

- (i) Listed in or eligible for listing in the National Register of Historic Places; or
- (ii) Designated as historic under an appropriate state or local law.

**(2) Procedures.**

**(a) Alterations to qualified historic buildings and facilities subject to Section 106 of the National Historic Preservation Act.**

**(i) Section 106, Process.** Section 106 of the National Historic Preservation Act (16 U.S.C. 470 f) requires that a federal agency with jurisdiction over a federal, federally assisted, or federally licensed undertaking consider the effects of the agency’s undertaking on buildings and facilities listed in or eligible for listing in the National Register of Historic Places and give the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking prior to approval of the undertaking.

**(ii) ADA application.** Where alterations are undertaken to a qualified historic building or facility that is subject to Section 106 of the National Historic Preservation Act, the federal agency with jurisdiction over the undertaking shall follow the Section 106 process. If the state historic preservation officer or Advisory Council on Historic Preservation agrees that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility, the alternative requirements in Section 11-4.1.7(3) may be used for the feature.

**(b) Alterations to qualified historic buildings and facilities not subject to Section 106 of the National Historic Preservation Act.** Where alterations are undertaken to a qualified historic building or facility that is not subject to Section 106 of the National Historic Preservation Act, if the entity undertaking the alterations believes that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility and that the alternative requirements in Section 11-4.1.7(3) should be used for the feature, the entity should consult with the state historic preservation officer. If the state historic preservation officer agrees that compliance with the accessibility requirements for accessible routes (exterior and interior), ramps, entrances or toilets would threaten or destroy the historical significance of the building or facility, the alternative requirements in Section 11-4.1.7(3) may be used.

**(c) Consultation with interested persons.** Interested persons should be invited to participate in the consultation process, including state or local accessibility officials, individuals with disabilities, and organizations representing individuals with disabilities.

**(d) Certified local government historic preservation programs.** Where the state historic preservation officer has delegated the consultation responsibility for pur-

poses of this section to a local government historic preservation program that has been certified in accordance with Section 101(c) of the National Historic Preservation Act of 1966 [16 U.S.C. 470a (c)] and implementing regulations (36 CFR 61.5), the responsibility may be carried out by the appropriate local government body or official.

**(3) Historic preservation: Minimum requirements.**

**(a)** At least one accessible route complying with Section 11-4.3 from a site access point to an accessible entrance shall be provided.

**Exception:** A ramp with a slope no greater than 1:6 for a run not to exceed 2 feet (610 mm) may be used as part of an accessible route to an entrance.

**(b)** At least one accessible entrance complying with Section 11-4.14 which is used by the public shall be provided.

**Exception:** If it is determined that no entrance used by the public can comply with Section 11-4.14, then access at any entrance not used by the general public but open (unlocked) with directional signage at the primary entrance may be used. The accessible entrance shall also have a notification system. Where security is a problem, remote monitoring may be used.

**(c)** If toilets are provided, then at least one toilet facility complying with Sections 11-4.22 and 11-4.1.6 shall be provided along an accessible route that complies with Section 11-4.3. Such toilet facility may be unisex in design.

**(d)** Accessible routes from an accessible entrance to all publicly used spaces on at least the level of the accessible entrance shall be provided. Access shall be provided to all levels of a building or facility in compliance with Section 11-4.1 whenever practical.

**(e)** Displays and written information, documents, etc., should be located where they can be seen by a seated person. Exhibits and signage displayed horizontally (e.g., open books), should be no higher than 44 inches (1120 mm) above the floor surface.

**11-4.1.8 Accessible buildings, structures and facilities: Architectural barrier removal.**

**(1)** Removal of architectural barriers, pursuant to 28 C.F.R. Subpart C S. 36.304, from buildings, structures or facilities to which this code applies shall comply with Section 11-4.1 to Section 11-4.35 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 disabilities or others.

**(2)** 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.

(3) The removal of architectural barriers from a parking facility in accordance with 28 C.F.R. Section 36.304 or with Section 553.508, *Florida Statutes*, 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 an individual with disabilities or others.

## 11-4.2 Space allowance and reach ranges.

**11-4.2.1 Wheelchair passage width.** The minimum clear width for single wheelchair passage shall be 32 inches (815 mm) at a point and 36 inches (915 mm) continuously [see Figure 1 and Figure 24(e)].

**11-4.2.2 Width for wheelchair passing.** The minimum width for two wheelchairs to pass is 60 inches (1525 mm) (see Figure 2).

