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The International Code Council is a member-focused association. It is dedicated to developing model codes and standards used in the design, build and compliance process to construct safe, sustainable, affordable and resilient structures. Most U.S. communities and many global markets choose the International Codes. ICC Evaluation Service (ICC-ES) is the industry leader in performing technical evaluations for code compliance fostering safe and sustainable design and construction.
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About Evan Terry Associates, LLC
Evan Terry Associates (ETA) has been teaching seminars, publishing Pocket Guides and other books, and creating websites on the ADA, other accessibility standards, and universal design for over 24 years. From architects with a history of providing trusted reference materials on access requirements, this book has been written for design professionals, contractors, building officials, facility managers, and others who need to understand their facility-related obligations under the ADA.

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Florida Law

The Florida Accessibility Code for Building Construction is established by Florida law, Part II, Chapter 553, Florida Statutes, (sections 553.501 - 553.513, Florida Statutes). The law was amended in 2011 and its resulting requirements are integrated into this code. The revisions are established by chapter 2011-222, Laws of Florida. Laws of Florida and Florida Statutes can be accessed through the Florida Department of State, Division of Library & Information Sciences web site http://dlis.dos.state.fl.us/fgils/government.html.

Waivers

The Florida Building Commission may waive Florida specific requirements of this code. It does not waive requirements of this code to standards below the federal ADA standards on which it is based. Applications for waiver and the criteria for their review are established by Rule Chapter 9N-4, Florida Administrative Code. Current versions of the Rule can be accessed through the Florida Department of State web site http://dlis.dos.state.fl.us/fgils/government.html. Applications can be found on the Florida Building Commission web site www.FloridaBuilding.org. Even after certification of equivalency by the Department of Justice, if an official either waives an accessible element or feature or allows a change that does not provide equivalent facilitation, the fact that the Department of Justice has certified the code itself will not constitute rebuttable evidence the facility has been constructed or altered in accordance with the minimum accessibility requirements of the ADA.
Background/Certification

The 1993 Florida Legislature enacted the “Florida Americans with Disability Accessibility Implementation Act” which incorporated the architectural accessibility requirements of the Americans with Disabilities Act of 1990, Public Law No. 101-336, 42 U.S.C. Section 12101 et. seq. ADA, into Florida law and maintained existing provisions of Florida law thought to be more stringent than the ADA accessibility guidelines. In 1997 the legislature amended the Act to address U.S. Department of Justice (DOJ) concerns with Florida requirements, which might not have been equivalent or more stringent than ADA architectural standards, to obtain federal certification of Florida’s building code as substantially equivalent to the Federal ADA Standards for Accessible Design as adopted by the Department of Justice (DOJ) in 28 CFR 36. The United States Access Board adopted revised ADA Accessibility Guidelines in 2004. DOJ published final regulations September 15, 2010 adopting the 2004 Guidelines with additions pursuant to 28 CFR 35 and 28 CFR 36 as the 2010 ADA Standards for Accessible Design. The Florida Building Commission updated the Florida Accessibility Code for Building Construction for consistency with the 2010 ADA Standards and Florida law, Part II, Chapter 553, Florida Statutes, in the summer of 2011. The intent as established by s.553.502, Florida Statutes, is to maintain the US Department of Justice certification of the Code as substantially equivalent to the ADA Standards so compliance with the Code provides presumption of compliance with the ADA Standards. The 1997 Florida Accessibility Code for Building Construction was certified by DOJ, however, the 2012 Florida Accessibility Code for Building Construction must also be reviewed and certified by DOJ. Until the review is completed and DOJ notifies the State the 2012 Code is
Certified all parties should maintain due diligence to ensure compliance with both the 2010 ADA Standards for Accessible Design and the 2012 Florida Accessibility Code. Note: Code certification provides presumption of rebuttable evidence of compliance with the ADA for private entities (Title III entities) but not public entities (Title II entities).

Accessibility is a multifaceted issue within the issues of life today. The legislative actions of the 101st Congress which implemented the Americans with Disabilities Act of 1990 and previous acts of the Florida Legislature have been combined in the following pages to reflect accessibility laws as they relate to most areas of construction in Florida. Areas of employment as related to accessibility and/or complaints would be the responsibility of the Equal Employment Opportunity Commission, 1-800-669-4000 or 305-536-4491.

