

DECLARATORY STATEMENT
FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Clerk, receipt of which is hereby
acknowledged.

October 25, 2010

Paula P. Ford 10/27/10
Paula P. Ford
Commission Clerk
Date

Florida Building Commission
FL Department of Community Affairs
Division of Housing and Community Development
2555 Shumard Oak Boulevard
Tallahassee FL 32399-2100

Reference: Petition for Declaratory Statement before the FL Building Commission
FBC Chapter 11 - Equivalent Facilitation for an Accessible Toilet Room Configuration

Dear Commission Members:

This petition for a Declaratory Statement requests a determination of whether the toilet room configuration requirements of the federal 2010 Standards for Accessible Design is an acceptable alternative under the FL Building Code, Chapter 11 Section 2.2 Equivalent Facilitation.

11-2.2 Equivalent Facilitation. Departures from particular technical and scoping requirements of this code by the use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the facility.

The specific situation is the design of a small restaurant in an existing shopping center's tenant space in unincorporated Orange County. The design layout requires the toilet room door to swing into the clear floor space of the lavatory, which is not permitted in the current code.

However, the proposed layout of the toilet room does comply with the recently adopted federal 2010 Standards for Accessible Design, as stated in Exception 2 in Section 603.2.3.

Section 603 Toilet and Bathing Rooms

603.2.3 Door Swing. Doors shall not swing into the clear floor space or clearance required for any fixture. Doors shall be permitted to swing into the required turn area.

Exception 2: Where the toilet room or bathing room is for individual use and a clear floor space complying with 305.3 (30" x 48") is provided within the room beyond the arc of the door swing, doors shall be permitted to swing into the clear floor space or clearance required for any fixture."

INTERPLAN^{LLC}

DEC Statement – Toilet Room Equivalent Facilitation
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The Orange County Building Official has indicated they will not allow the proposed toilet room layout under the Equivalent Facilitation provision and will enforce the current provision that does not allow the door to swing into the clear floor space of an accessible fixture.

As you may know, the adoption of the updated federal Standards was issued by the US Department of Justice on September 15, 2010. The implementation date for alterations and new construction in the updated standards is March 15, 2012, though the Justice Department specifically allows the use of the updated Standards immediately.

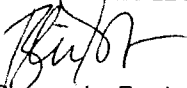
Additionally, as the Commission is aware, there is an ongoing workgroup assigned to generate a draft document for the Commission's review that incorporates the Florida specific accessibility requirements in FS 553.501 – 553.513 into the 2010 federal Standards. At the end of this process, the updated federal requirements will become the base document for Chapter 11 in the Florida Building Code. As such, the proposed layout will be an acceptable design, as early as the next edition of the Florida Building Code.

With this, we respectfully request a determination that allows the use of the "soon to be in the Florida Building Code" toilet room configuration as an acceptable alternative under FBC 11-2.2 Equivalent Facilitation. We firmly believe the proposed toilet room layout meets the criteria of providing equal or greater access.

Thank you for your consideration.

