

By the Committee on Community Affairs and Representatives
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Bradley

1 A bill to be entitled
2 An act relating to the Florida Americans With
3 Disabilities Accessibility Implementation Act;
4 amending s. 553.502, F.S.; restating the intent
5 of the act; amending s. 553.503, F.S.; adopting
6 federal guidelines and requiring the 1997
7 Florida Accessibility Code for Building
8 Construction to be adopted in accordance with
9 ch. 120, F.S.; amending s. 553.504, F.S.;
10 revising exceptions to applicability of
11 guidelines; amending s. 553.505, F.S.; revising
12 exceptions to applicability of the Americans
13 with Disabilities Act; amending s. 553.507,
14 F.S.; revising exemptions from the act;
15 amending s. 553.509, F.S.; revising vertical
16 accessibility requirements; amending ss.
17 553.511 and 316.1955, F.S.; revising
18 requirements for parking facilities and spaces;
19 amending s. 318.18, F.S.; providing for the
20 dismissal of a citation for illegally parking
21 in a parking space for disabled persons under
22 certain circumstances; providing for the
23 payment of a dismissal fee; amending s.
24 553.512, F.S.; revising the conditions for
25 granting waivers; repealing s. 553.510, F.S.,
26 relating to the national standard for
27 accessibility and usability of private property
28 features; providing an effective date.
29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Section 553.502, Florida Statutes, is
2 amended to read:

3 553.502 Intent.--The purpose and intent of ss.
4 553.501-553.513 is to incorporate into the law of this state
5 the accessibility requirements of the Americans with
6 Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. ss.
7 12101 et seq., and to obtain and maintain United States
8 Department of Justice certification of the Florida
9 Accessibility Code for Building Construction as equivalent to
10 federal standards for accessibility of buildings, structures,
11 and facilities. All state laws, rules, standards, and codes
12 governing facilities covered by the guidelines shall be
13 maintained to assure certification of the state's construction
14 standards and codes. Nothing in ss. 553.501-553.513 is
15 intended to expand or diminish the defenses available to a
16 place of public accommodation under the Americans with
17 Disabilities Act and the federal Americans with Disabilities
18 Act Accessibility Guidelines, including, but not limited to,
19 the readily achievable standard, and the standards applicable
20 to alterations to places of public accommodation.

21 Section 2. Section 553.503, Florida Statutes, is
22 amended to read;

23 553.503 Adoption of guidelines.--Subject to the
24 exceptions in s. 553.504, the federal Americans with
25 Disabilities Act Accessibility Guidelines, as adopted by
26 reference in 28 C.F.R., part 36, subparts A and D, and Title
27 II of Pub. L. No. 101-336, are hereby adopted and incorporated
28 by reference as the law of this state. The guidelines shall
29 establish the minimum standards for the accessibility of
30 buildings and facilities built or altered within this state.
31 The 1997 Florida Accessibility Code for Building Construction

1 must be adopted by the Board of Building Codes and Standards
2 in accordance with chapter 120.

3 Section 3. Section 553.504, Florida Statutes, is
4 amended to read:

5 553.504 Exceptions to applicability of the
6 guidelines.--Notwithstanding the adoption of the Americans
7 with Disabilities Act Accessibility Guidelines in s. 553.503,
8 all buildings, structures, and facilities in this state shall
9 meet the following additional requirements when they provide
10 increased accessibility:

11 (1) All new or altered buildings and facilities
12 subject to ss. 553.501-553.513 which may be frequented in,
13 lived in, or worked in by the public shall comply with ss.
14 553.501-553.513.

15 (2) All new single-family houses, duplexes, triplexes,
16 condominiums, and townhouses shall provide at least one
17 bathroom, located with maximum possible privacy, where
18 bathrooms are provided on habitable grade levels, with a door
19 that has a 29-inch clear opening. However, if only a toilet
20 room is provided at grade level, such toilet room shall have a
21 clear opening of not less than 29 inches.

22 (3) All required doors and walk-through openings in
23 buildings excluding single-family homes, duplexes, and
24 triplexes not covered by the Americans with Disabilities Act
25 of 1990 or the Fair Housing Act shall have at least 29 inches
26 of clear width except under ss. 553.501-553.513.