How To Use This Pocket Guide

The ETA Editor's Notes in this Pocket Guide are intended to provide clarification and assistance to its readers. Unless stated to be otherwise, these notes are the opinions of the editors and are not official interpretations.

This Pocket Guide includes selected sections from the revised Title II and Title III regulations that are applicable to new construction and alterations that we at ETA believe are typically under the control or responsibility of a design professional, contractor, or facility manager. These selected sections are incorporated throughout this Pocket Guide and are highlighted in gray. Some definitions from Title II and Title III regulations have been included in this Pocket Guide and are double underlined wherever they appear. There are a few places where the
requirements between the standards and the regulations differ. In these cases, the regulations prevail.

The Florida Americans with Disabilities Accessibility Implementation Act adopts most of the federal 2010 ADA Standards in the 2012 Florida Accessibility Code for Building Construction -- the FACBC.

However, there are certain areas where the FACBC has changed or added to the 2010 ADA Standards. Where this occurs, the text is indicated with a dotted vertical line in the left margin.

Where an FACBC section differs from the 2010 ADA Standards section, the comparable ADA section follows with gray shading in the background, enclosed in a single-bordered box.

ETA Editor’s Notes are shown in a clear double-bordered box.

Advisory notes are marked with a shaded double-bordered box.

For up-to-date information you can go to www.ETAPocketGuides.com. You can also register there to be notified when you can purchase updated versions of the pdf book or this printed version of this Pocket Guide at a discount that will include additional clarifications of the safe harbor provisions as they become available.

Due to the complexity of Florida’s safe harbor exception at 202.4, this Pocket Guide does not attempt to identify all of the possible provisions of earlier versions of the FACBC and UFAS that might qualify under the safe harbor exception.
For more information about safe harbors under the ADA and other accessibility codes, standards, and regulations, go to [www.ADASafeHarbor.com](http://www.ADASafeHarbor.com) or [Corada.com](http://www.Corada.com) and perform a keyword search on “Safe Harbor”.

It is important to note that, under the ADA regulations at Sections 36.406(b) and 35.151(d), **Scope of coverage**, the 1991 Standards and the 2010 Standards apply to fixed or built-in elements of buildings, structures, site improvements, and pedestrian routes or vehicular ways located on a site. Unless specifically stated otherwise, advisory notes, appendix notes, and figures contained in the 1991 Standards and 2010 Standards explain or illustrate the requirements of the rule; they do not establish enforceable requirements.

When considering the accessibility and usability of movable elements not directly covered by the Standards, the Department of Justice has stated, “Once the construction or alteration of a facility has been completed, all other aspects of programs, services, and activities conducted in that facility are subject to the operational requirements established in this final rule. Although the Department may use the requirements of the 2010 Standards as a guide to determining when and how to make equipment and furnishings accessible, those determinations fall within the discretionary authority of the Department.” Therefore, we believe that prudent designers and facility operators should assume that whatever features make a fixed element accessible will usually also make a similar moveable element accessible. Building code enforcement officials in Florida may ignore movable elements when enforcing the FACBC, but the obligation to make movable elements accessible under the ADA regulations remains.
Design professionals and facility operators are responsible for knowing the requirements of every section of the ADA regulations that affect their projects, facilities, and operations. We have not attempted to include the sections from the regulations that cover employment, program access, readily achievable barrier removal, policies, procedures, contracts, communications, or operational requirements in this Pocket Guide. More information on these topics can be found on www.ada.gov, www.EEOC.gov, and Corada.com.

The following are technical assistance hotlines:

1. Florida Department of Community Affairs: 850-487-1824

2. U.S. Architectural & Transportation Barriers Compliance Board: 800-872-2253 (800-993-2822 TTY)


4. Disability & Business Technical Assistance Centers: 800-949-4232 (V/TTY)

5. HUD Office of Fair Housing and Equal Opportunity Hot Line: 800-669-9777 (800-927-9275 TTY)

6. Florida Commission on Human Relations: 850-488-7082

Responsible Agencies

Primarily because of the complexities of balancing the rights of the physically disabled and the technically specific requirements of the built environment, no single agency has been charged with enforcement of all issues pertaining to accessibility. The following is a listing of agencies and their statutory areas of responsibility for accessibility. A thorough attempt was made by the Florida Building Commission at the time of publication of the 2012 code to ensure that its manual was a reflection of the laws of Florida and the administrative rules of each agency as these requirements relate to construction. Because individual agency rules may change, it is the responsibility of the design professional and the property owner to ensure compliance with subsequent revisions.

