

Commission on Disability Issues

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Subject: Proposed Florida SB 2078C1 - addresses Uniform Building Codes

Problems:

1. Bill needs to include language that comprehensive accessibility training shall be required for anyone who reviews plans or inspects sites.
2. Accessibility is not a discipline and thus the wording of this bill compromises accessibility compliance. We need to ask that the building code requirements contained in the Florida Accessibility Building Code be treated as a separate discipline in the same manner as requirements for electrical, plumbing, structural, and life safety are currently treated.

Miami-Dade County, Florida, Commission on Disability Issues Official Opinion:

Recommendations:

That the building code requirements contained in the Florida Uniform Building Code, Chapter 553 of Florida Statutes, Chapter 760 of Florida Statutes, and Chapter 316 of Florida Statutes should be treated as a separate discipline in the same manner as requirements for electrical, plumbing, structural, and life safety are currently treated.

A license or certification for the field of accessibility should be developed. There should be separate plans reviews and inspections for accessibility. Accessibility plans examiners and field inspectors should receive specialized training, and demonstrate a high level of knowledge of the applicable accessibility requirements. Two hours a year of continuous education in accessibility is not sufficient to learn, and remain current with, over 85 pages of standards and requirements.

Until such time as more established requirements are developed, the following should be adopted as a part of Senate Bill 2078 or its substitute SB 2078C1 regarding certification of building plans and construction:

Anyone who approves or certifies plans or building construction in the state of Florida shall first complete a minimum of 8 hours of state developed and/or approved course(s) covering the requirements of the Florida Accessibility Code. In addition, anyone who certifies plans or approves building construction of multifamily dwellings of four units or more shall first complete an additional 4 hours of a State developed and/or approved course covering the requirements of the Federal and State Fair Housing Laws. Approval of courses is to be done Florida Department of Community affairs.

The wording in Chapter 11 #14-17 that says the counties and cities cannot have more stringent requirements than those contained in this bill should be eliminated.

BACKGROUND:

The proposed SB 2078C1 states that "A private provider and any duly authorized representative may perform only building code inspection services that are within the disciplines covered by that person's license or certification under chapter 481, chapter 471, or chapter 468." There currently is no license or certification for the field of accessibility. And yet, the requirements for accessibility are extensive, are very complex, and have a lot of gray areas.

It is difficult to develop specific requirements for a field that has no established curriculum, credits, degrees, exams, apprenticeship or licenses. However, when the work of architects and builders who do not know the law is inspected by persons who do not know the law, the results are disastrous. Most non-compliant designs by architects are a result of ignorance, not intent. More stringent educational requirements for architects would certainly help. Regardless of that, however, there will always be a need for well-trained plans examiners and field inspectors.

It is not sufficient to have fully trained accessibility plans examiners to insure that the plans are correct, and then rely on untrained field inspectors who are expected to identify departures from the approved plans. Field inspectors must also meet education requirements. If they do not have an advanced level of knowledge of accessibility requirements, they will not even notice many types of deviations from the plans.

It is essential to the rights of people with disabilities and to the integrity and well being of our community that there be strict enforcement of accessibility codes.

When State and County government first recognized the importance of providing an accessible community where persons with disabilities could live independent and productive lives, new codes and laws were passed that applied limited requirements for accessibility to new construction and alterations. Those laws did not require existing facilities to be made accessible unless alterations that could affect accessibility were being made in those facilities. The community was not to become immediately accessible. Accessibility was to evolve as new buildings were constructed and old buildings were replaced or renovated. It was to be, at best, a slow process. While the ADA has somewhat improved on that process by requiring public accommodations to make changes that are readily achievable, full accessibility is still only required in new construction and alterations.

Many of the trailblazers that first advocated for accessibility did not live long enough to see their goal of a fully accessible community realized. Many people with disabilities today feel that even the promise of an evolution of accessibility, through new construction and alteration requirements, is not being fulfilled because the laws that govern accessibility are not being strictly followed by owners, architects, and builders; and are not being strictly enforced by building officials.

Every violation is a setback for people with disabilities. Every violation in some way limits the opportunity for people with disabilities to participate fully in our community. A careless or willful departure from the standards may, or may not, save a few dollars in construction costs. Such departures will certainly deny people with disabilities the ability to get a wheelchair out of a car, cross a curb, use a ramp, open a door, turn from a corridor, reach a telephone, use a water fountain, maneuver with a white cane without being injured, see a fire alarm they can not hear, use a bathroom, reach a whole floor of a building, obtain an accessible hotel room, or find an apartment that they can adapt to meet their needs. Such departures further roll back the date when people with disabilities can expect a fully accessible community. Such departures diminish the number of people with disabilities alive today who will live to experience a fully accessible community.