**11-4.2.3 Wheelchair turning space.** The space required for a wheelchair to make a 180-degree turn is a clear space of 60 inches (1525 mm) diameter [see Figure 3(a)] or a T-shaped space [see Figure 3(b)].

### 11-4.2.4 Clear floor or ground space for wheelchairs.

**11-4.2.4.1 Size and approach.** The minimum clear floor or ground space required to accommodate a single, stationary wheelchair and occupant is 30 inches by 48 inches (760 mm by 1220 mm) [see Figure 4(a)]. The minimum clear floor or ground space for wheelchairs may be positioned for forward or parallel approach to an object [see Figure 4(b) and Figure 4(c)]. Clear floor or ground space for wheelchairs may be part of the knee space required under some objects.

**11-4.2.4.2 Relationship of maneuvering clearance to wheelchair spaces.** One full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair clear floor space. If a clear floor space is located in an alcove or otherwise confined on all or part of three sides, additional maneuvering clearances shall be provided as shown in Figure 4(d) and Figure 4(e).

**11-4.2.4.3 Surfaces for wheelchair spaces.** Clear floor or ground spaces for wheelchairs shall comply with Section 11-4.5.

**11-4.2.5 Forward reach.** If the clear floor space only allows forward approach to an object, the maximum high forward reach allowed shall be 48 inches (1220 mm). The minimum low forward reach is 15 inches (380 mm) [see Figure 5(a)]. If the high forward reach is over an obstruction, reach and clearances shall be as shown in Figure 5(b).

**11-4.2.6 Side reach.** If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be 54 inches (1370 mm) and the low side reach shall be no less than 9 inches (230 mm) above the floor [see Figure 6(a) and Figure 6(b)]. If the side reach is over an obstruction, the reach and clearances shall be as shown in Figure 6(c).

## 11-4.3 Accessible route.

**11-4.3.1 General.** All walks, halls, corridors, aisles, skywalks, tunnels, and other spaces that are part of an accessible route shall comply with Section 11-4.3.

### 11-4.3.2 Location.

- (1) At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.
- (2) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.
- (3) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.
- (4) An accessible route shall connect at least one accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

**11-4.3.3 Width.** The minimum clear width of an accessible route shall be 36 inches (915 mm) except at doors (see Section 11-4.13.5 and 11-4.13.6). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Figure 7(a) and Figure 7(b).

### Exceptions:

1. Curb ramps that are a part of a required means of egress shall be not less than 44 inches (1118 mm) wide.
2. All spaces must be located on an accessible route no less than 44 inches (1118 mm) wide so that users will not be compelled to walk or wheel behind parked vehicles.

**11-4.3.4 Passing space.** If an accessible route has less than 60 inches (1525 mm) clear width, then passing spaces at least 60 inches by 60 inches (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 feet (61 m). A T-intersection of two corridors or walks is an acceptable passing place.

**11-4.3.5 Headroom.** Accessible routes shall comply with Section 11-4.4.2.

**11-4.3.6 Surface textures.** The surface of an accessible route shall comply with Section 11-4.5.

**11-4.3.7 Slope.** An accessible route with a running slope greater than 1:20 is a ramp and shall comply with Section 11-4.8. Nowhere shall the cross slope of an accessible route exceed 1:50.

**11-4.3.8 Changes in level.** Changes in levels along an accessible route shall comply with Section 11-4.5.2. If an accessible route has changes in level greater than  $\frac{1}{2}$  inch (13 mm), then a curb ramp, ramp, elevator, or platform lift (as permitted in Section 11-4.1.3 and 11-4.1.6) shall be provided that complies with Section 11-4.7, 11-4.8, 11-4.10, or 11-4.11, respectively. An accessible route does not include stairs, steps, or escalators. See definition of “Egress, means of” in Section 11-3.5 [see Figure 7(c) and Figure 7(d)].