27 (4) In addition to the requirements in reference 4.8.4
28 of the guidelines, all landings on ramps shall be not less
29 than 60 inches clear, and the bottom of each ramp shall have
30 not less than 72 inches of straight and level clearance.

31

1 (5) All curb ramps shall be designed and constructed
2 in accordance with the following requirements:

3 ~~(a) In addition to the other requirements in reference~~
4 ~~4.7.1 of the guidelines, curb ramps or curb cuts from parking~~
5 ~~areas that are privately owned, to the walkway level, shall be~~
6 ~~provided and, if more than one is provided, it shall be spaced~~
7 ~~along such walkways at intervals of no more than 100 feet and~~
8 ~~such ramps or curb cuts shall be located as close as practical~~
9 ~~to main entrances and exits to buildings.~~

10 (a)~~(b)~~ Notwithstanding the requirements of reference
11 4.8.5.2 of the guidelines, handrails on ramps which are not
12 continuous shall extend not less than 18 inches beyond the
13 sloped segment at both the top and bottom, and shall be
14 parallel to the floor or ground surface.

15 (b)~~(c)~~ Notwithstanding the requirements of references
16 4.3.3 and 4.8.3 of the guidelines, curb ramps that are part of
17 a required means of egress shall be not less than 44 inches
18 wide.

19 (c)~~(d)~~ Notwithstanding the requirements of reference
20 4.7.5 of the guidelines, curb ramps located where pedestrians
21 must use them and all curb ramps which are not protected by
22 handrails or guardrails shall have flared sides with a slope
23 not exceeding a ratio of 1 to 12.

24 (6) Notwithstanding the requirements in reference
25 4.13.11 of the guidelines, exterior hinged doors shall be so
26 designed that such doors can be pushed or pulled open with a
27 force not exceeding 8.5 foot pounds.

28 (7) Notwithstanding the requirements in reference
29 4.33.1 of the guidelines, all public food service
30 establishments, all establishments licensed under the Beverage
31 Law for consumption on the premises, and all facilities

1 governed by reference 4.1 of the guidelines shall provide
2 seating or spaces for seating in accordance with the following
3 requirements:

4 (a) For the first 100 fixed seats, ~~there shall be not~~
5 ~~less than one such~~ accessible and usable spaces must be
6 provided consistent with the following table:

7

| 8 <u>Capacity of Seating</u> | 9 <u>Number of Required</u> |
|------------------------------|--------------------------------|
| 10 <u>In Assembly Areas</u> | 11 <u>Wheelchair Locations</u> |
| 12 <u>1 to 25.....</u> | 13 <u>1</u> |
| 14 <u>26 to 50.....</u> | 15 <u>2</u> |
| 16 <u>51 to 100.....</u> | 17 <u>4</u> |

18 ~~space for each 25 fixed seats or fraction thereof.~~

19 (b) For all remaining fixed seats, there shall be not
20 less than one such accessible and usable space for each 100
21 fixed seats or fraction thereof.

22 (8) Notwithstanding the requirements in references
23 4.32.1-4.32.4 of the guidelines, all fixed seating in public
24 food service establishments, in establishments licensed under
25 the Beverage Law for consumption on the premises, and in all
26 other facilities governed by reference 4.1 of the guidelines
27 shall be designed and constructed in accordance with the
28 following requirements:

29 (a) All aisles adjacent to fixed seating shall provide
30 clear space for wheelchairs.

31 (b) Where there are open positions along both sides of
such aisles, the aisles shall be not less than 52 inches wide.

(9) In motels and hotels a number of rooms equaling at
least 5 percent of the guest rooms minus the number of

1 accessible rooms required by the guidelines shall provide the
2 following special accessibility features:

3 (a) Grab rails in bathrooms and toilet rooms that
4 comply with s. 4.16.4 of the guidelines ~~shall be located 33~~
5 ~~inches from and parallel to the finished floor, measured~~
6 ~~vertically to the top of the rail, with a variation not to~~
7 ~~exceed 1/2 inch.~~

8 (b) All beds in designed accessible guest rooms shall
9 be open-frame type to permit passage of lift devices.

