

**STORAGE NAME:** h1707.ca

**DATE:** April 4, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1707

**RELATING TO:** Handicapped Accessibility

**SPONSOR(S):** Representative Culp

**STATUTE(S) AFFECTED:** Section 316.1955, F.S.

**COMPANION BILL(S):** SB 2074 (s)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY AFFAIRS
  - (2)
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

This bill revises provisions of the "Florida Americans With Disabilities Implementation Act" and Florida law dealing with parking for disabled persons. The bill conforms these provisions to the federal American's with Disabilities Act (ADA) by lowering more stringent Florida requirements to the federal level.

This bill has the potential to lower construction costs due to a decrease in accessibility standards from the current level.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

**SECTION 316.1955, F.S.**

Section 316.1955, F.S., addresses requirements for parking spaces for persons with disabilities. The statute combines the parking space requirements for the public sector and commercial establishments. A minimum number of parking spaces are required for persons with disabilities in parking lots that are intended for public use.

Under Florida law, parking spaces for persons with disabilities must meet the specific requirements set forth by this statute. Many of the Florida-specific requirements exceed the requirements under the Federal American's with Disabilities Act, including the requirements that:

- (a) accessible routes to a building must be at least 44 inches wide;
- (b) access aisles must be striped diagonally to designate them as no parking areas;
- (c) the slope of the perpendicular and diagonal parking space surface may not exceed 1 to 50 in any direction; 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 to 50, where feasible;
- (d) curb ramps must be located outside of the disabled parking spaces and access aisles; and
- (e) parking spaces must be at least 12 feet wide..

**SECTION 553.504, F.S.**

In 1990, President Bush signed into law the Americans with Disabilities Act (ADA). The ADA is designed to provide increased accessibility to disabled Americans and to send the message that they are entitled to equal opportunity and access to employment, public accommodations, commercial facilities, transportation and local and state governmental services. This act extends civil rights protection to all disabled persons in much the same way that individuals are protected against discrimination on the basis of race, color, sex, national origin, and religion.

By 1990, Florida had an accessibility law that dated back to 1974, and included many Florida-specific requirements which were more stringent than the requirements of the newly signed ADA. In 1993, the Florida Legislature adopted the federal American's with Disabilities Act (ADA) by reference into its accessibility code, which is titled the "Florida Americans With Disabilities Accessibility Implementation Act." In addition to adopting the ADA, the Florida Legislature retained many provisions from its existing accessibility code. These provisions are more stringent than the provisions of the federal ADA. Some of these more-stringent provisions include increased requirements for:

- bathroom doorways in private residences (applies to one bathroom only);

- door widths in buildings other than single-family homes;
- clearance space for ramp landings;
- vertical accessibility;
- spacing, handrails, slopes, and width of curb ramps;
- seating & aisle space for public food service establishments; and,
- restroom access.

Florida's accessibility code is applicable to "all new or altered buildings and facilities subject to ss. 553.501-553.513 which may be frequented in, lived in, or worked in by the public."

Currently, Florida is attempting to obtain certification of its laws implementing the federal American's with Disabilities Act (ADA) from the Department of Justice (DOJ). The DOJ will certify the implementing statutes of states who are in compliance with the ADA. For example, if a state's laws are equivalent to or more stringent than federal standards, that state will be certified. A state who does not maintain the minimum federal standards will not be certified. Certification is desired because it creates a rebuttable presumption in court that the state law meets federal ADA standards. This evidentiary presumption puts building owners at less risk for future liability.

**B. EFFECT OF PROPOSED CHANGES:**

This bill amends section 316.1955, F.S., to delete many of the Florida-specific guidelines relating to parking for persons with disabilities. It will eliminate provisions for increased accessibility and bring these more stringent standards down to the federal ADA level.

The bill also amends section 553.503, F.S., by deleting the Florida-specific guidelines relating to ramp landings, curb ramps and slopes on curb ramps which are not protected by guardrails. Again, these changes will eliminate provisions for increased accessibility by bringing Florida's more stringent standards down to the federal level.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Not applicable.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Not applicable.

- (3) any entitlement to a government service or benefit?

Not applicable.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

- (2) what is the cost of such responsibility at the new level/agency?

Not applicable.

- (3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

Not applicable.

- b. Does the bill require or authorize an increase in any fees?

Not applicable.

- c. Does the bill reduce total taxes, both rates and revenues?

Not applicable.

- d. Does the bill reduce total fees, both rates and revenues?

Not applicable.

- e. Does the bill authorize any fee or tax increase by any local government?