1. H.U.D. Office of Fair Housing and Equal Opportunity Hot Line
   Washington, D.C.
   Voice: 202-708-1112
   TTY: 202-708-1455
   Atlanta, GA
   Voice: 1-404-331-5136
   Forms and Publications
   1-800-767-7468
   Florida Offices
   - Jacksonville
     Voice: 1-904-232-2627
     FAX: 1-904-232-3759
   - Miami
     Voice: 1-305-536-5678
     FAX: 1-305-536-5765
     TTY: 1-305-536-4734
   - Orlando
     Voice: 1-407-648-6441
     FAX: 1-407-648-6310
   - Tampa
     Voice: 1-813-228-2026
     FAX: 1-813-228-2431
     TTY: 1-813-228-2115
2. Florida Commission on Human Relations
Voice: 1-850-488-7082
Voice Message Service: 1-800-342-8170
TDD ASCII 1-800-955-1339
TDD Baudot 1-800-955-8771
Voice Relay Service: 1-800-955-8770
http://fchr.state.fl.us/

3. Public Telephone Installation and Placement:
Florida Public Service Commission
Voice: 1-800-342-3552
Fax: 1-850-511-0809
TDD: 1-800-955-8771
http://www.psc.state.fl.us/

Voice: 1-866-374-3368, ext. 5253
FAX: 1-850-414-5251
TDD: 1-850-921-0762

5. Accessible Parking Placards: Department of Highway Safety and Motor Vehicles
Contact your local Tax Collector's Office. Contact numbers listed by county at:
http://www.flhsmv.gov/

6. Elevator Accessibility: Department of Business Regulation Bureau of Elevator Inspection
Automated Call System: 1-850-487-1395, select Hotels & Restaurants, then Elevators
http://www.myfloridalicense.com/dbpr/hr/elevator
s/elevator-inspections.html

7. Florida Government Facilities: Department of Management Services Division of Real Estate Development and Management
Voice: 1-850-488-2074
http://www.dms.myflorida.com/business_operations/real_estate_development_and_management

8. Hospital and Health Care Facilities: Agency for Health Care Administration Office of Plans and Construction
Voice: 1-850-412-4477
http://ahca.myflorida.com/MCHQ/Plans/
9. Public Schools and State Universities: Florida Department of Education Office of Educational Facilities
Voice: 1-850-245-0494
Fax: 1-850-245-9236
http://www.fldoe.org/finance/edual-facilities

10. State Prisons: Department of Corrections Facilities Services
Voice: 1-850-487-1330
http://www.dc.state.fl.us/facilities/ciindex.html

11. ADA Questions and Complaints: United States Department of Justice
Voice: 1-800-514-0301 (select option 7 for technical assistance)
TTY/TDD: 1-800-514-0383
http://www.ada.gov/filing_complaint.htm

This publication has been edited from the 2012 Florida Accessibility Code for Building Construction. It contains the following sections:

The Florida Building Code in its unedited form may be obtained at www.floridabuilding.org. It is also available from the International Code Council, Inc. at http://www.iccsafe.org or (888) ICC-SAFE (422-7233).

TABLE OF CONTENTS

CHAPTER 1: APPLICATION AND ADMINISTRATION ........................................ 1
101 Purpose .................................................. 1
102 Dimensions for Adults and Children ....... 3
103 Equivalent Facilitation ......................... 3
104 Conventions ........................................... 4
105 Referenced Standards ......................... 7
106 Definitions ............................................ 14