10 (c) All standard water closet seats shall be at a
11 height of 15 inches, measured vertically from the finished
12 floor to the top of the seat, with a variation of plus or
13 minus 1/2 inch. A portable or attached raised toilet seat
14 shall be provided in all designated handicapped accessible
15 rooms.

16
17 All buildings, structures, or facilities licensed as a hotel,
18 motel, or condominium pursuant to chapter 509 shall be subject
19 to the provisions of this subsection. Nothing in this
20 subsection shall be construed as relieving the owner of the
21 responsibility of providing accessible rooms in conformance
22 with ss. 9.1-9.5 of the guidelines.

23 (10) Notwithstanding the requirements in reference
24 4.29.2 of the guidelines, all detectable warning surfaces
25 required by the guidelines shall be governed by the
26 requirements of American National Standards Institute
27 A117.1-1986.

28 (11) Notwithstanding the requirements in references
29 4.31.2 and 4.31.3 of the guidelines, the installation and
30 placement of all public telephones shall be governed by the
31 rules of the Florida Public Service Commission.

1 (12) Notwithstanding the requirements in references
2 4.1.3(11) and 4.16-4.23 of the guidelines, required restrooms
3 and toilet rooms in new construction shall be designed and
4 constructed in accordance with the following requirements:

5 ~~(a) Each restroom and toilet room shall have a minimum~~
6 ~~clear passage of at least 36 inches to the accessible toilet~~
7 ~~stall. If turns of 45 degrees or more are required, such~~
8 ~~passageway shall be at least 44 inches wide.~~

9 (a)(b) The standard accessible restroom stall shall be
10 ~~not less than 68 inches by 68 inches and shall~~ contain an
11 accessible lavatory within it, the size of such lavatory to be
12 not less than 19 inches wide by 17 inches deep, nominal size,
13 and wall-mounted. The lavatory shall be mounted so as not to
14 overlap the clear floor space areas required by s. 4.17 figure
15 30(a) of the guidelines for the standard accessible stall and
16 to comply with s. 4.19 of the guidelines. Such lavatories
17 shall be counted as part of the required fixture count for the
18 building.

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

21 ~~(c)(d) The stall door shall be located in the wall~~
22 ~~adjacent to the accessible lavatory, as far from the lavatory~~
23 ~~as possible, or the stall door shall be located in the wall~~
24 ~~opposite the accessible lavatory if a 60-inch diameter~~
25 ~~wheelchair turnaround can be accommodated within the stall.~~
26 The accessible stall door shall ~~swing outward, shall be not~~
27 ~~less than 32 inches wide, and shall be self-closing. Such~~
28 ~~lavatories shall be counted as part of the required fixture~~
29 ~~count for the building.~~

30 ~~(e) Accessible lavatories shall have lever-operated~~
31 ~~faucets and narrow aprons which shall be mounted at a vertical~~

1 ~~distance of 28 inches, measured by the vertical distance from~~
2 ~~the finished surface of the floor to the bottom of the apron,~~
3 ~~and which shall allow for use of the lavatory by persons in~~
4 ~~wheelchairs.~~

5 ~~(f) Accessible water closet seats shall be at a height~~
6 ~~of not less than 19 inches and not more than 20 inches,~~
7 ~~measured by the vertical distance from the finished surface of~~
8 ~~the floor to the top of the seat.~~

9 ~~(g) A grab rail shall be installed at a height of 33~~
10 ~~inches, measured by the vertical distance from the finished~~
11 ~~surface of the floor to the top of the rail, with an allowable~~
12 ~~variation of not more than 0.5 inches.~~

13 ~~(h) Restroom vestibules in which doors are not in a~~
14 ~~series shall be not less than 52 inches wide, unobstructed,~~
15 ~~and not less than 72 inches deep, unobstructed, in inside~~
16 ~~dimensions, and the door shall swing inward.~~

17 ~~(13) Notwithstanding the provisions of the guidelines,~~
18 ~~when the use of a building, structure, or facility is changed~~
19 ~~or is altered the following shall apply in required restrooms:~~

20 ~~(a) Accessible water closet seats shall be at a height~~
21 ~~of not less than 19 inches and not more than 20 inches,~~
22 ~~measured by the vertical distance from the finished surface of~~
23 ~~the floor to the top of the seat.~~

24 ~~(b) A grab rail shall be installed at a height of 33~~
25 ~~inches, measured by the vertical distance from the finished~~
26 ~~surface of the floor to the top of the rail, with an allowable~~
27 ~~variation of not more than 0.5 inches.~~

28 (13)~~(14)~~ All customer checkout aisles not required by
29 the guidelines to be handicapped accessible shall have at
30 least 32 inches of clear passage.