**11-4.3.9 Doors.** Doors along an accessible route shall comply with Section 11-4.13.

**11-4.3.10 Egress.** Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible area of rescue assistance.

**11-4.3.11 Areas of rescue assistance.**

**11-4.3.11.1 Location and construction.** An area of rescue assistance shall be one of the following:

- (1) A portion of a stairway landing within a smokeproof enclosure (complying with local requirements).
- (2) A portion of an exterior exit balcony located immediately adjacent to an exit stairway when the balcony complies with local requirements for exterior exit balconies. Openings to the interior of the building located within 20 feet (6 m) of the area of rescue assistance shall be protected with fire assemblies having a  $\frac{3}{4}$  hour fire protection rating.
- (3) A portion of a 1-hour fire-resistive corridor (complying with local requirements for fire-resistive construction and for openings) located immediately adjacent to an exit enclosure.
- (4) A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required for corridors and openings.
- (5) A portion of a stairway landing within an exit enclosure which is vented to the exterior and is separated from the interior of the building with not less than 1-hour fire-resistive doors.
- (6) When approved by the appropriate local authority, an area or a room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one hour and shall completely enclose the area or room. Doors in the smoke barrier shall be tight-fitting smoke-and-draft control assemblies having a fire protection rating of not less than 20 minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. Where the room or area exits into an exit enclosure which is required to be of more than 1-hour fire-resistive construction, the room or area shall have the same fire-resistive

construction, including the same opening protection, as required for the adjacent exit enclosure.

- (7) An elevator lobby when elevator shafts and adjacent lobbies are pressurized as required for smokeproof enclosures by local regulations and when complying with requirements herein for size, communication, and signage. Such pressurization system shall be activated by smoke detectors on each floor located in a manner approved by the appropriate local authority. Pressurization equipment and its duct work within the building shall be separated from other portions of the building by a minimum 2-hour fire-resistive construction.

**11-4.3.11.2 Size.** Each area of rescue assistance shall provide at least two accessible areas each being not less than 30 inches by 48 inches (760 mm by 1220 mm). The area of rescue assistance shall not encroach on any required exit width. The total number of such 30-inch by 48-inch (760 mm by 1220 mm) areas per story shall be not less than one for every 200 persons of calculated occupant load served by the area of rescue assistance.

**Exception:** The appropriate local authority may reduce the minimum number of 30-inch by 48-inch (760 mm by 1220 mm) areas to one for each area of rescue assistance on floors where the occupant load is less than 200.

**11-4.3.11.3 Stairway width** Each stairway adjacent to an area of rescue assistance shall have a minimum clear width of 48 (1220 mm) inches between handrails.

**11-4.3.11.4 Two-way communication.** A method of two-way communication, with both visible and audible signals, shall be provided between each area of rescue assistance and the primary entry. The fire department or appropriate local authority may approve a location other than the primary entry.

**11-4.3.11.5 Identification.** Each area of rescue assistance shall be identified by a sign, which states “AREA OF RESCUE ASSISTANCE” and displays the International Symbol of Accessibility. The sign shall be illuminated when exit sign illumination is required. Signage shall also be installed at all inaccessible exits and where otherwise necessary to clearly indicate the direction to areas of rescue assistance. In each area of rescue assistance, instructions on the use of the area under emergency conditions shall be posted adjoining the two-way communication system.

**11-4.4 Protruding objects.**

**11-4.4.1 General.** Objects projecting from walls (for example, telephones) with their leading edges between 27 inches and 80 inches (685 mm and 2030 mm) above the finished floor shall protrude no more than 4 inches (102 mm) into walks, halls, corridors, passageways, or aisles [see Figure 8(a)]. Objects mounted with their leading edges at or below 27 inches (685 mm) above the finished floor may protrude any amount [see Figure 8(a) and Figure 8(b)]. Free-standing objects mounted on posts or pylons may overhang 12 in (305 mm) maximum from 27 inches to 80 inches (685 mm to 2030 mm) above the ground or finished floor [see Figure 8(c) and Figure 8(d)]. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space [see Figure 8(e)].

**11-4.4.2 Headroom.** Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have 80 inches (2030 mm) minimum clear head room [see Figure 8(a)]. If vertical clearance of an area adjoining an accessible route is reduced to less than 80 inches (2032 mm) (nominal dimension), a barrier to warn blind or visually-impaired persons shall be provided [see Figure 8(c-1)].

#### 11-4.5 Ground and floor surfaces.

**11-4.5.1 General.** Ground and floor surfaces along accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, slipresistant, and shall comply with Section 11-4.5.

**11-4.5.2 Changes in level.** Changes in level up to  $\frac{1}{4}$  inches (6 mm) may be vertical and without edge treatment [see Figure 7(c)]. Changes in level between  $\frac{1}{4}$  inch and  $\frac{1}{2}$  inch (6 mm and 13 mm) shall be beveled with a slope no greater than 1:2 [see Figure 7(d)]. Changes in level greater than  $\frac{1}{2}$  inch (13 mm) shall be accomplished by means of a ramp that complies with Section 11-4.7 or 11-4.8.