Sincerely,

INTERPLAN LLC

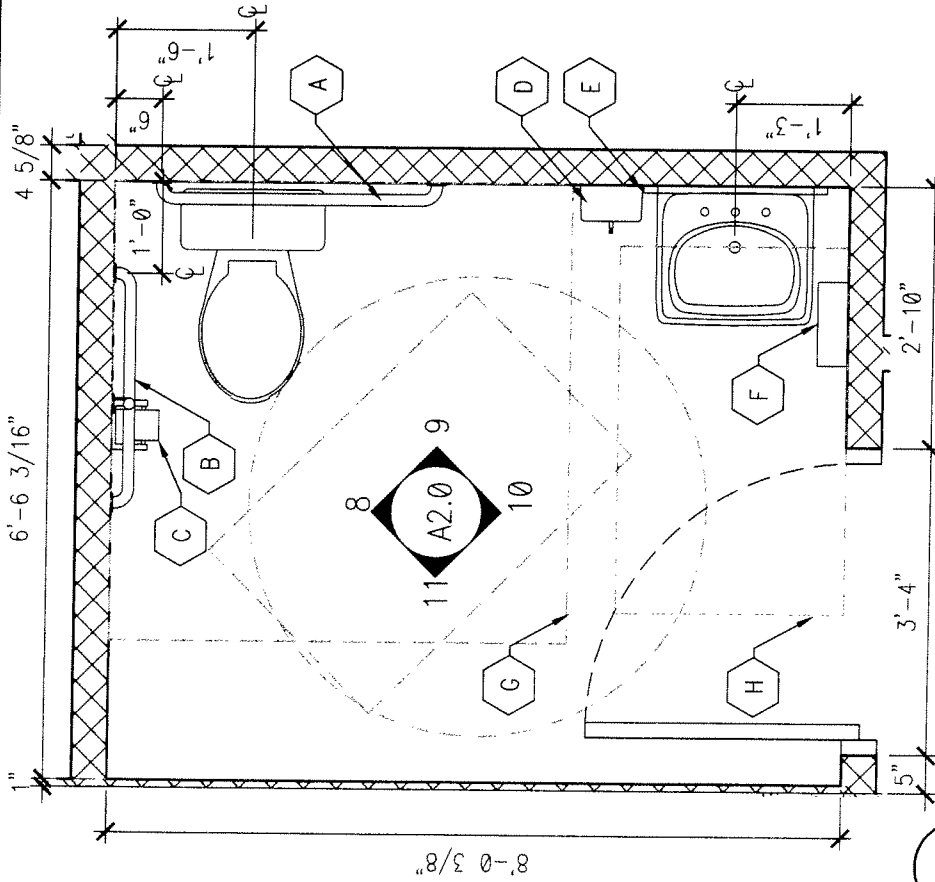


Bemie Eustace
Director

Attachment: Proposed Toilet Room Layout

ACCESSORY SCHEDULE

ITEM	DESCRIPTION	MOUNTING HEIGHTS
A	GRAB BAR, 36" LENGTH	33" - 36" A.F.F. TO CL
B	GARB BAR, 42" LENGTH	33" - 36" A.F.F. TO CL
C	TISSUE DISPENSER	24" A.F.F. TO OUTLET
D	SOAP DISPENSER	38" - 48" TO OPERATOR AND DISPENSER
E	WOOD FRAMED MIRROR, 4'H x 32"W	40" A.F.F. MAX. TO BOTTOM OF REFLECTIVE SURFACE
F	PAPER TOWEL DISPENSER	38" - 48" TO TOWEL DISPENSER
G	60"x60" MIN. CLEARANCE FLOOR SPACE TYP. AT HC TOILET	
H	30"x48" MIN. CLEARANCE FLOOR SPACE TYP. ALL LAVATORY	



1 RESTROOM ENLARGEMENT PLAN 1/2" = 1'-0"

DCA10-DEC-214
FILING AND ACKNOWLEDGEMENT
 Filed for restaurant, retail, health and governmental programs.
 Clerk, receipt of which is hereby
 acknowledged.

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Paula P. Ford
 Paula P. Ford
 Commission Clerk
 Date 10/27/10

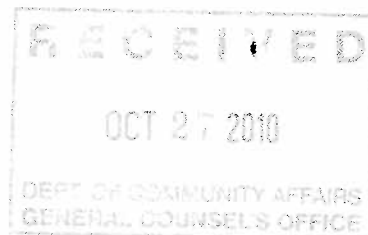
TRANSMITTAL

COMPANY NAME:	FL Department of Community Affairs	PROJECT#:	General Office
COMPANY ADDRESS:	2555 Shumard Oak Boulevard Tallahassee, FL 32399-2100	DATE:	October 26, 2010
ATTN:	Paula Ford	SHIPPING VIA:	UPS 2 nd Day
PROJECT NAME:	FBC Chapter 11 – Accessible Toilet Room Configuration		
SUBJECT:	Petition for Declaratory Statement		

Copies	Sets	Date	Description
1		10/26/10	Hard copy of above referenced document.
1		10/26/10	CD with PDF of above referenced document.

REMARKS:

Paula,
 Please find enclosed the Petition for Declaratory Statement before the FL Building Commission FBC Chapter 11 – Equivalent Facilitation for an Accessible Toilet Room Configuration printed and also as a PDF on CD. If you have any questions or concerns please contact me at (407)645-5008. Thank you.



SENDER: Bemmie Eustace **CC** File

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