

## MEETING REVIEW DRAFT

### Further Changes Recommended for Conforming FL Law to Format and Terminology of the 2010 ADA Standards for Accessible Design

#### No Changes to Current Policy in This Version

v.12-28-10

Gray, blue and yellow background shading are tied to the annotated law file indicating where text is located in 1997 FACBC and Draft 2012 FACBC.

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**553.501 Short title.**—Sections 553.501-553.513 may be cited as the "Florida Americans With Disabilities Accessibility Implementation Act."

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**553.502 Intent.**--The purpose and intent of ss. 553.501-553.513 is to incorporate into the law of this state the accessibility requirements of the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq., and to obtain and maintain United States Department of Justice certification of the Florida Accessibility Code for Building Construction as equivalent to federal standards for accessibility of buildings, structures, and facilities. All state laws, rules, standards, and codes governing facilities covered by the ~~guidelines~~ Americans with Disabilities Act Standards for Accessible Design shall be maintained to assure certification of the state's construction standards and codes. Nothing in ss. 553.501-553.513 is intended to expand or diminish the defenses available to a place of public accommodation or commercial facility under the Americans with Disabilities Act and the federal Americans with Disabilities Act Accessibility ~~Guidelines~~ Standards for Accessible Design, including, but not limited to, the readily achievable standard, and the standards applicable to alterations ~~to places of public accommodation of Title III entity facilities.~~

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**553.503 Adoption of ~~guidelines~~ ADA Standards for Accessible Design.**-- Subject to the ~~exceptions in s.553.504~~ modifications of this part, the federal Americans with Disabilities Act Accessibility ~~Guidelines~~ Standards for Accessible Design (the standards), and associated requirements as adopted by reference in established by 28 C.F.R. 36.1, subparts A and D, and Title II of Public. L. No. 101-336 28 C.F.R. 35 and 49 C.F.R. 37 are hereby adopted and incorporated by reference as the law of this state. The ~~guidelines~~ requirements

of this part shall establish the minimum standards for the accessibility of buildings and facilities built or altered within this state. The ~~1997~~ requirements of this part establish the Florida Accessibility Code for Building Construction and must be adopted by the Florida Building Commission in accordance with chapter 120.

*Note: This rewrite of 553.503 will*

- directly reference the Standards for Accessible Design which is what the code must be determined substantially equivalent to for certification and clearly provides for capture of federal regulation requirements for new construction and alteration of existing facilities owned by both Title III and Title II entities.
- provides a clear statement the ADA Standards together with modifications of the statute establish minimum standards for accessibility of facilities.
- gives an explicit creation of the FACBC in place of the current inferred creation.
- removes the explicit date thereby clarifying authority for the Commission to adopt new editions when law changes or when the federal ADA Standards changes, i.e harmonizing the with the intent language of 553.502
- allow including requirements for new construction and alterations of existing facilities owned by Title II entities that are different from requirements for Title III entities to be included in the code. The code covers both Title II and Title III facilities and there are some differences, e.g. elevator exemption (1991 ADA Standards) and residential dwelling units (2010 ADA Standards)
- text added to include definitions from 28 CFR 36 Subpart A that are relevant to the ADA Standards but not included specifically within what the regulations describe as the Standards. Also, correlates with 553.508 reference to 28 CFR s.36.304 and allows including criteria for places of public accommodation in private residences to be included in the code.
- provides for including the US DOT requirements of 49 CFR 37 for public entity transportation facilities, which are referenced in the ADA Standards, in the Code

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**553.504 Exceptions to applicability of the ~~guidelines-standards~~.**--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines Standards for Accessible Design pursuant to ~~in~~ s. 553.503 all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

- (1) All new or altered buildings and facilities subject to ss. 553.501-553.513 which may be frequented in, lived in, or worked in by the public shall comply with ss. 553.501-553.513.
- (2) All new single-family houses, duplexes, triplexes, condominiums, and townhouses shall provide at least one bathroom, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a 29-inch clear opening. However, if only a toilet room is provided at grade level, such toilet room shall have a clear opening of not less than 29 inches.
- (3) All required doors and walk-through openings in buildings excluding single-family homes, duplexes, and triplexes not covered by the Americans with Disabilities Act of 1990 or the Fair Housing Act shall have at least 29 inches of clear width except under ss. 553.501-553.513.

