**Florida Supplement to the**

**2010 ACCESSIBILITY**

**ICC EDIT VERSION**

***101.2 Effect on Removal of Barriers in Existing Facilities. Add paragraph to read as shown:***

**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.

***Section 106 Definitions. Revise the definition for the term “Commercial Facilities” as follows:***

**Section 106 Definitions**

Commercial Facilities. Facilities:

(1)        Whose operations will affect commerce;

(2)        That are intended for nonresidential use by a private entity; and

(3)        That are not:

(a)        Facilities that are ~~not~~ covered or expressly exempted from coverage under the Fair Housing Act of 1968, as amended (42 U.S.C. 3601-3631);

(b)        Aircraft; or

(c)        Railroad locomotives, railroad freight cars, railroad cabooses, commuter or intercity passenger rail cars (including coaches, dining cars, sleeping cars, lounge cars, and food service cars), and any other railroad cars described in Section 242 of the ADA or covered under Title II of the ADA, or railroad rights-of-way. For purposes of this definition, “rail” and “railroad” have the meaning given the term “railroad” in Section 202(e) of the Federal Railroad Safety Act of 1970 [45 U.S.C.431(e)].

***Table 224.2 Guest Rooms with Mobility Features. Change to read as shown:***

**TABLE 224.2**

**GUEST ROOMS WITH MOBILITY FEATURES**

|  |  |  |  |
| --- | --- | --- | --- |
| **Minimum Number of Required Rooms Without Roll-in Showers** | **Minimum Number of RequiredRooms With Roll-in Showers** | **Total Number of Required Rooms** | **Florida 5%** |
| 1 to 25 | 1 | 0 | 1 | See Section ~~224.2~~224.6.3 |
| 26 to 50 | 2 | 0 | 2 |
| 51 to 75 | 3 | 1 | 4 |
| 76 to 100 | 4 | 1 | 5 |
| 101 to 150 | 5 | 2 | 7 |
| 151 to 200 | 6 | 2 | 8 |
| 201 to 300 | 7 | 3 | 10 |
| 301 to 400 | 8 | 4 | 12 |
| 401 to 500 | 9 | 4 | 13 |
| 501 to 1000 | 2 percent of total | 1 percent of total | 3 percent of total |
| 1001 and over | 20, plus 1 for each 100, orfraction thereof, over 1000 | 10, plus 1 for each 100, orfraction thereof, over 1000 | 30, plus 2 for each 100, or fraction thereof, over 1000 |