



Accessibility¹

Florida and federal law require compliance with accessibility standards for places of public accommodation and commercial facilities as well as some requirements for residential new home construction (please see paragraph below). The requirements are very detailed—some require great precision—and particular emphasis must be placed on compliance during the design and construction process. This piece will provide only a broad overview for guidance and is limited to matters related to design and construction.

The basis for accessibility requirements is the federal Americans with Disabilities Act of 1990 (ADA), and the full text of this can be obtained at www.usdoj.gov/crt/ada/adahom1.htm on the Internet. Title III of this act governs places of public accommodation and commercial facilities. To implement the requirements of the ADA, there exists the Access Board (www.access-board.gov) that develops and maintains accessibility guidelines for buildings, facilities, and transit vehicles. These guidelines are known as the ADA Accessibility Guidelines or ADAAG. The Access Board also provides technical assistance and training.

The ADAAG serve as a basis for building guidelines issued by the U.S. Department of Justice covering places of public accommodation, commercial facilities, and

state and local government facilities. These guidelines provide important information on which buildings and facilities are subject to the standards. It is important that the regulations be used along with the design standards contained or referenced within.

In 1993, Florida enacted the Florida Americans with Disabilities Accessibility Implementation Act to incorporate into Florida law the accessibility requirements of the ADA and to maintain existing provisions of Florida law that are more favorable to the needs of the disabled. These Florida provisions may be found at www.flsenate.gov/statutes in sections 553.501 through 553.513, Florida Statutes.

In order to be fully equipped with Florida's requirements, you will also need to obtain the relevant provisions of the Florida Building Code and Florida Administrative Code as follows:

- Rule 9B-7.0042, Florida Administrative Code, adopts the 1997 Florida Accessibility Code for Building Construction by reference.
- Rule 9B-7.003, Florida Administrative Code, contains the procedures for a waiver or modification. Please go to <http://fac.dos.state.fl.us> to obtain this rule and the one above.

¹*DISCLAIMER – This piece is intended to give the reader only general factual information current at the time of publication. This piece is **not** a substitute for professional advice and should not be used for guidance or decisions related to a specific design or construction project. This piece is not intended to reflect the opinion of any of the entities, agencies or organizations identified in the materials and, if any opinions appear, are those of the individual author and should not be relied upon in any event. Applicable to 2004 Florida Building Code.*

- Chapter 11 of the 2004 Florida Building Code covers the Florida Accessibility Code for Building Construction. Please go to www.floridabuilding.org to obtain this.

Please note that Chapter 11 also includes a list of agencies and their statutory areas of responsibility for accessibility – important information since accessibility is governed by multiple agencies in Florida in any event. The 2004 Florida Building Code, Residential, Section R322.1.1(1) and Section 404 provide for some accessibility requirements for new home construction (covering single family, duplexes, triplexes, condominiums, and townhouses). These provisions can be obtained at www.floridabuilding.org on the Internet.

Waivers

If needed, you may be able to obtain a waiver based on a determination of unnecessary, unreasonable, or extreme hardship. A waiver can only be obtained with respect to Florida specific accessibility requirements.

Obtaining approval for a waiver takes time as the application must be reviewed through meetings of the Accessibility Advisory Council and Florida Building Commission. You should plan to attend both of these meetings—your availability to answer questions can make the difference between success and failure. The point of entry into this process is by completing the application found at the following Internet site:

http://www.dca.state.fl.us/fbc/committees/accessibility/aac/aac_waiver_form/1_aac_waiver_for_m.htm

Cautions:

- Compliance with accessibility requirements is the responsibility of the design

professional, the construction contractor, and the property owner.

- Because accessibility is complex and involves multiple state and federal government agencies, it is especially important to ensure that *all* the most current sources of information are checked and verified with each project.

Government Agencies/Offices:

Florida Building Commission: 850-487-1824 / www.floridabuilding.org

Governor's Working Group on ADA Clearinghouse on Disability Information: 877-232-4968

U.S. Department of Justice: 800-514-0301 / TDD 800-514-0383 / www.usdoj.gov

Access Board ADA Accessibility Guidelines: 800-872-2253 / TTY 800-993-2822 / www.access-board.gov

Florida Commission on Human Relations: 850-488-7082 / <http://fchr.state.fl.us>

Your county or municipal building department (please see the government section of your telephone book – look under “building,” “plans,” “inspections,” or “zoning.”)

Don't know where to go for an answer to a specific question?

Contact: Building A Safer Florida, Inc. 1-850-222-2772 or www.buildingasaferflorida.org

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