(4) All curb ramps shall be designed and constructed in accordance with the following requirements:

(a) In addition to the requirements in reference ~~4-8.4~~ 405.7 of the guidelines standards, all landings on ramps shall be have not less than 60 inches clear length, and the bottom landing of each ramp shall have not less than 72 inches of straight and level clearance length.

(b) Notwithstanding the requirements of reference ~~4-8.5.2~~ 505.10.1 of the guidelines standards, handrails on ramps which are not continuous shall extend not less than 18 inches beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface. **Moved from (5)(a)**

(5) All curb ramps shall be designed and constructed in accordance with the following requirements:

~~(a) Notwithstanding the requirements of reference 4-8.5.2~~ 505.10.1 of the guidelines standards, handrails on ramps which are not continuous shall extend not less than 18 inches beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface. **Move to (4)(b)**

~~(ba)~~ Notwithstanding the requirements of references ~~4-3.3~~ and ~~4-8.3~~ 405 and 406 of the guidelines standards, curb ramps that are part of a required means of egress shall be not less than 44 inches wide.

~~(eb)~~ Notwithstanding the requirements of reference ~~4-7.5~~ 406.3 of the guidelines standards, curb ramps located where pedestrians must use them and all curb ramps which are not protected by handrails or guardrails shall have flared sides with a slope not exceeding a ratio of 1 to 12.

(6) Notwithstanding the requirements in reference ~~4-13.11~~ sections 206 and 404 of the guidelines standards, exterior hinged doors shall be so designed that such doors can be pushed or pulled open with a force not exceeding 8.5 foot pounds.

(7) Notwithstanding the requirements in reference ~~4-33.1~~ sections 221 and 226 of the guidelines standards, all public food service establishments, and all establishments licensed under the Beverage Law for consumption on the premises, and all facilities governed by reference 4.1 201 of the guidelines shall provide seating or spaces for seating in accordance with the following requirements:

(a) For the first 100 fixed seats, accessible and usable spaces must be provided consistent with the following table:

Capacity of Seating In Assembly Areas	Number of Required Wheelchair Locations
1 to 25 .....	1

26 to 50 .....	2
51 to 100 .....	4

(b) For all remaining fixed seats, there shall be not less than one such accessible and usable space for each 100 fixed seats or fraction thereof.

(8) Notwithstanding the requirements in ~~references 4.32.1-4.32.4~~ sections 206 and 402 of the ~~guidelines-standards~~, all fixed seating in public food service establishments, and in establishments licensed under the Beverage Law for consumption on the premises, ~~and in all other facilities governed by reference 4.1 of the guidelines~~ shall be designed and constructed in accordance with the following requirements:

(a) All aisles adjacent to fixed seating shall provide clear space for wheelchairs.

(b) Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.

**\*\*Clarify this. Currently it is only applied to restaurants and bars but current reference to 4.1 is general.**

(9) In motels and hotels a number of rooms equaling at least 5 percent of the guest rooms minus the number of accessible rooms required by the ~~guidelines-standards~~ shall provide the following special accessibility features:

(a) Grab rails in bathrooms and toilet rooms that comply with ~~s. 4.16.4~~ 604.5 of the ~~guidelines-standards~~.

(b) All beds in designed accessible guest rooms shall be open-frame type to permit passage of lift devices.

(c) All standard water closet seats shall be at a height of 15 inches, measured vertically from the finished floor to the top of the seat, with a variation of plus or minus 1/2 inch. A portable or attached raised toilet seat shall be provided in all designated handicapped accessible rooms.

All buildings, structures, or facilities licensed as a hotel, motel, or condominium pursuant to chapter 509, F.S., shall be subject to the provisions of this subsection. Nothing in this subsection shall be construed as relieving the owner of the responsibility of providing accessible rooms in conformance with ~~ss. 9.1-9.5~~ sections 224 and 806 of the ~~guidelines standards~~.