31

1 ~~(14)~~~~(15)~~ Turnstiles shall not be used in occupancies
2 which serve fewer than 100 persons, but turnstiles may be used
3 in occupancies which serve at least 100 persons if there is an
4 unlocked alternate passageway on an accessible route affording
5 not less than 32 inches of clearance, equipped with latching
6 devices in accordance with the guidelines.

7 ~~(15)~~~~(16)~~ Barriers at common or emergency entrances and
8 exits of business establishments conducting business with the
9 general public that are existing, under construction, or under
10 contract for construction which would prevent a person from
11 using such entrances or exits shall be removed.

12 Section 4. Section 553.505, Florida Statutes, 1996
13 Supplement, is amended to read:

14 553.505 Exceptions to applicability of the Americans
15 with Disabilities Act.--Notwithstanding the Americans with
16 Disabilities Act of 1990, ~~churches and~~ private clubs are
17 governed by ss. 553.501-553.513. Parking spaces, parking lots,
18 and other parking facilities are governed by s. 316.1955, when
19 that section provides increased accessibility.

20 Section 5. Section 553.507, Florida Statutes, is
21 amended to read:

22 553.507 Exemptions.--Sections 553.501-553.513 and s.
23 316.1955(4) do not apply to any of the following:

24 (1) Buildings, structures, or facilities that ~~which~~
25 were either under construction or under contract for
26 construction on October 1, 1997 ~~1993~~.

27 (2) Buildings, structures, or facilities that ~~which~~
28 were in existence on October 1, 1997 ~~1993~~, unless:

29 (a) The building, structure, or facility is being
30 converted from residential to nonresidential or mixed use, as
31 defined by local law;

1 (b) The proposed alteration or renovation of the
2 building, structure, or facility will affect ~~the~~ usability or
3 accessibility ~~of routes of travel or primary functions~~ to a
4 degree that ~~which~~ invokes the requirements of s. 303(a) of the
5 Americans with Disabilities Act of 1990; or

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

9
10 ~~Disproportionate cost as provided in reference 4.1.6(2) of the~~
11 ~~guidelines shall be defined as exceeding 20 percent of the~~
12 ~~cost of the alteration to the primary function area.~~

13 Section 6. Section 553.509, Florida Statutes, is
14 amended to read:

15 553.509 Vertical accessibility.--Nothing in sections
16 553.501-553.513 or the guidelines shall be construed to
17 relieve the owner of any building, structure, or facility
18 governed by those sections from the duty to provide vertical
19 accessibility to all levels above and below the occupiable
20 ~~habitable~~ grade level, regardless of whether the guidelines
21 require an elevator to be installed in such building,
22 structure, or facility, except for:

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

26 (2) Unoccupiable spaces, such as rooms, enclosed
27 spaces, and storage spaces that are not designed for human
28 occupancy, for public accommodations, or for work areas; and

29 (3) Occupiable spaces and rooms that are not open to
30 the public and that house no more than five persons,

31

1 including, but not limited to, equipment control rooms and
2 projection booths.

3
4 However, buildings, structures, and facilities must, as a
5 minimum, comply with the requirements in the Americans with
6 Disabilities Act Accessibility Guidelines.