**11-4.5.3 Carpet.** If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing, or no cushion or pad; and have a level loop, textured loop, level cut pile, or level cut/uncut pile texture. The maximum pile thickness shall be  $\frac{1}{2}$  inch (13 mm) [see Figure 8(f)]. Exposed edges of carpet shall be fastened to floor surfaces and have trim along the entire length of the exposed edge. Carpet edge trim shall comply with Section 11-4.5.2.

**11-4.5.4 Gratings.** If gratings are located in walking surfaces, then they shall have spaces no greater than  $\frac{1}{2}$  inch (13 mm) wide in one direction [see Figure 8(g)]. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel [see Figure 8(h)].

#### 11-4.6 Parking and passenger loading zones.

**11-4.6.1 Minimum number.** Parking spaces required to be accessible by Section 11-4.1 shall comply with Sections 11-4.6.2 through Section 11-4.6.5. Passenger loading zones required to be accessible by Section 11-4.1 shall comply with Section 11-4.6.5 and 11-4.6.6.

**11-4.6.2 Location.** Accessible parking spaces serving a particular building shall be located on the shortest safely accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

(1) All spaces must be located on an accessible route no less than 44 inches (1118 mm) wide so that users will not be compelled to walk or wheel behind parked vehicles.

(2) If a theme park or entertainment complex [as defined in Section 509.013(9), see definitions] provides park-

ing 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 accessible entrance.

(3) On-street parallel parking spaces must be located either at the beginning or end of a block or adjacent to alley entrances.

**11-4.6.3 Parking spaces.** Each parking space must be no less than 12 feet (3658 mm) wide. Parking access aisles must be no less than 5 feet (1524 mm) wide and must be part of an accessible route to the building or facility entrance. Two accessible spaces may share a common access aisle [see Figure 9(a)]. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles.

**Exception:** If a theme park or entertainment complex 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, the park or complex may provide parking spaces that comply with the alternatives specified in Section 11-12.

Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2 percent) in all directions.

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 1:50, where feasible. Such spaces shall be designed per Sections 11-4.6.2 through 11-4.6.5.

**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.

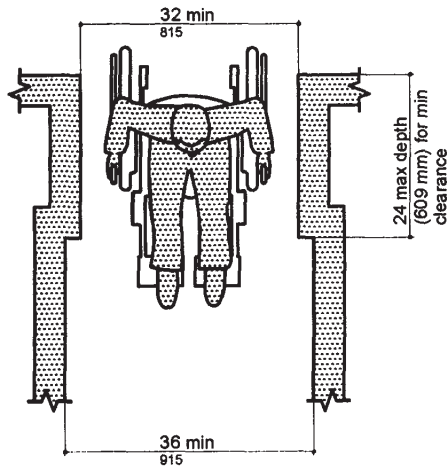
**11-4.6.4 Signage.** Each such parking space must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation which is placed on or at a distance of 84 inches (2133 mm) above the ground to the bottom of the sign and which bears the international symbol of accessibility, ADAAG Section 4.30.7 and the caption "PARKING BY DISABLED PERMIT ONLY." Such sign erected after October 1, 1996, must indicate the penalty for illegal use of the space.

Van accessible parking spaces located within a parking structure shall have an additional sign reading "VAN ACCESSIBLE" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

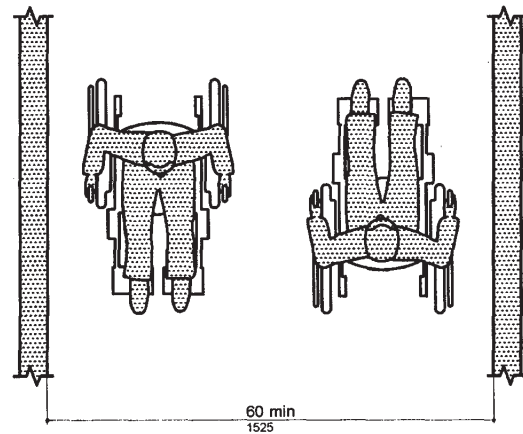
A theme park or an entertainment complex as defined in Section 509.013(9), *Florida Statutes*, in which accessible parking is located in designated lots or areas, the signage indicating the lot as reserved for accessible parking may be lo-

