

By Representative Culp

1                                   A bill to be entitled  
2           An act relating to handicapped accessibility;  
3           amending s. 316.1955, F.S.; conforming state  
4           provisions with respect to handicapped parking  
5           spaces to federal requirements of the Americans  
6           with Disabilities Act; amending s. 553.504,  
7           F.S.; providing that curb ramps, or curb cuts,  
8           landings on ramps and handrails on ramps must  
9           conform to federal requirements; providing an  
10          effective date.

11  
12           WHEREAS, it is necessary to amend chapters 316 and 553,  
13          Florida Statutes, to conform existing statutory requirements  
14          to requirements set forth in the appendix to 36 C.F.R. Part  
15          1191, titled ADA Accessibility Guidelines for Buildings and  
16          Facilities, which implements the Americans with Disabilities  
17          Act, 42 U.S.C. 12181 (1966), to provide consistent application  
18          to places of public accommodation and commercial facilities,  
19          NOW, THEREFORE,

20  
21          Be It Enacted by the Legislature of the State of Florida:

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23                   Section 1. Paragraph (c) of subsection (3) and  
24                   subsection (4) of section 316.1955, Florida Statutes, 1996  
25                   Supplements, are amended to read:

26                   316.1955 Parking spaces for persons who have  
27                   disabilities.--

28                   (3) The following minimum number of such parking  
29                   spaces must be provided:

30                   (c) Parking facilities that are intended for public  
31                   use but are not subject to paragraph (a) must provide for

1 persons who have disabilities a minimum number of parking  
2 spaces as set forth in the following table; ~~however, the~~  
3 ~~number of parking spaces for persons who have disabilities~~  
4 ~~must be increased on the basis of demonstrated and documented~~  
5 ~~need:~~

| 6  | 7                    | 8                  | 9 |
|----|----------------------|--------------------|---|
|    | Total Parking in Lot | Required Number of |   |
|    |                      | Accessible Spaces  |   |
| 10 | Up to 25.....        | 1                  |   |
| 11 | 26 to 50.....        | 2                  |   |
| 12 | 51 to 75.....        | 3                  |   |
| 13 | 76 to 100.....       | 4                  |   |
| 14 | 101 to 150.....      | 5                  |   |
| 15 | 151 to 200.....      | 6                  |   |
| 16 | 201 to 300.....      | 7                  |   |
| 17 | 301 to 400.....      | 8                  |   |
| 18 | 401 to 500.....      | 9                  |   |
| 19 | 501 to 1000.....     | 2% of total        |   |
| 20 | over 1000.....       | 20 plus 1 for each |   |
| 21 |                      | 100 over 1000      |   |

22  
23  
24 Accessible parking spaces at outpatient facilities and  
25 facilities that specialize in the treatment of persons with  
26 mobility impairments shall allocate the number of accessible  
27 spaces specified in s. 4.1.2 of the Americans with  
28 Disabilities Act Accessibility Guidelines.

29 (4) Such parking spaces must be designed and located  
30 as follows:  
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1 (a) All spaces must have accessible thereto a  
2 curb-ramp or curb-cut, when necessary to allow access to the  
3 building served, ~~and must be located on an accessible route no~~  
4 ~~less than 44 inches wide so that users will not be compelled~~  
5 ~~to walk or wheel behind parked vehicles.~~

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

19 (c) Each parking space must be no less than 96 inches  
20 ~~12 feet~~ wide. Parking access aisles must be no less than 5  
21 feet wide ~~and must be part of an accessible route to the~~  
22 ~~building or facility entrance.~~ The parking access aisles are  
23 reserved for the use of persons who have disabled parking  
24 permits, and violators are subject to the same penalties that  
25 are imposed for illegally parking in parking spaces that are  
26 designated for persons who have disabilities. Two accessible  
27 parking spaces may share a common access aisle. ~~The access~~  
28 ~~aisle must be striped diagonally to designate it as a~~  
29 ~~no-parking zone.~~ Any provision of this subsection to the  
30 contrary notwithstanding, a theme park or an entertainment  
31 complex as defined in s. 509.013(9) in which are provided

1 continuous attendant services for directing individuals to  
2 marked accessible parking spaces or designated lots for  
3 parking by persons who have disabilities, the park or complex  
4 may, in lieu of universal spaces, provide parking spaces that  
5 comply with either of the alternatives specified in s. 4.6.3  
6 of the Americans with Disabilities Act Accessibility  
7 Guidelines.

8 (d) Parallel parking spaces must be located either at  
9 the beginning or end of a block or adjacent to alley  
10 entrances. Curbs adjacent to such spaces must be of a height  
11 that will not interfere with the opening and closing of motor  
12 vehicle doors.

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

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

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

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

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

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

20           Section 2. Subsections (4) and (5) of section 553.504,  
21 Florida Statutes, are amended to read:

22           553.504 Exceptions to applicability of the  
23 guidelines.--Notwithstanding the adoption of the Americans  
24 with Disabilities Act Accessibility Guidelines in s. 553.503,  
25 all buildings, structures, and facilities in this state shall  
26 meet the following additional requirements:

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.~~

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1           (5) All curb ramps shall be designed and constructed  
2 so that, 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           ~~(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           ~~(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           ~~(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           Section 3. This act shall take effect upon becoming a  
25 law.

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HOUSE SUMMARY

Revises a provision of law dealing with handicapped parking spaces and a provision of law in the Florida Americans With Disabilities Accessibility Implementation Act to conform to federal guidelines with respect to parking spaces and public accommodations. See bill for details.