7 Section 7. Section 553.511, Florida Statutes, is
8 amended to read:

9 553.511 Parking facilities; minimum height clearance
10 requirement.--Every nonresidential structure built on or after
11 January 1, 1991, which is designed to use covered or
12 underground parking as the primary available parking space,
13 shall design the covered or underground parking facility to
14 maintain a minimum height ~~clearance requirement~~ for the
15 portion of the street-accessible level of the parking facility
16 directly over van-accessible ~~handicapped~~ parking spaces and
17 for providing ingress and egress to such ~~handicapped~~ parking
18 spaces of at least 8 feet 2 inches. ~~With respect to parking~~
19 ~~on the street-accessible level of such a facility only, any~~
20 ~~facility which complies with this minimum height requirement~~
21 ~~shall be required to provide 100 percent of the handicapped~~
22 ~~parking spaces which would otherwise be required by law or~~
23 ~~rule.~~ Signs shall be posted to warn operators of
24 handicapped-equipped vans that they cannot pass beyond a
25 certain point due to height limitations. If compliance with
26 this minimum height clearance requirement will cause the
27 structure to exceed local height limitations imposed by local
28 zoning, planning, or fire ordinances, or will result in the
29 imposition of any additional requirements of such ordinances,
30 the structure may exceed the height limitation specified in
31 those particular codes as necessary to comply with the

1 requirements of this section and is exempt from such
2 additional requirements. Structures for which the plans were
3 sealed by an architect prior to January 1, 1991, are exempt
4 from this section.

5 Section 8. Section 316.1955, Florida Statutes, 1996
6 Supplement, is amended to read:

7 316.1955 Parking spaces for persons who have
8 disabilities.--

9 (1) This section is not intended to expand or diminish
10 the defenses available to a place of public accommodation
11 under the Americans with Disabilities Act and the federal
12 Americans with Disabilities Act Accessibility Guidelines,
13 including, but not limited to, the readily achievable
14 standard, and the standards applicable to alterations to
15 places of public accommodation. Subject to the exceptions
16 described in subsections (2), (4), (5), and (6), when the
17 parking and loading zone requirements of the federal Americans
18 with Disabilities Act Accessibility Guidelines (ADAAG), as
19 adopted by reference in 28 C.F.R. Part 36, Subparts A and D,
20 and Title II of Pub. L. No. 101-336, provide increased
21 accessibility, those requirements are adopted and incorporated
22 by reference as the law of this state.

23 (2)(1) State agencies and political subdivisions
24 having jurisdiction over street parking or publicly owned or
25 operated parking facilities are not required to provide a
26 greater right-of-way width than would otherwise be planned
27 under regulations, guidelines, or practices normally applied
28 to new development.

29 (3)(2) If parking spaces are provided for self-parking
30 by employees or visitors, or both, accessible spaces shall be
31 provided in each such parking area. Such spaces shall be ~~Each~~

1 ~~state agency and political subdivision that has jurisdiction~~
2 ~~over street parking or publicly owned and operated parking~~
3 ~~facilities and each commercial real estate property owner who~~
4 ~~offers public parking shall provide a minimum number of~~
5 ~~specially designed and marked motor vehicle parking spaces for~~
6 ~~the exclusive use of those individuals who have a severe~~
7 ~~physical disability and have permanent or temporary mobility~~
8 ~~problems that substantially impair their ability to ambulate~~
9 ~~and who have been issued either a disabled parking permit~~
10 ~~under s. 316.1958 or s. 320.0848 or a license plate under s.~~
11 ~~320.084, s. 320.0842, s. 320.0843, or s. 320.0845.~~

12 ~~(4)(3)~~ The following minimum number of accessible such
13 parking spaces must comply with the parking requirements in
14 ADAAG s. 4.1. and the following be provided:

15 (a) One space in the immediate vicinity of a publicly
16 owned or leased building that houses a governmental entity or
17 a political subdivision, including, but not limited to, state
18 office buildings and courthouses, if no parking for the public
19 is provided on the premises of the building;

20 (b) One space for each 150 metered onstreet parking
21 spaces provided by state agencies and political subdivisions;

22 ~~(c) Parking facilities that are intended for public~~
23 ~~use but are not subject to paragraph (a) must provide for~~
24 ~~persons who have disabilities a minimum number of parking~~
25 ~~spaces as set forth in the following table; however, The~~
26 ~~number of parking spaces for persons who have disabilities~~
27 ~~must be increased on the basis of demonstrated and documented~~
28 ~~need.~~