**TABLE 1  
GRAPHIC CONVENTIONS**

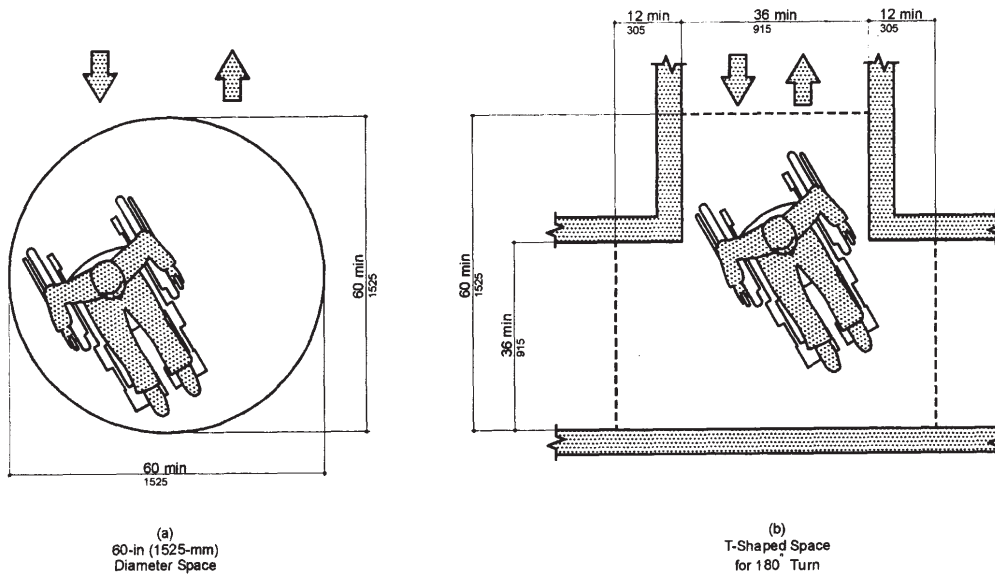
Table 1 Graphic Conventions	
Convention	Description
	Typical dimension line showing U.S. customary units (in inches) above the line and SI units (in millimeters) below.
	Dimensions for short distances indicated on arrow.
	Dimensions line for showing range of dimension
	Direction of approach
max	Maximum
min	Minimum
	Boundary of clear floor area
	CL Centerline



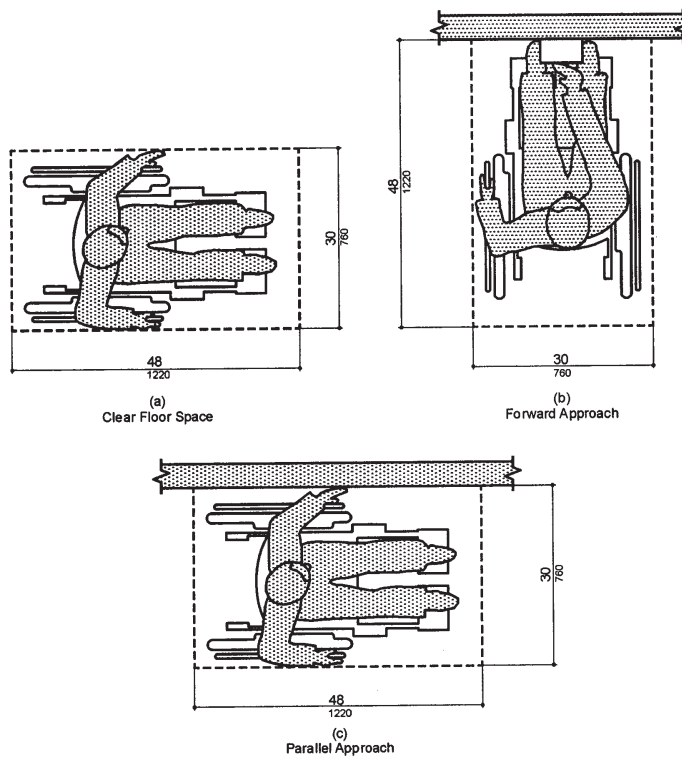
**FIGURE 1  
MINIMUM CLEAR WIDTH  
FOR SINGLE WHEELCHAIR**



**FIGURE 2  
MINIMUM CLEAR WIDTH  
FOR TWO WHEELCHAIRS**



**FIGURE 3  
WHEELCHAIR TURNING SPACE**



**FIGURE 4  
MINIMUM CLEAR FLOOR SPACE FOR WHEELCHAIRS**

**CHAPTER 11**  
**REQUEST FOR WAIVER FROM ACCESSIBILITY REQUIREMENTS**  
**CHAPTER 553, PART V, FLORIDA STATUTES**  
**August 1999**  
**PART C**

See [www.floridabuilding.org](http://www.floridabuilding.org) for the Waiver from Accessibility Requirements form and Florida Administrative Code Chapter 9B-7.

