



001200

April 2, 2001

Karen Slevin, Manager
Community Redevelopment Agency
P.O. Box 490, Station 48
Gainesville, FL 32602

Dear Karen:

I contacted you earlier about the new state law concerning vertical accessibility or elevators. We have discussed this issue with Doug Murdock with the City Building Department and also done some research. Apparently, in 1999 there was a change in the Florida Statute that eliminated an exception for disproportionate costs which is all summarized in the attached letters. This is extremely detrimental to renovation, be it downtown or anywhere. Prior to the 1999 amendment, the local building official could make exemption determinations based on disproportionate costs. Now, an application for waiver actually has to be made to the State which holds public meetings every other month in Orlando. There doesn't even appear to be any kind of de minimus threshold. The waiver process itself is a major cost in time and money.

We would hope that you would put this on the agenda of the Downtown Redevelopment Advisory Board to make a recommendation to the CRA for a change in the legislation. We would also hope that through your contacts with FDDA that they would also be taking action in regard to this. Obviously, we are probably too late for the legislature this year but it is important, I think, to start moving forward.

Thank you for your consideration.

Yours truly,

Linda C. McGurn

LCM/amj

Enclosures

cc: Tom Saunders
Wayne Bowers

(L\Slevin)

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JEFFERY GROSS / ASSOCIATES / ARCHITECTS PA

7 March 2001

Governor Jeb Bush
Office of the Governor
The Capital
Tallahassee, FL 32399-0001

Re: Proposed legislation to correct the vertical accessibility language in
Chapter 553

Dear Governor Bush;

As the Building Owners and Managers Association (BOMA) Florida's representative on the Florida Building Commission's Technical Assistance Committee for Accessibility and a concerned Florida citizen, I would like to bring the following item to your attention.

On June 13th, 2000 the Florida Building Commission (FBC) voted unanimously to request the Department of Community Affairs (DCA) legal staff to prepare proposed legislation to correct the vertical accessibility language in Chapter 553.

The 1993 version of the Florida Accessibility law included a definition for disproportionate costs. This definition allowed the FBC attorney to render an opinion that vertical accessibility, as required under section 553.509 of the Accessibility Code Act, was subject to the limitations of the disproportionate costs basis of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for existing buildings in which an alteration was occurring. The U.S. Department of Justice removed the clause in 1997 as a by-product of the Florida Accessibility Code for Building Construction (FABCB) certification process. Since the Florida adopted the Federal Code during this certification it was thought that that the disproportionate costs was covered in the included Federal provisions.

This provision is very important for the citizens of the State of Florida. If it is not reinstated it could have the effect of stopping construction on any size renovation projects. Under the present interpretation by the DCA attorney, a small \$2,000 remodeling project would require a \$60,000 elevator. This would discourage building owners from legally upgrading their properties and would have a huge economic impact on the State of Florida's economy.

It is my understanding that this provision was removed from a recommended legislative package sent to the session for review. I would strongly urge that the provision be reinstated and sent on for the legislative process review.

Sincerely,

Jeffery Gross

1816 Sherman St. Hollywood, Florida 33020 954-925-3964

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