29
30 ~~Total Parking in Lot~~ ~~Required Number of~~
31 ~~Accessible Spaces~~

| | | |
|----|-----------------------------|-------------------------------|
| 1 | | |
| 2 | Up to 25..... | 1 |
| 3 | 26 to 50..... | 2 |
| 4 | 51 to 75..... | 3 |
| 5 | 76 to 100..... | 4 |
| 6 | 101 to 150..... | 5 |
| 7 | 151 to 200..... | 6 |
| 8 | 201 to 300..... | 7 |
| 9 | 301 to 400..... | 8 |
| 10 | 401 to 500..... | 9 |
| 11 | 501 to 1000..... | 2% of total |
| 12 | over 1000..... | 20 plus 1 for each |
| 13 | | 100 over 1000 |

14
15
16 ~~Accessible parking spaces at outpatient facilities and~~
17 ~~facilities that specialize in the treatment of persons with~~
18 ~~mobility impairments shall allocate the number of accessible~~
19 ~~spaces specified in s. 4.1.2 of the Americans with~~
20 ~~Disabilities Act Accessibility Guidelines.~~

21 ~~(5)(4) Accessible perpendicular and diagonal~~
22 ~~accessible such parking spaces and loading zones must be~~
23 ~~designed and located in conformance with the guidelines set~~
24 ~~forth in ADAAG ss. 4.1.2. and 4.6. and Appendix s. A4.6.3~~
25 ~~"Universal Parking Design."as follows:~~

26 ~~(a) All spaces must have accessible thereto a~~
27 ~~curb-ramp or curb-cut, when necessary to allow access to the~~
28 ~~building served, and must be located on an accessible route no~~
29 ~~less than 44 inches wide so that users will not be compelled~~
30 ~~to walk or wheel behind parked vehicles.~~

31

1 (b) Each space must be located on the shortest safely
2 accessible route from the parking space to an accessible
3 entrance. If there are multiple entrances or multiple retail
4 stores, the parking spaces must be dispersed to provide
5 parking at the nearest accessible entrance. If a theme park
6 or an entertainment complex as defined in s. 509.013(9)
7 provides parking in several lots or areas from which access to
8 the theme park or entertainment complex is provided, a single
9 lot or area may be designated for parking by persons who have
10 disabilities, if the lot or area is located on the shortest
11 safely accessible route to an accessible entrance to the theme
12 park or entertainment complex or to transportation to such an
13 accessible entrance.

14 (c) Each parking space must be no less than 12 feet
15 wide. Parking access aisles must be no less than 5 feet wide
16 and must be part of an accessible route to the building or
17 facility entrance. The parking access aisles are reserved for
18 the use of persons who have disabled parking permits, and
19 violators are subject to the same penalties that are imposed
20 for illegally parking in parking spaces that are designated
21 for persons who have disabilities. Two accessible parking
22 spaces may share a common access aisle. The access aisle must
23 be striped diagonally to designate it as a no-parking zone.
24 Any provision of this subsection to the contrary
25 notwithstanding, a theme park or an entertainment complex as
26 defined in s. 509.013(9) in which are provided continuous
27 attendant services for directing individuals to marked
28 accessible parking spaces or designated lots for parking by
29 persons who have disabilities, the park or complex may, in
30 lieu of the required parking space design ~~universal spaces~~,
31 provide parking spaces that comply with ss. 4.1 and 4.6 ~~either~~

1 ~~of the alternatives specified in s. 4.6.3 of the Americans~~
2 ~~with Disabilities Act Accessibility Guidelines.~~

3 (d) On-street parallel parking spaces must be located
4 either at the beginning or end of a block or adjacent to alley
5 entrances. Such spaces must be designed in conformance with
6 the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5.
7 exception: access aisles are not required. Curbs adjacent to
8 such spaces must be of a height that will not interfere with
9 the opening and closing of motor vehicle doors. This
10 subsection does not relieve the owner of the responsibility to
11 comply with the parking requirements of ADAAG ss. 4.1 and 4.6.

12 (e) ~~Perpendicular and diagonal parking spaces and~~
13 ~~access aisles for persons who have disabilities must be even~~
14 ~~with surface slopes and must not exceed a slope of 1 to 50 in~~
15 ~~any direction.~~ Parallel parking spaces must be even with
16 surface slopes, may match the grade of the adjacent travel
17 lane, and must not exceed a cross slope of 1 to 50, where
18 feasible.