~~(10) Notwithstanding the requirements in reference 4.29.2 of the guidelines, all detectable warning surfaces required by the guidelines shall be governed by the requirements of American National Standards Institute A117.1-1986.~~

**NOTE: ELIMINATION OF THE ANSI STANDARD A117.1-1986 FROM LAW IS NECESSARY FOR CERTIFICATION OF THE CODE FOR THE SINGLE DUE TO CONFLICT WITH TRUNCATED DOME REQUIREMENT FOR DETECTABLE WARNINGS.**

**THE 2010 ADA STANDARDS ELIMINATE DETECTABLE WARNING REQUIREMENTS FOR "HAZARDOUS VEHICULAR WAYS AND REFLECTING POOLS" CURRENTLY COVERED BY THE CODE AND RETAINS THEM ONLY FOR PLATFORM BOARDING EDGES. THIS WILL APPLY TO BOTH PUBLIC ENTITIES' AND PRIVATE ENTITIES' TRANSPORTATION FACILITIES.**

**THE US DOT REGULATIONS 49 CFR 37, APPENDIX A REQUIRES TRUNCATED DOME DETECTABLE WARNINGS ON CURB RAMPS FOR TRANSPORTATION FACILITIES COVERED BY 49 CFR 37, i.e. PUBLIC ENTITIES PER 37.41 (NEW CONSTRUCTION) AND 37.43 (ALTERATIONS). PRIVATE ENTITIES' TRANSPORTATION FACILITIES COMPLY WITH DOJ'S REGULATIONS 28 CFR 36 REQUIREMENTS PER 49 CFR, SECTION 37.45 (CONSTRUCTION AND ALTERATION BY PRIVATE ENTITIES).**

***Renumber (11) – (15) below if (10) is eliminated.***

(11) Notwithstanding the requirements in references ~~4.31.2 and 4.31.3~~ section 207 of the ~~guidelines-standards~~, the installation and placement of all public telephones shall be governed by the rules of the Florida Public Service Commission.

(12) Notwithstanding the requirements in references ~~4.1.3(11) and 4.16-4.23~~ sections 213 and 604 of the ~~guidelines-standards~~, required ~~restrooms-bathing rooms~~ and toilet rooms in new construction shall be designed and constructed in accordance with the following requirements:

(a) ~~The standard accessible restroom-stall~~ toilet room and bathing room toilet compartment shall contain an accessible lavatory within it, the size of such lavatory to be not less than 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. 4.17 figure 30(a) of the guidelines-section 604~~ of the standards for the standard accessible ~~stall-toilet compartment~~ and to comply with ~~s. 4.19 section 606~~ of the ~~guidelines-standards~~. Such lavatories shall be counted as part of the required fixture count for the building.

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

(c) ~~The accessible-stall~~ toilet compartment door shall be self-closing.

(13) All customer checkout aisles not required by the ~~guidelines-standards~~ to be handicapped accessible shall have at least 32 inches of clear passage.

(14) Turnstiles shall not be used in occupancies which serve fewer than 100 persons, but turnstiles may be used in occupancies which serve at least 100 persons if there is an unlocked alternate passageway on an accessible route affording not less than 32 inches of clearance, equipped with latching devices in accordance with the ~~guidelines-standards~~.

(15) Barriers at common or emergency entrances and exits of business establishments conducting business with the general public that are existing, under construction, or under

contract for construction which would prevent a person from using such entrances or exits shall be removed.