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**CHAPTER 11 PART D**  
**Section 553.501-513, Florida Statutes**

**ACCESSIBILITY BY HANDICAPPED PERSONS**

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

**History.**—s. 1, ch. 93-183.

**553.502 Intent.** The purpose and intent of Sections 553.501 through 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 shall be maintained to assure certification of the state’s construction standards and codes. Nothing in Sections 553.501 through 553.513 is 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 (ADAAG), including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation.

**History.**—s. 1, ch. 93-183; s. 1, ch. 97-76.

**553.503 Adoption of guidelines.** Subject to the exceptions in Section 553.504, the federal Americans with Disabilities Act Accessibility Guidelines, as adopted by reference in 28 C.F.R., part 36, subparts A and D, and Title II of Pub. L. No. 101-336, are hereby adopted and incorporated by reference as the law of this state. The guidelines shall establish the minimum standards for the accessibility of buildings and facilities built or altered within this state. The 1997 *Florida Accessibility Code for Building Construction* must be adopted by the Florida Building Commission in accordance with Chapter 120.

**History.**—s. 1, ch. 93-183; s. 2, ch. 97-76; s. 65, ch. 2000-141; s. 59, ch. 2000-154.

**553.504 Exceptions to applicability of the guidelines.** Notwithstanding the adoption of the ADAAG in Section 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 Sections 553.501 through 553.513 which may be frequented in, lived in, or worked in by the public shall comply with Section 553.501 through 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 (737 mm) 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 (737 mm) of clear width except under Sections 553.501 through 553.513.
- (4) In addition to the requirements in reference 4.8.4 of ADAAG, all landings on ramps shall be not less than 60 inches (1524 mm) clear, and the bottom of each ramp shall have not less than 72 inches (1829 mm) of straight and level clearance.
- (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 of ADAAG, handrails on ramps which are not continuous shall extend not less than 18 inches (457 mm) beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface.
  - (b) Notwithstanding the requirements of references 4.3.3 and 4.8.3 of ADAAG, curb ramps that are part of a required means of egress shall be not less than 44 inches (1118 mm) wide.
  - (c) Notwithstanding the requirements of reference 4.7.5 of ADAAG, 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 1:12.

(6) Notwithstanding the requirements in reference 4.13.11 of ADAAG, 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 of ADAAG, all public food service establishments, all establishments licensed under the Beverage Law for consumption on the premises, and all facilities governed by reference 4.1 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 of ADAAG, all fixed seating in public food service establishments, in establishments licensed under the Beverage Law for consumption on the premises, and in all other facilities governed by reference 4.1 of ADAAG 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 (1321 mm) wide.

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

(a) Grab rails in bathrooms and toilet rooms that comply with Section 4.16.4 of ADAAG.

(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 (381 mm), measured vertically from the finished floor to the top of the seat, with a variation of plus or minus 1/2 inch (12.7 mm). 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 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 Sections 9.1 through 9.5 of ADAAG.

(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 ANSI A117.1-1986.

(11) Notwithstanding the requirements in references 4.31.2 and 4.31.3 of the guidelines, 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 of ADAAG, required restrooms and toilet rooms in new construction shall be designed and constructed in accordance with the following requirements:

(a) The standard accessible restroom stall shall contain an accessible lavatory within it, the size of such lavatory to be not less than 19 inches wide by 17 inches (483 mm by 432 mm) deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floor space areas required by Section 4.17, Figure 30(a) of ADAAG for the standard accessible stall and to comply with Section 4.19 of ADAAG. Such lavatories shall be counted as part of the required fixture count for the building.

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

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

(13) All customer checkout aisles not required by the guidelines to be handicapped accessible shall have at least 32 inches (813 mm) 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 (813 mm) of clearance, equipped with latching devices in accordance with the guidelines.

