(a)	604.8.1.6	This statute requires that in all new construction the wheelchair accessible toilet compartment contains a lavatory within it. This provision is designed to accommodate specific needs of people with disabilities, for example people who need to use digital manipulation during toileting and wish to clean their hands before appearing outside of their compartment afterwards or people who have had incontinence accidents and wish to clean themselves up in the privacy of a toilet compartment rather than in an open multiuser toilet room. As medical technology continues to improve and people with more severe disabilities are able to get out of medical, assisted care facilities, and their homes, the number of people who will need these types of toilet compartments will continue to increase.	No Change.
553.504(5)(b)	604.8.1.7	In new construction the accessible water closet must be located in the corner, diagonal to the door. The ADA Standards state the doors shall be located in the front partition or in the side wall or partition furthest from the water closet. The FACBC is a rewording of the ADA requirement for slightly greater clarity. This language, like the ADA language, does not recognize the possibility that equivalent usability would be provided in a larger compartment with additional space in front of the compartment door that offered full maneuvering clearance.	No Change.
553.504(6)	202.3.3	This statute requires that barriers at common or emergency entrances and exits of places conducting business with the general public which would prevent use of such entrances and exits be removed. Due to the difficulty and/or expense of providing accessibility at many pre-existing entrances and exits, the 1991 ADA Standards specifically exempted existing exits from access requirements during alteration projects. The 2010 ADA Standards references Chapter 10 of the International Building Code for its requirements for accessible means of egress which also exempts existing exits from the requirements to provide accessibility. The language of the statute that has been copied into the FACBC at 202.3.3, 206.4.1, 206.5, and 207.1.1 requiring barrier removal at "common or emergency entrances and exits of business establishments conducting business with the general public" does not specifically say whether its barrier removal requirement is subject to the readily achievable obligation limitation in the FACBC at 101.2 and 202.6 or not.	Reduce requirements such that existing exits are exempt from the requirements to provide accessibility or the FACBC should specify that the barrier removal at common emergency exits and entrances requirement is subject to the readily achievable obligation limitation. This change might be tempered by making it subject to approval by the authority having jurisdiction (AHJ). Define "business establishments conducting business with the general public" for greater clarification.
553.4041(2)	208.2.5 Exception	See FL Statute 553.5041(4)(a)&(b)	No Change.

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553.5041(3)	208.3.1	See FL Statute 553.5041(6)	No Change.
553.5041(4) (a) & (b)	208.2.5	This statute requires accessible parking near publically owned or leased buildings that house government entities or political subdivisions even if public parking is not provided. It also sets requirements for on-street parking. The ADA only requires accessible parking spaces where parking spaces are provided, which was a decision made at the federal level to allow more local control over parking requirements. The ADA Standards do not cover on-street parking in the public right of way, however this requirement is likely to be included in the upcoming ADA Public Right-of-Way (PROW) Guidelines and Standards. The Access Board has spent two decades working with public entities, traffic engineers, federal agencies, and people with disabilities to develop a guideline that balances the needs of all of the stakeholders.	Adopt on-street parking scoping standards at least equivalent to the upcoming or the Proposed PROW Guidelines. Change FACBC Sections 208.2.5.1 and 208.2.5.2 to read "There must be a minimum of one accessible parking space ..."
553.5041(4)(c)	208.2	This statute requires that the number of accessible parking spaces required by section 208 of the FACBC must be increased on the basis of demonstrated and documented need. The requirement for an increase in spaces is similar to the ADA Title II requirement for program access. Title II § 35.150 states that "a public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities..." Public entities have an obligation to provide program access and parking may be considered an element of program access.	No Change.
553.5041(5)(a)	502.3	Florida requires all accessible spaces to be located on an accessible route that is 44" wide and must be designed so that users are not compelled to travel behind parked vehicles. The ADA requires a 36" minimum width for the accessible route however there are 5 other states with similar requirements to Florida: California requires 44" min. and California, Minnesota, Massachusetts, and North Carolina require 48" min. The upcoming PROW Standards are currently proposed to increase the minimum width of the "Pedestrian Accessible Route" to 48" clear in the public right of way. The ADA Standards also do not require that the route be located such that users aren't compelled to walk behind vehicles, however, a non-binding advisory in the ADA Standards suggests this. This provision mandates a critical safety feature, often with little or no space penalty in new facilities.	No Change.