**NOTE THIS REQUIREMENT FOR REMOVAL OF BARRIERS NEEDS TO BE CLARIFIED. BUILDING CODES ONLY IMPOSE REQUIREMENTS WHERE ALTERATIONS REQUIRE PERMITS SO BETTER WORDING WOULD CLARIFY INTENT.**

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### **553.5041 Parking spaces for persons who have disabilities.--**

(1) This section is not intended to expand or diminish the defenses available to a place of public accommodation under the Americans with Disabilities Act and the federal Americans with Disabilities Act ~~Accessibility Guidelines Standards for Accessible Design~~, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation ~~and commercial facilities~~. Subject to the exceptions described in subsections (2), (4), (5), and (6), when the parking and loading zone requirements of the federal Americans with Disabilities Act ~~Accessibility Guidelines (ADAAG) Standards for Accessible Design (the standards)~~, and associated requirements as adopted by reference in ~~established by~~ 28 C.F.R. 36, ~~subparts A and D, and Title II of Public L. No. 101-336 28 C.F.R. 35,~~ and 49 C.F.R. 37 provide increased accessibility, those requirements are adopted and incorporated by reference as the law of this state.

(2) State agencies and political subdivisions having jurisdiction over street parking or publicly owned or operated parking facilities are not required to provide a greater right-of-way width than would otherwise be planned under regulations, guidelines, or practices normally applied to new development.

(3) If parking spaces are provided for self-parking by employees or visitors, or both, accessible spaces shall be provided in each such parking area. Such spaces shall be designed and marked for the exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems that substantially impair their ability to ambulate and who have been issued either a disabled parking permit under s. 316.1958 or s. 320.0848 or a license plate under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845.

(4) The number of accessible parking spaces must comply with the parking requirements in ~~ADAAG the standards s. 4-1~~ section 208 and the following:

(a) There must be one accessible parking space in the immediate vicinity of a publicly owned or leased building that houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, if no parking for the public is provided on the premises of the building.

(b) There must be one accessible parking space for each 150 metered on-street parking spaces provided by state agencies and political subdivisions.

(c) The number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need.

(5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located in conformance with the ~~guidelines set forth in ADAAG standards ss. 4.1.2 and 4.6 sections 502 and 503 and Appendix s. A4.6.3 "Universal Parking Design."~~

(a) All spaces must be located on an accessible route no less than 44 inches wide so that users will not be compelled to walk or wheel behind parked vehicles.

(b) Each space must be located on the shortest safely accessible route from the parking space to an accessible entrance. If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013(9) provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest safely accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.

(c)1. Each parking space must be no less than 12 feet wide. Parking access aisles must be no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. In accordance with ADAAG ~~the standards s. 4.6.3 section 502~~, access aisles must be placed adjacent to accessible parking spaces; however, two accessible parking spaces may share a common access aisle. The access aisle must be striped diagonally to designate it as a no-parking zone.

2. The parking access aisles are reserved for the temporary exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp in order to exit from or enter a vehicle. Parking is not allowed in an access aisle. Violators are subject to the same penalties that are imposed for illegally parking in parking spaces that are designated for persons who have disabilities. A vehicle may not be parked in an access aisle, even if the vehicle owner or passenger is disabled or owns a disabled parking permit.

3. Any provision of this subsection to the contrary notwithstanding, a theme park or an entertainment complex as defined in s. 509.013(9) in which are provided continuous attendant services for directing individuals to marked accessible parking spaces or designated lots for parking by persons who have disabilities, may, in lieu of the required parking space design, provide parking spaces that comply with ADAAG ~~ss. 4.1 and 4.6 the standards sections 208 and 502~~.

(d) On-street parallel parking spaces must be located either at the beginning or end of a block or adjacent to alley entrances. Such spaces must be designed in conformance with the ~~guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5 standards sections 208 and 502~~, exception: access aisles are not required. Curbs adjacent to such spaces must be of a height that will not interfere with the opening and closing of motor vehicle doors. This subsection does not relieve the owner of the responsibility to comply with the parking requirements of ADAAG ~~ss. 4.1 and 4.6 the standards sections 208 and 502~~.

(e) Parallel parking spaces must be even with surface slopes, may match the grade of the adjacent travel lane, and must not exceed a cross slope of 1 to 50, where feasible.

(f) Curb ramps must be located outside of the disabled parking spaces and access aisles.