CHAPTER 2: SCOPING REQUIREMENTS ................................... 33
201 Application ............................................ 34
202 Existing Buildings and Facilities ........... 38
203 General Exceptions .............................. 47
204 Protruding Objects .............................. 51
205 Operable Parts ..................................... 52
206 Accessible Routes ............................... 53
207 Accessible Means of Egress ............... 70
208 Parking Spaces .................................... 71
209 Passenger Loading Zones and Bus Stops ........................................... 78
210 Stairways ............................................. 79
211 Drinking Fountains ............................. 80
212 Kitchens, Kitchenettes, and Sinks ........ 81
213 Toilet Facilities and Bathing Facilities .. 81
214 Washing Machines and Clothes Dryers ........................................... 84
215 Fire Alarms .......................................... 84
216 Signs ................................................. 85
217 Telephones ......................................... 90
218 Transportation Facilities ..................... 94
219 Assistive Listening Systems ............... 94
220 Automatic Teller Machines and Fare Machines ........................................... 96
221 Assembly Areas ................................. 97
222 Dressing, Fitting, and Locker Rooms . 104
223 Medical Care and Long-Term Care Facilities ........................................... 105
224 Transient Lodging Guest Rooms ....... 108
225 Storage ................................................. 114
226 Dining Surfaces and Work Surfaces ... 116
227 Sales and Service ............................... 117
228 Depositories, Vending Machines, Change Machines, Mail Boxes, and Fuel Dispensers ........................................... 118
CHAPTER 3: BUILDING BLOCKS ..........149
301 General ...................................... 149
302 Floor or Ground Surfaces .......... 149
303 Changes in Level ......................... 151
304 Turning Space ............................... 152
305 Clear Floor or Ground Space ....... 154
306 Knee and Toe Clearance .............. 157
307 Protruding Objects ....................... 161
308 Reach Ranges ............................... 164
309 Operable Parts ............................. 168

CHAPTER 4: ACCESSIBLE ROUTES ...170
401 General ...................................... 170
402 Accessible Routes ......................... 170
403 Walking Surfaces ......................... 171
404 Doors, Doorways, and Gates ........ 174
405 Ramps ........................................ 190
406 Curb Ramps ................................ 196
407 Elevators .................................... 202
408 Limited-Use/Limited-Application Elevators ........................................ 218
409 Private Residence Elevators .......... 222
410 Platform Lifts ............................... 224

CHAPTER 5: GENERAL SITE AND BUILDING ELEMENTS ..........227
501 General ...................................... 227
502 Parking Spaces .................................. 227
503 Passenger Loading Zones ................... 234
504 Stairways ............................................ 237
505 Handrails ............................................ 238

CHAPTER 6: PLUMBING ELEMENTS AND FACILITIES ...........................................245
601 General .............................................. 245
602 Drinking Fountains ............................. 245
603 Toilet and Bathing Rooms ................. 247
604 Water Closets and Toilet Compartments ......................................................... 248
605 Urinals .............................................. 264
606 Lavatories and Sinks .......................... 265
607 Bathtubs ............................................ 267
608 Shower Compartments ....................... 273
609 Grab Bars ........................................... 283
610 Seats .................................................. 286
611 Washing Machines and Clothes Dryers ......................................................... 289
612 Saunas and Steam Rooms................. 290

CHAPTER 7: COMMUNICATION ELEMENTS AND FEATURES...........291
701 General .............................................. 291
702 Fire Alarm Systems ............................ 291
703 Signs .................................................. 292
704 Telephones ........................................ 304
705 Detectable Warnings .......................... 308
706 Assistive Listening Systems ............... 309
707 Automatic Teller Machines and Fare Machines .................................................. 311
708 Two-Way Communication Systems....316

CHAPTER 8: SPECIAL ROOMS, SPACES, AND ELEMENTS ................318
801 General .............................................. 318
802 Wheelchair Spaces, Companion Seats, and Designated Aisle Seats ....... 318
803 Dressing, Fitting, and Locker Rooms .324
804 Kitchens and Kitchenettes .................. 325
805 Medical Care and Long-Term Care Facilities .................................................. 330
806 Transient Lodging Guest Rooms.......330
807 Holding Cells and Housing Cells.......334
808 Courtrooms ........................................ 335
809 Residential Dwelling Units.............. 335
810 Transportation Facilities .................. 339
811 Storage........................................ 346

CHAPTER 9: BUILT-IN ELEMENTS......347
901 General ...................................... 347
902 Dining Surfaces and Work Surfaces... 347
903 Benches ..................................... 348
904 Check-Out Aisles and Sales and
   Service Counters.......................... 350

CHAPTER 10: RECREATION
FACILITIES ...................................353
1001 General ................................... 353
1002 Amusement Rides ....................... 353
1003 Recreational Boating Facilities .... 360
1004 Exercise Machines and Equipment .. 369
1005 Fishing Piers and Platforms .......... 369
1006 Golf Facilities............................ 373
1007 Miniature Golf Facilities ................ 374
1008 Play Areas.................................. 376
1009 Swimming Pools, Wading Pools,
   and Spas.................................. 386
1010 Shooting Facilities with Firing
    Positions....................................... 401

FIGURE INDEX ..................402