Not applicable.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

Not applicable.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Not applicable.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Not applicable.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

- (4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

Not applicable.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

**D. SECTION-BY-SECTION RESEARCH:**

Section 1 amends section 316.1955, F.S. by:

- (a) deleting the requirement that parking facilities for public use must increase the number of parking spaces for persons with disabilities upon demonstrated and documented need;
- (b) deleting the requirement that curb cuts allowing access to a building must be located on an accessible route which is at least 44 inches wide so that users will not have to walk or wheel behind parked vehicles;
- (c) changing the required width of parking spaces for persons with disabilities from 12 feet wide to 8 feet wide;
- (d) deleting the requirement that each accessible parking space must be part of an accessible route to the building or facility entrance;
- (e) deleting the requirement that access aisles must be striped diagonally to designate them as no parking zones.
- (f) deleting the requirement that perpendicular, diagonal, and parallel parking spaces and access aisles must be even with surface slopes and must not exceed a slope of 1 to 50 in any direction;

- (g) deleting the provision requiring curb ramps to be located outside of the disabled parking spaces and access aisles; and,
- (h) renumbering paragraphs g & h.

Section 2 amends section 553.504 by:

- (a) deleting the requirement that the bottom of all ramps shall have at least 72 inches of straight and level clearance;
- (b) deleting the requirement that curb ramps or curb cuts in privately owned parking areas must be provided to the walkway level, and if more than one curb ramp is provided, they shall be spaced at intervals of no more than 100 feet and located as close as possible to main entrances and exits of the building;
- (c) deleting the requirement that handrails on non-contiguous ramps shall extend at least 18 inches beyond the sloped portion and shall be parallel to the floor or ground surface;
- (d) deleting the requirement that curb ramps that are a part of a required means of egress must be at least 44 inches wide; and,
- (e) deleting the requirement that curb ramps which are not protected by handrails or guardrails must have a slope not exceeding a ratio of 1 to 12.

Section 3 provides that this act will take effect upon becoming a law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Not applicable.

2. Recurring Effects:

This bill has the potential to lower construction costs due to a decrease in accessibility standards from the current level.

3. Long Run Effects Other Than Normal Growth:

Not applicable.

4. Total Revenues and Expenditures:

Not applicable.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Not applicable.

2. Recurring Effects:

This bill has the potential to lower construction costs due to a decrease in accessibility standards from the current level.

3. Long Run Effects Other Than Normal Growth:

Not applicable.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Not applicable.

2. Direct Private Sector Benefits:

This bill has the potential to lower construction costs due to a decrease in accessibility standards from the current level.

3. Effects on Competition, Private Enterprise and Employment Markets:

Not applicable.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Not applicable.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

Not applicable.



C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

Not applicable.

V. COMMENTS:

The Department of Community Affairs commented that this bill could jeopardize Florida's attempt to certify its laws relating to accessibility for disabled persons with the Department of Justice as being in compliance with the federal American's with Disabilities Act (ADA). Any deletion from section 316.1955, F.S., which takes the Florida standards below the ADA will impact certification because our parking law does not adopt the federal standards set forth in the Americans with Disabilities Act Accessibility Guidelines (ADAAG). This bill poses potential problems for certification, including:

1. the ADAAG requires that at least one accessible route shall be provided within the boundary of the site from accessible parking spaces. If language in the statute providing for at least one accessible route from disabled parking spaces to the entrance of the building or facility is deleted, Florida will not be in compliance with the minimum federal standards;
2. the ADAAG allows accessible parking spaces to be 8 feet wide, with a 5 foot access aisle; one of every eight accessible parking spaces must accommodate a van. These van spaces must be 8 feet wide and have an 8 foot access aisle. The Florida law is currently in compliance with ADAAG, which allows for a 12 foot space with a 5 foot access aisle when a state is using "universal parking spaces." If the 8 foot wide parking space with a five foot access aisle is adopted, Florida will not be in compliance with the federal ADA unless van parking requirements are added into the statute;
3. although the ADAAG does not specifically discuss perpendicular, diagonal, and parallel parking, it requires *all* parking spaces and access aisles to be level, with surface slopes not exceeding 1:50 in all directions. If the language in the statute relating to the slopes of parking spaces and access aisles is deleted, Florida will not be in compliance with the federal ADA;
4. the ADAAG requires that curb ramps must be located outside of the disabled parking spaces and access aisles by virtue of the requirements that:
  - a. parking spaces and access aisles shall be level with surface slopes not exceeding 1:50; and
  - b. the maximum slope of a curb ramp in new construction will shall be 1:12.

In combination these provisions call for the location of curb ramps to be outside of the disabled parking spaces and access aisles;

Changes to section 553.504, F.S. will not impact Florida's certification by the Department of Justice because the ADAAG provisions are adopted in the statute and are used as the minimum standard regardless of the other provisions.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

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