(g)1. The removal of architectural barriers from a parking facility in accordance with 28 C.F.R. s. 36.304 or with s. 553.508 must comply with this section unless compliance would cause the barrier removal not to be readily achievable. If compliance would cause the barrier removal not to be readily achievable, a facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have disabilities to the alternative parking if readily achievable. The facility may not reduce the required number or dimensions of those spaces, nor may it unreasonably increase the length of the accessible route from a parking space to the facility. The removal of an architectural barrier must not create a significant risk to the health or safety of a person who has a disability or to that of others.

2. A facility that is making alterations under s. 553.507(2)(b) must comply with this section to the maximum extent feasible. If compliance with parking location requirements is not feasible, the facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have a disability to alternative parking. The facility may not reduce the required number or dimensions of those spaces, nor may it unnecessarily increase the length of the accessible route from a parking space to the facility. The alteration must not create a significant risk to the health or safety of a person who has a disability or to that of others.

(6) Each such parking space must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, which is placed on or at a distance of 84 inches above the ground to the bottom of the sign and which bears the international symbol of accessibility meeting the requirements of ADAAG s. 4.30.7 the standards section 703.7.2.1 and the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign erected after October 1, 1996, must indicate the penalty for illegal use of the space. Any provision of this section to the contrary notwithstanding, in a theme park or an entertainment complex as defined in s. 509.013(9) in which accessible parking is located in designated lots or areas, the signage indicating the lot as reserved for accessible parking may be located at the entrances to the lot in lieu of a sign at each parking place. This subsection does not relieve the owner of the responsibility of complying with the signage requirements of ADAAG s. 4.30 the standards reference 502.6.

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**553.505 Exceptions to applicability of the Americans with Disabilities Act.--**

Notwithstanding the Americans with Disabilities Act of 1990, private clubs are governed by ss. 553.501-553.513. Parking spaces, parking lots, and other parking facilities are governed by s. 553.5041 when that section provides increased accessibility.

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**553.506 Powers of the commission.--**In addition to any other authority vested in the Florida Building Commission by law, the commission, in implementing ss. 553.501-553.513, may, by rule, adopt revised and updated versions of the Americans with Disabilities Act



Accessibility Guidelines Standards for Accessible Design pursuant to ~~s. 553.503~~ [this Part](#) in accordance with chapter 120.

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### **553.507 Exemptions Applicability.—**

Sections 553.501-553.513 ~~do not~~ and the code shall apply to any of the following:

- (1) All areas of newly designed and newly constructed Bbuildings, structures, or and facilities that were either under construction or under contract for construction on October 1, 1997 as determined by the federal standards adopted pursuant to s.553.503 and established by [the code this part](#).
- (2) Portions of altered buildings and facilities as determined by the federal standards adopted pursuant to s.553.503 and established by [the code this part](#). Buildings, structures, or facilities that were in existence on October 1, 1997, unless:
  - (a)(3) AThe building, structure, or facility that is being converted from residential to nonresidential or mixed use, as defined by the Florida Building Code shall comply as a minimum with s.553.508 and the requirements for alterations as determined by the federal standards adopted pursuant to s.553.503 and established by [the code this part](#). local law;
  - (b) The proposed alteration or renovation of the building, structure, or facility will affect usability or accessibility to a degree that invokes the requirements of s. 303(a) of the Americans with Disabilities Act of 1990; or
  - (c)(4) Buildings and facilities where ~~T~~the original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.

*This rewrite will allow the Commission to ensure the application of editions of the code can be consistent with the federal standards they are based on by allowing applicability and effective dates to be established by the code rule instead of law.*

*It puts applicability criteria in positive instead of negative terms.*

*It uses language more consistent with the federal standards for newly designed and constructed buildings and altered portions of existing buildings and facilities.*

*It retains the additional call out for buildings built or altered without permits.*

*It modifies the requirement for applying accessibility requirements for buildings undergoing changes of occupancy/use classifications. The first modification is to revise the definition of change of occupancy/use to the Florida Building Code (this should have been revised when the FBC took effect but was missed). The second modification is it expands to all changes of occupancy/use in lieu of just residential to non-residential or mixed use. Note changes of occupancy/use usually involve mandatory modifications to buildings to comply with other building code minimum standards but in the odd event no modification was needed this change would apply the architectural barrier removal pursuant to the "readily achievable" standard established by federal law and regulation and the technical criteria of the code.*

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**553.508 Architectural barrier removal.**--Removal of architectural barriers, pursuant to 28 C.F.R. s. 36.304, from buildings, structures, or facilities to which this act applies shall comply with ss. 553.501-553.513 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.