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FL Statute Number	Relevant FACBC Section	Explanation	University of Florida's Recommendation
553.5041(5)(b)	208.3.1	The FACBC gives exceptions to the accessible parking requirements, which include theme park accessible parking. Theme parks usually have staffed lots and specific capabilities to meet the needs of people with disabilities more efficiently and effectively using methods that provide equivalent usability to what would be provided by strict compliance with the basic provisions of the ADA and the FACBC. Florida has a very large tourism industry, therefore clarification on how this type of parking may be handled is necessary. See also FL Statute 553.5041(5)(a).	No Change.
553.5041(5)(c)1	502.2	Florida requires all accessible parking spaces to be at least 12 ft. wide while the ADA requires at least 8 ft. of width for car spaces and at least 11 ft. of width for van spaces. Both FACBC and ADA require a minimum 60 in. wide access aisle, with a few exceptions (see Figures 3 and 4). According to the Access Board's ADAAG, at 4.6.3, for vans with side-mounted lifts, a combined width of almost 17 feet is often needed for the deployment and use of side-mounted lifts. The FACBC requires a minimum of 17 ft, which will allow adequate room for most lift users. However, based on research by the Victoria Transport Policy Institute (VTPI), Florida could save as much as \$300 million a year by reducing the car accessible spaces to 9 ft wide with a 5 ft access aisle and requiring one sixth of the accessible spaces to be 12 ft wide van spaces (see appendix 8.2). The three approaches to handling the accessible parking space requirement are: 1) Make them all universal parking spaces that can accommodate all three user groups. This is the Florida approach that is also followed by Illinois, Minnesota, and New York. 2) Based on demographics, split the total number of required accessible parking spaces between the wider van accessible spaces and the narrower standard accessible spaces with the hope that users who don't need the wider van spaces will leave them for van users (the ADA approach); and 3) Create a tiered parking permit system that reserves appropriately-sized spaces or some combination of sizes for each of the user groups.	The provision should be reduced to permit 9'-0" wide car spaces and require one van space that is 12'-0" wide for every 6 or fraction of 6 accessible spaces. The state of Florida should also look into having a tiered accessible parking permit system, where people who do not need an access aisle and who do not have a van accessible decal cannot park in the van accessible spaces. The van accessible decals would be given to anyone who needs an access aisle. It would allow healthcare providers who want to give their patients with mobility limitations more tailored accessible parking permits and keep those who don't need access aisles from filling up the van accessible parking spaces when demand is highest. Additionally or alternatively, in certain types of facilities where the total number of people with permits is larger than can be accommodated by the Standards, aisle-free accessible parking spaces close to the entrance(s) might be provided in addition to the minimum ADA-required spaces to take some of the pressure off of the spaces that people who transfer to mobility devices must have.
553.5041(5)(c)2	208.3.1	See FL Statute 553.5041(6)	No Change.
553.5041(5)(c)3	208.3.1 Exceptions 3 & 4	See FL Statute 553.5041(5)(b)	No Change.