19 (f) Curb ramps must be located outside of the disabled
20 parking spaces and access aisles.

21 (g) ~~Each parking space must conform with the~~
22 ~~requirements of this section no later than October 1, 1997.~~

23 (g)(h)1. The removal of architectural barriers from a
24 parking facility in accordance with 28 C.F.R. s. 36.304 or
25 with s. 553.508 must comply with this section unless
26 compliance would cause the barrier removal not to be readily
27 achievable. If compliance would cause the barrier removal not
28 to be readily achievable, a facility may provide ~~alternative~~
29 parking spaces at alternative locations for persons who have
30 disabilities and provide appropriate signage directing persons
31 who have disabilities to the alternative parking if readily

1 achievable spaces. The facility may not reduce the required
2 number or dimensions of those spaces, nor may it unreasonably
3 increase the length of the accessible route from a parking
4 space to the facility. The removal of an architectural
5 barrier must not create a significant risk to the health or
6 safety of a person who has a disability or to that of others.

7 2. A facility that is making alterations under s.
8 553.507(2)(b) must comply with this section to the maximum
9 extent feasible. If compliance with parking location
10 requirements is not feasible, the ~~a~~ facility may provide
11 ~~alternative~~ parking spaces at alternative locations for
12 persons who have disabilities and provide appropriate signage
13 directing persons who have a disability to alternative parking
14 ~~spaces~~. The facility may not reduce the required number or
15 dimensions of those spaces, nor may it unnecessarily increase
16 the length of the accessible route from a parking space to the
17 facility. The alteration must not create a significant risk
18 to the health or safety of a person who has a disability or to
19 that of others.

20 ~~(6)(5)~~ Each such parking space must be prominently
21 outlined with blue paint, and must be repainted when
22 necessary, to be clearly distinguishable as a parking space
23 designated for persons who have disabilities and must be
24 posted with a permanent above-grade sign of a color and design
25 approved by the Department of Transportation, bearing the
26 international symbol of accessibility meeting the requirements
27 of ADAAG s. 4.30.7 and the caption "PARKING BY DISABLED PERMIT
28 ONLY." Such sign erected after October 1, 1996, must indicate
29 the penalty for illegal use of the space. Any provision of
30 this section to the contrary notwithstanding, in a theme park
31 or an entertainment complex as defined in s. 509.013(9) in

1 which accessible parking is located in designated lots or
2 areas, the signage indicating the lot as reserved for
3 accessible parking may be located at the entrances to the lot
4 in lieu of a sign at each parking place. This subsection does
5 not relieve the owner of the responsibility of complying with
6 the signage requirements of ADAAG s. 4.30.

7 (7)(6) It is unlawful for any person to stop, stand,
8 or park a vehicle within any such specially designated and
9 marked parking space provided in accordance with this section,
10 unless the vehicle displays a disabled parking permit issued
11 under s. 316.1958 or s. 320.0848 or a license plate issued
12 under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845,
13 and the vehicle is transporting the person to whom the
14 displayed permit is issued. The violation may not be dismissed
15 for failure of the markings on the parking space to comply
16 with this section if the space is in general compliance and is
17 clearly distinguishable as a designated space.

18 (a) Whenever a law enforcement officer, a parking
19 enforcement specialist, or the owner or lessee of the space
20 finds a vehicle in violation of this subsection, that officer,
21 owner, or lessor shall have the vehicle in violation removed
22 to any lawful parking space or facility or require the
23 operator or other person in charge of the vehicle immediately
24 to remove the unauthorized vehicle from the parking space.
25 Whenever any vehicle is removed under this section to a
26 storage lot, garage, or other safe parking space, the cost of
27 the removal and parking constitutes a lien against the
28 vehicle.

29 (b) The officer or specialist shall charge the
30 operator or other person in charge of the vehicle in violation
31

1 with a noncriminal traffic infraction, punishable as provided
2 in s. 316.008(4) or s. 318.18(6).

3 (c) All convictions for violations of this section
4 must be reported to the Department of Highway Safety and Motor
5 Vehicles by the clerk of the court.