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**553.509 Vertical accessibility.--**

(1) Nothing in ss. 553.501-553.513 or the ~~guidelines-standards~~ shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the ~~guidelines-standards~~ require an elevator to be installed in such building, structure, or facility, except for:

(a) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms;

(b) Unoccupiable spaces, such as rooms, enclosed spaces, and storage spaces that are not designed for human occupancy, for public accommodations, or for work areas; and

(c) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.

(d) Facilities, sites and spaces exempted by section 203 of the standards.

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**Note: Subsections (2)(a) through (2)(f) [see below] are not part of the Accessibility Code.**

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However, buildings, structures, and facilities must, as a minimum, comply with the requirements in the Americans with Disabilities Act ~~Accessibility Guidelines Standards for Accessible Design~~.

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*(2)(a) Any person, firm, or corporation that owns, manages, or operates a residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, shall have at least one public elevator that is capable of operating on an alternate power source for emergency purposes. Alternate power shall be available for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must also be capable of powering any connected fire alarm system in the building.*

**NOT INCLUDED IN 2007 FACBC**

*(b) At a minimum, the elevator must be appropriately prewired and prepared to accept an alternate power source and must have a connection on the line side of the main disconnect, pursuant to National Electric Code Handbook, Article 700. In addition to the required power source for the elevator and connected fire alarm system in the building, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Residential multifamily dwellings must have an available generator and fuel source on the property or have proof of a current contract posted in the elevator machine room or other place conspicuous to the elevator inspector affirming a current guaranteed service contract for such equipment and fuel source to operate the elevator on an on-call basis within 24 hours after a request. By December 31, 2006, any person, firm or corporation that owns, manages, or operates a residential multifamily dwelling as defined in paragraph (a) must provide to the local building inspection agency verification of engineering plans for residential multifamily dwellings that provide for the capability to generate power by alternate means. Compliance with installation requirements and operational capability requirements must be verified by local building inspectors and reported to the county emergency management agency by December 31, 2007.*

**NOT INCLUDED IN 2007 FACBC**

*(c) Each newly constructed residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, must have at least one public elevator that is capable of operating on an alternate power source for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must be capable of powering any connected fire alarm system in the building. In addition to the required power source for the elevator and connected fire alarm system, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Engineering plans and verification of operational capability must be provided by the local building inspector to the county emergency management agency before occupancy of the newly constructed building.*

**NOT INCLUDED IN 2007 FACBC**

*(d) Each person, firm, or corporation that is required to maintain an alternate power source under this subsection shall maintain a written emergency operations plan that details*

*the sequence of operations before, during, and after a natural or manmade disaster or other emergency situation. The plan must include, at a minimum, a lifesafety plan for evacuation, maintenance of the electrical and lighting supply, and provisions for the health, safety, and welfare of the residents. In addition, the owner, manager, or operator of the residential multifamily dwelling must keep written records of any contracts for alternative power generation equipment. Also, quarterly inspection records of lifesafety equipment and alternate power generation equipment must be posted in the elevator machine room or other place conspicuous to the elevator inspector, which confirm that such equipment is properly maintained and in good working condition, and copies of contracts for alternate power generation equipment shall be maintained on site for verification. The written emergency operations plan and inspection records shall also be open for periodic inspection by local and state government agencies as deemed necessary. The owner or operator must keep a generator key in a lockbox posted at or near any installed generator unit.*

**NOT INCLUDED IN 2007 FACBC**

*(e) Multistory affordable residential dwellings for persons age 62 and older that are financed or insured by the United States Department of Housing and Urban Development must make every effort to obtain grant funding from the Federal Government or the Florida Housing Finance Corporation to comply with this subsection. If an owner of such a residential dwelling cannot comply with the requirements of this subsection, the owner must develop a plan with the local emergency management agency to ensure that residents are evacuated to a place of safety in the event of a power outage resulting from a natural or manmade disaster or other emergency situation that disrupts the normal supply of electricity for an extended period of time. A place of safety may include, but is not limited to, relocation to an alternative site within the building or evacuation to a local shelter.*