(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.

**History.**—s. 1, ch. 93-183; s. 3, ch. 97-76.

**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 ADAAG, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation. Subject to the exceptions described in subsections (2), (4), (5), and (6), when the parking and loading zone requirements of the federal ADAAG, as

adopted by reference in 28 C.F.R. part 36, subparts A and D, and Title II of Pub. L. No. 101-336, 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 Section 316.1958 or 320.0848 or a license plate under Section 320.084, 320.0842, 320.0843 or 320.0845.

(4) The number of accessible parking spaces must comply with the parking requirements in ADAAG Section 4.1 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 ss. 4.1.2 and 4.6 and Appendix A4.6.,3 “Universal Parking Design.”

(a) All spaces must be located on an accessible route no less than 44 inches (1118 mm) 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 Section 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 (3658 mm) wide. Parking access aisles must be no less than 5 feet (1524 mm) wide and must be part of an accessible route to the building or facility entrance. In accordance with ADAAG Section 4.6.3, 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 Section 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 Sections 4.1 and 4.6.

(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 Sections 4.6.2 through 4.6.5.

**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 Sections 4.1 and 4.6.

(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 1:50, 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. Section 36.304 or with Section 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 Section 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 (2134 mm) above the ground to the bottom of the sign and which bears the international symbol of accessibility meeting the requirements of ADAAG Section 4.30.7 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 Section 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 Section 4.30.

**History.**—s. 66, ch. 2000-141.

**553.505 Exceptions to applicability of the Americans with Disabilities Act.** Notwithstanding the Americans with Disabilities Act of 1990, private clubs are governed by Sections 553.501 through 553.513. Parking spaces, parking lots, and other parking facilities are governed by Section 553.5041 when that section provides increased accessibility.

**History.**—s. 1, ch. 93-183; s. 14, ch. 96-200; s. 4, ch. 97-76; s. 23, ch. 2001-186.

**553.506 Powers of the commission.** In addition to any other authority vested in the Florida Building Commission by law,

the commission, in implementing Sections 553.501 through 553.513, may, by rule, adopt revised and updated versions of the ADAAG in accordance with Chapter 120.

**History.**—s. 1, ch. 93-183; s. 67, ch. 2000-141; s. 60, ch. 2000-154.

**553.507 Exemptions.** Sections 553.501 through 553.513 do not apply to any of the following:

(1) Buildings, structures, or facilities that were either under construction or under contract for construction on October 1, 1997.

(2) Buildings, structures, or facilities that were in existence on October 1, 1997, unless:

(a) The building, structure, or facility is being converted from residential to nonresidential or mixed use, as defined by 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 Section 303(a) of the Americans with Disabilities Act of 1990; or

(c) The original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.

**History.**—s. 1, ch. 93-183; s. 5, ch. 97-76; s. 31, ch. 2001-63; s. 24, ch. 2001-186.

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

**History.**—s. 1, ch. 93-183.

**553.509 Vertical accessibility.** Nothing in Sections 553.501 through 553.513 or the guidelines 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 require an elevator to be installed in such building, structure, or facility, except for:

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

(2) 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

(3) 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.

However, buildings, structures, and facilities must, as a minimum, comply with the requirements in the ADAAG.

**History.**—s. 1, ch. 93-183; s. 6, ch. 97-76.

**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 (2489 mm). Signs shall be posted to warn operators of handicap-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.

**History.**—s. 2, ch. 90-250; s. 2, ch. 93-183; s. 7, ch. 97-76.

**Note.**—Former s. 553.482.

**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. Section 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 Section 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 representa-

tive 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 three years, and the terms for the next two members shall be for two years. Thereafter, all council member appointments shall be for terms of four years. No council member shall serve more than two four-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 Section 112.061.

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

**History.**—s. 3, ch. 78-333; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 25, ch. 86-220; s. 5, ch. 89-97; ss. 1, 5, 6, ch. 91-172; s. 5, ch. 91-429; s. 2, ch. 93-183; s. 10, ch. 97-76; s. 68, ch. 2000-141; s. 61, ch. 2000-154; s. 13, ch. 2002-293.

**Note.**—Former s. 553.49.

**553.513 Enforcement.** It shall be the responsibility of each local government and each code enforcement agency established pursuant to Section 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.

**History.**—s. 6, ch. 89-97; s. 2, ch. 93-183.

**Note.**—Former s. 553.495.