6 (d) A law enforcement officer or a parking enforcement
7 specialist has the right to demand to be shown the person's
8 disabled parking permit and driver's license or state
9 identification card when investigating the possibility of a
10 violation of this section. If such a request is refused, the
11 person in charge of the vehicle may be issued a citation for a
12 violation of this section.

13 (8)~~(7)~~ Any person who is chauffeuring a person who has
14 a disability is allowed, without need for a disabled parking
15 permit or a special license plate, to stand temporarily in any
16 such parking space, for the purpose of loading or unloading
17 the person who has a disability. A penalty may not be imposed
18 upon the driver for such temporary standing.

19 (9)~~(8)~~(a) A vehicle that is transporting a person who
20 has a disability and that has been granted a permit under s.
21 320.0848(1)(d) may be parked for a maximum of 30 minutes in
22 any parking space reserved for persons who have disabilities.

23 (b) Notwithstanding paragraph (a), a theme park or an
24 entertainment complex as defined in s. 509.013(9) which
25 provides parking in designated areas for persons who have
26 disabilities may allow any vehicle that is transporting a
27 person who has a disability to remain parked in a space
28 reserved for persons who have disabilities throughout the
29 period the theme park is open to the public for that day.

30 Section 9. Subsection (6) of section 318.18, Florida
31 Statutes, 1996 Supplement, is amended to read:

1 318.18 Amount of civil penalties.--The penalties
2 required for a noncriminal disposition pursuant to s. 318.14
3 are as follows:

4 (6) One hundred dollars for illegally parking in a
5 parking space provided for disabled persons under s. 316.1955
6 or s. 316.1956 or provide proof to the clerk of the circuit
7 court that the person committing the violation has a valid
8 parking permit or license plate issued pursuant to s.
9 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s.
10 320.0848 and a signed affidavit that the owner of the disabled
11 parking permit was present at the time the violation occurred,
12 and such parking permit or license plate was valid at the time
13 the violation occurred. Upon provision of proof of such a
14 valid parking permit or license plate and payment of a \$5
15 dismissal fee to the clerk of the circuit court, the clerk
16 shall dismiss the citation unless otherwise established by
17 ordinance pursuant to s. 316.008. Notwithstanding s. 318.21,
18 the ordinance may provide for the distribution of the proceeds
19 of the fine.

20 Section 10. Subsection (1) of section 553.512, Florida
21 Statutes, is amended to read:

22 553.512 Modifications and waivers; advisory council.--

23 (1) The Florida Board of Building Codes and Standards
24 shall provide by regulation criteria for granting individual
25 modifications of, or exceptions from, the literal requirements
26 of this part upon a determination of unnecessary,
27 unreasonable, or extreme hardship, provided such waivers shall
28 not violate federal accessibility laws and regulations and
29 shall be reviewed by the Handicapped Accessibility Advisory
30 Council consisting of the following seven members, who shall
31 be knowledgeable in the area of handicapped accessibility.

1 The Secretary of Community Affairs shall appoint the
2 following: a representative from the Advocacy Center for
3 Persons with Disabilities, Inc.; a representative from the
4 Division of Blind Services; a representative from the Division
5 of Vocational Rehabilitation; a representative from a
6 statewide organization representing the physically
7 handicapped; a representative from the hearing impaired; a
8 representative from the President, Florida Council of
9 Handicapped Organizations; and a representative of the
10 Paralyzed Veterans of America. The terms for the first three
11 council members appointed subsequent to October 1, 1991, shall
12 be for 4 years, the terms for the next two council members
13 appointed shall be for 3 years, and the terms for the next two
14 members shall be for 2 years. Thereafter, all council member
15 appointments shall be for terms of 4 years. No council member
16 shall serve more than two 4-year terms subsequent to October
17 1, 1991. Any member of the council may be replaced by the
18 secretary upon three unexcused absences. Upon application
19 made in the form provided, an individual waiver or
20 modification may be granted by the board so long as such
21 modification or waiver is not in conflict with more stringent
22 standards provided in another chapter.

23 Section 11. Section 553.510, Florida Statutes, is
24 hereby repealed.

25 Section 12. This act shall take effect October 1,
26 1997.

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