**NOT INCLUDED IN 2007 FACBC**

*(f) As a part of the annual elevator inspection required under s. 399.061, certified elevator inspectors shall confirm that all installed generators required by this chapter are in working order, have current inspection records posted in the elevator machine room or other place conspicuous to the elevator inspector, and that the required generator key is present in the lockbox posted at or near the installed generator. If a building does not have an installed generator, the inspector shall confirm that the appropriate prewiring and switching capabilities are present and that a statement is posted in the elevator machine room or other place conspicuous to the elevator inspector affirming a current guaranteed contract exists for contingent services for alternate power is current for the operating period.*

*However, buildings, structures, and facilities must, as a minimum, comply with the requirements in the Americans with Disabilities Act ~~Accessibility Guidelines~~ Standards for Accessible Design.*

**NOT INCLUDED IN 2007 FACBC**

**History.**--s. 1, ch. 93-183; s. 6, ch. 97-76; s. 12, ch. 2006-71.

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**553.511 Parking facilities; minimum height clearance requirement.--**Every nonresidential structure built on or after January 1, 1991, which is designed to use covered or underground parking as the primary available parking space shall design the covered or underground parking facility to maintain a minimum height for the portion of the street-accessible level of the parking facility directly over van-accessible parking spaces and for providing ingress and egress to such parking spaces of at least 8 feet 2 inches. Signs shall be posted to warn operators of handicapped-equipped vans that they cannot pass beyond a certain point due to height limitations. If compliance with this minimum height clearance requirement will cause the structure to exceed local height limitations imposed by local zoning, planning, or fire ordinances, or will result in the imposition of any additional requirements of such ordinances, the structure may exceed the height limitation specified in those particular codes as necessary to comply with the requirements of this section and is exempt from such additional requirements. Structures for which the plans were sealed by an architect prior to January 1, 1991, are exempt from this section.

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**553.512 Modifications and waivers; advisory council.--**

(1) 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. 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 commission may not consider waiving any of the requirements of s. 553.5041 unless the applicant first demonstrates that she or he has applied for and been denied waiver or variance from all local government zoning, subdivision regulations, or other ordinances that prevent compliance therewith. Further, the commission may not waive the requirement of s. 553.5041(5)(a) and (c)1. governing the minimum width of accessible routes and minimum width of accessible parking spaces.

(2) The Accessibility Advisory Council shall consist of the following seven members, who shall be knowledgeable in the area of accessibility for persons with disabilities. The Secretary of Community Affairs shall appoint the following: a representative from the Advocacy Center for Persons with Disabilities, Inc.; a representative from the Division of Blind Services; a representative from the Division of Vocational Rehabilitation; a representative from a statewide organization representing the physically handicapped; a representative from the hearing impaired; a representative from the President, Florida Council of Handicapped Organizations; and a representative of the Paralyzed Veterans of America. The terms for the first three council members appointed subsequent to October 1, 1991, shall be for 4 years, the terms for the next two council members appointed shall be for 3 years, and the terms for the next two members shall be for 2 years. Thereafter, all council member appointments shall be for terms of 4 years. No council member shall serve more than two 4-year terms subsequent to October 1, 1991. Any member of the council may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an individual waiver or modification may be granted by the commission so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

(3) Members of the council shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by s.112.061.

(4) Meetings of the advisory council shall be held in conjunction with the regular meetings of the commission.

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**553.513 Enforcement.**--It shall be the responsibility of each local government and each code enforcement agency established pursuant to s. 553.80 to enforce the provisions of this part. This act expressly preempts the establishment of handicapped accessibility standards to the state and supersedes any county or municipal ordinance on the subject. However, nothing in this section shall prohibit municipalities and counties from enforcing the provisions of this act.

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