

By Representative Kelly

1 A bill to be entitled
2 An act relating to accessibility by handicapped
3 persons; creating s. 553.5045, F.S.; providing
4 an exception to the provisions of s. 553.504,
5 F.S., for qualified historic buildings or
6 facilities; providing that federal
7 accessibility guidelines shall govern access to
8 such buildings or facilities; creating s.
9 553.5125, F.S.; providing for the jurisdiction
10 of local code enforcement boards to grant
11 modifications and waivers; providing for the
12 creation of local handicapped accessibility
13 councils; providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 553.5045, Florida Statutes, is
18 created to read:

19 553.5045 Exceptions for historic
20 buildings.--Notwithstanding any provision of s. 553.504,
21 qualified historic buildings or facilities, as defined in
22 reference 4.1.7(b) of the Americans with Disabilities Act
23 Accessibility Guidelines, as described in s. 553.503, shall be
24 governed by the requirements of reference 4.1.7 to the extent
25 of any inconsistency with s. 553.504.

26 Section 2. Section 553.5125, Florida Statutes, is
27 created to read:

28 553.5125 Modifications or exceptions; local boards and
29 advisory councils.--As an alternative to the procedure for
30 modification or waiver established in s. 553.512, a county or
31 city may authorize its respective local building code

1 enforcement board (the "local board") established pursuant to
2 s. 553.80, to grant individual modifications of, or exceptions
3 from, the literal requirements of this part upon a
4 determination of unnecessary or extreme hardship, provided
5 such waivers shall not violate federal accessibility laws and
6 regulations and shall be reviewed by a local Handicapped
7 Accessibility Advisory Council (the "local council"). A local
8 council shall be established by each county or city seeking to
9 authorize the local board to exercise the authority granted
10 herein, and shall consist of at least three members who shall
11 be knowledgeable in the area of handicapped accessibility and
12 who shall be selected from three of the following groups: the
13 Advocacy Center for Persons with Disabilities, Inc.; the
14 Division of Blind Services; the Division of Vocational
15 Rehabilitation; a statewide organization representing the
16 physically handicapped; the hearing impaired; Florida Council
17 of Handicapped Organizations; and the Paralyzed Veterans of
18 America. Upon application made in the form provided by such
19 local board, an individual waiver or modification may be
20 granted by the local board so long as such modification or
21 waiver is not in conflict with more stringent standards
22 provided in another chapter. Each local board and local
23 council may adopt rules establishing procedures for the
24 resolution of applications for modifications or waivers
25 hereunder.

26 Section 3. This act shall take effect upon becoming a
27 law.

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HOUSE SUMMARY

Revises the Florida Americans with Disabilities
Accessibility Implementation Act to:
1. Provide an exception for qualified historic
buildings or facilities and that federal accessibility
guidelines shall govern access to such buildings or
facilities.
2. Provide for the jurisdiction of local code
enforcement boards to grant modifications and waivers.
3. Provide for the creation of local handicapped
accessibility advisory councils.
See bill for details.