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553.5041(5)(d)	502.2.1	<p>The FACBC requires on-street parallel parking spaces to comply with sections 208 and 502 of the ADA Standards for Accessible Design. Curbs adjacent to such spaces must be of a height that does not interfere with the opening and closing of vehicle doors. This curb design requirement, because it does not provide any specific details about vehicle doors, is not likely producing the desired results. The ADA Standards do not cover on-street parking in the public right of way, however this requirement is likely to be included in the upcoming ADA Public Right-of-Way (PROW) Guidelines and Standards.</p>	<p>Provision should specify a maximum curb height. mirror the adopted or Proposed PROW Guidelines in R309.</p>
553.5041(5) (e) 1 & 2	208.1.1, 208.1.2	<p>When performing readily achievable barrier removal under the ADA obligation at 36.304 from a parking facility, the FACBC requires the removal of those barriers to be done in compliance with the FACBC Standards unless compliance would cause the barrier removal not to be readily achievable. Noncompliance with the strict technical requirements of the FACBC or ADA Standards is allowed if it would not be readily achievable to meet the full technical Standards but the solution improves access without creating a significant safety hazard for people with disabilities or others. However, if full compliance with the parking requirements on the shortest accessible route to the accessible entrances they serve would cause the barrier removal to be not readily achievable, or the required alterations work would be technically infeasible, then, under this section of the statute and the FACBC, a facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing such persons to the alternative parking if readily achievable and not technically infeasible. This provision in the FACBC clarifies how Florida building officials should handle ADA readily achievable barrier removal and path of travel compliance efforts when the closest parking spaces cannot be made fully compliant. The FACBC language basically mirrors the ADA regulatory language for dealing with technical infeasible conditions and readily achievable difficulties and adds that reasonably close relocation with directional signage is allowed but not a reduction in the number or size of the accessible spaces with their full access aisles.</p>	<p>Provide some fully compliant spaces at an alternative location as well as some partially compliant spaces on the shortest accessible route when providing all fully compliant accessible spaces on the shortest accessible route is technically infeasible or not readily achievable.</p>

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553.5041(6)	502.6.1	The FACBC requires specific marking patterns for the parking spaces and access aisles. Recognizing that many state and local requirements are already in place regarding markings, the ADA says in an advisory that color and method of paint may be specified by State or local laws. Blue pavement paint is also specified by Indiana, California, and New Mexico.	No Change.
553.509	201.1.1	The FACBC requires the owner of any building, structure or facility governed by the Florida Statutes 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. All buildings, structures, and facilities must, as a minimum, comply with the American with Disabilities Act Standards for Accessible Design. Due to the extremely large number of types of facilities and spaces in the built environment and the rewording of the elevator exceptions in 553.509, there are places where application of the Florida Statutory exceptions, the FACBC exceptions, and the 2010 ADA Standards are mismatched and confusing. Other states that expand the elevator requirements beyond what is required by the ADA include California, Texas, Maryland, and Vermont. As stated above on other sections, the decision to make Florida more accessible than what is required in the rest of the country is at least partially one that should consider the impact it will have on tourism and retirement populations. The opposition will come primarily from people and businesses who are trying to minimize their costs of compliance.	<p>Revise wording in statute 553.509(1)(b) to clarify what is being required.</p> <p>The vertical access requirement of 553.509(1)(c) should be made at least equivalent to the ADA standards.</p>

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FL Statute Number	Relevant FACBC Section	Explanation	University of Florida's Recommendation
553.511	502.5	<p>The FACBC requires that parking spaces for vans and access aisles and vehicular routes serving them must provide the same vertical clearance of 98 inches. Signs must be posted to warn operators of handicapped-equipped vans that they cannot pass beyond a certain point due to height limitations. The ADA Standards do not require warning signage at the point where the parking structures height limitations would prevent accessible vans from passing but Advisory 502.5 suggests that signs provided at entrances to parking facilities informing drivers of clearances and the location of van accessible parking spaces can provide useful customer assistance. The ADA does not address any parking structure height restrictions that may be imposed by local codes and ordinances. The January 1, 1991 exemption from the height limitation in this section could be read as a limitation on the requirement to perform barrier removal in pre-1991 parking structures to provide van accessible parking spaces with the 98" vertical clearance.</p>	<p>Clarify that the exemption for pre-1991 facilities is not a limitation on the obligation to provide program access by public entities under section 35.150 or for places of public accommodation to perform readily achievable barrier removal under section 36.304 of the ADA regulations.</p>