

FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION

1. PURPOSE

ETA Editor's Note: On May 27, 1998, the FACBC-97 was certified by the Department of Justice as being equivalent to the ADA Standards, making it the fourth code to be so certified by DOJ. According to the Department of Justice's Website: "A major part of the effort to implement the ADA relies on voluntary compliance by businesses. Code certification facilitates voluntary compliance by putting ADA requirements and local requirements into a single, readily available document. It allows builders to rely on their local inspection and approval processes, and it ensures that accessibility will be routinely considered in those processes. It allows builders to be assured of compliance through inspections early in the construction process, when mistakes can be corrected relatively easily and cost-effectively. It eliminates conflicts between local requirements and ADA requirements. Finally, by incorporating ADA-equivalent accessibility provisions into the local code, certification gives building officials a significant role in enforcing the substance of the ADA. By meshing local processes with Federal requirements, certification makes accessibility part of the process, not an afterthought."

(1) This code shall take effect October 1, 1997.

(2) All new or altered buildings and facilities subject to this code which may be frequented in, lived in, or worked in by the public shall comply with this code.

ETA Editor's Note: FACBC is more stringent than ADAAG because FACBC regulates residential buildings (all new single family houses, duplexes, triplexes, condominiums and townhouses) and private clubs which are not regulated by ADAAG.

(3) This code establishes standards for accessibility to places of public accommodation and commercial facilities by individuals with disabilities. This code shall also apply: to state and local government facilities pursuant to s.553.503, *Florida Statutes*; to private clubs pursuant to s.553.505, *Florida Statutes*; and to residential buildings pursuant to s.553.504(2), *Florida Statutes*. It is to be applied during the design, construction, and alteration of such buildings and facilities as required by sections 553.501-553.513, *Florida Statutes*.

2. GENERAL

2.1 PROVISIONS FOR ADULTS. The specifications in this code are based upon adult dimensions and anthropometrics.

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.

Departure from the explicit technical and scoping requirements of this code for any element voids any otherwise applicable presumption of rebuttable evidence that the element has been constructed or altered in accordance with the minimum accessibility requirements of the ADA.