



Proposed Code Modifications

**This document created by the Florida Department of Business and Professional Regulation -
850-487-1824**

WITH COMMENTS

TAC: Accessibility

Total Mods for **Accessibility** in **No Affirmative Recommendation with a Second**: 1

Total Mods for report: 1

Sub Code: Plumbing

A6942

1

Date Submitted	12/31/2015	Section	403.2	Proponent	Robert Fine
Chapter	4	Affects HVHZ	No	Attachments	No
TAC Recommendation	No Affirmative Recommendation with a Second				
Commission Action	Pending Review				

Comments

General Comments No **Alternate Language** Yes

Related Modifications

Summary of Modification

This modification allows for the use of unisex toilet rooms (and lets these toilet rooms contribute to the required fixture count) in facilities undergoing barrier removal or alterations to help businesses facilitate compliance with the Americans with Disabilities Act.

Rationale

The ADA (statute and regulations) imposes obligations on places of public accommodation and commercial facilities to provide accessible features beyond that required by the Florida Accessibility Code. Many existing facilities have limitations on available space to provide accessible toilet facilities and end up not providing such accessible facilities because it is technically infeasible or not readily achievable given such available space constraints. A code change that allows for the use of unisex single user toilet rooms that can contribute to required fixture count can facilitate greater accessibility while maintaining the overall total fixture count in buildings at lesser hardship to building owners. Because this proposed code change specifies barrier removal and alterations it is effectively limited to existing buildings and facilities.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There should be no cost impact, positive or negative, to local entities relative to enforcement of the code. No additional plan review, inspections or enforcement from the current code provision will be required.

Impact to building and property owners relative to cost of compliance with code

Building owners will save money if this provision is adopted. It provides a cost-saving option for providing accessible toilet facilities in alterations and barrier removal projects.

Impact to industry relative to the cost of compliance with code

Industry will save money if this provision is adopted. It provides a cost-saving option for providing accessible toilet facilities in alterations and barrier removal projects.

Impact to small business relative to the cost of compliance with code

This code change benefits small businesses by allowing less expensive and less space consuming ways to provide accessible toilet facilities while maintaining required fixture count.

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public

Provides greater opportunities for businesses and buildings to provide accessibility without reducing overall required fixture count.

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction

Improves the ability of businesses to perform barrier removal in, or alterations to, toilet facilities without falling short of full accessibility due to technical infeasibility (or in the case of barrier removal, not being readily achievable).

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities

Does not discriminate against materials, products, methods or systems of construction of demonstrated capabilities. This code modification utilizes the same products, methods and systems of construction as would the code without this modification.

Does not degrade the effectiveness of the code

This enhances the effectiveness of the code by allowing for accessibility where in some cases it would not be possible without reducing overall required fixture count.

Is the proposed code modification part of a prior code version? No

2nd Comment Period

6942-A8	Proponent	Robert Fine	Submitted	6/20/2016	Attachments	Yes
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Rationale

The ADA (statute and regulations) imposes obligations on places of public accommodation and commercial facilities to provide accessible features beyond that required by the Florida Accessibility Code. Many existing facilities have limitations on available space to provide accessible toilet facilities and end up not providing such accessible facilities because it is technically infeasible or not readily achievable given such available space constraints. A code change that allows for the use of unisex single user toilet rooms that can contribute to required fixture count can facilitate greater accessibility while maintaining the overall total fixture count in buildings at lesser hardship to building owners. Because this proposed code change specifies barrier removal and alterations it is effectively limited to existing buildings and facilities.

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Impact to industry relative to the cost of compliance with code

Industry will save money if this provision is adopted. It provides a cost-saving option for providing accessible toilet facilities in alterations and barrier removal projects.

Impact to Small Business relative to the cost of compliance with code

This code change benefits small businesses by allowing less expensive and less space consuming ways to provide accessible toilet facilities while maintaining required fixture count.

Requirements

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Is the proposed code modification part of a prior code version? **No**

2nd Comment Period

6942-A1	Proponent	Robert Fine	Submitted	6/17/2016	Attachments	Yes
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Rationale

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Does not degrade the effectiveness of the code

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Is the proposed code modification part of a prior code version? No

To be inserted into the Existing Building Code instead of the Exception to P403 as originally proposed as suggested by the Plumbing TAC.

SECTION 810 PLUMBING

810.2 Separate facilities.

Separate facilities shall not be required for single-user facilities that are or will be provided in places of public accommodation or commercial facilities (as defined in 28 C.F.R. 36.104). Two single-user facilities that are not identified for exclusive use by either sex shall be permitted to serve as required separate facilities and shall count toward the minimum number of required plumbing fixtures. Signage identifying these facilities shall be provided as set forth in the Florida Building Code- Accessibility.

SECTION 909 PLUMBING

909.1 Separate facilities.

Single-user facilities that are or will be provided in Level 3 alterations to existing buildings may comply with Section 810.2.

SECTION 1010 PLUMBING

1010.6 Separate facilities

Where the occupancy or group of an existing building or part of an existing building is changed, single-user facilities that are or will be provided may comply with Section 810.2.

SECTION 1107 PLUMBING

1107.1 Separate facilities.

Additions to existing buildings may comply with Section 810.2.

To be inserted into the Existing Building Code

SECTION 709

PLUMBING

709.1 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile *occupancies* in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required for single-user facilities in places of public accommodation or commercial facilities (as defined in 28 C.F.R. 36.104) undergoing removal of barriers (as set forth in 28 C.F.R. 36.304) or alterations. Two single-user facilities that are not identified for exclusive use by either sex shall be permitted to serve as required separate facilities and shall count toward the minimum number of required plumbing fixtures.. Signage identifying these facilities shall be provided as set forth in the Florida Building Code-Accessibility.

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Exceptions:

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2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile *occupancies* in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required for single-user facilities in places of public accommodation (as defined in 28 C.F.R. 36.104) undergoing removal of barriers (as set forth in 28 C.F.R. 36.304) or alterations. Two single-user facilities that are not identified for exclusive use by either sex shall be permitted to serve as required separate facilities. Signage identifying these facilities shall be provided as set forth in the Florida Building Code-Accessibility.