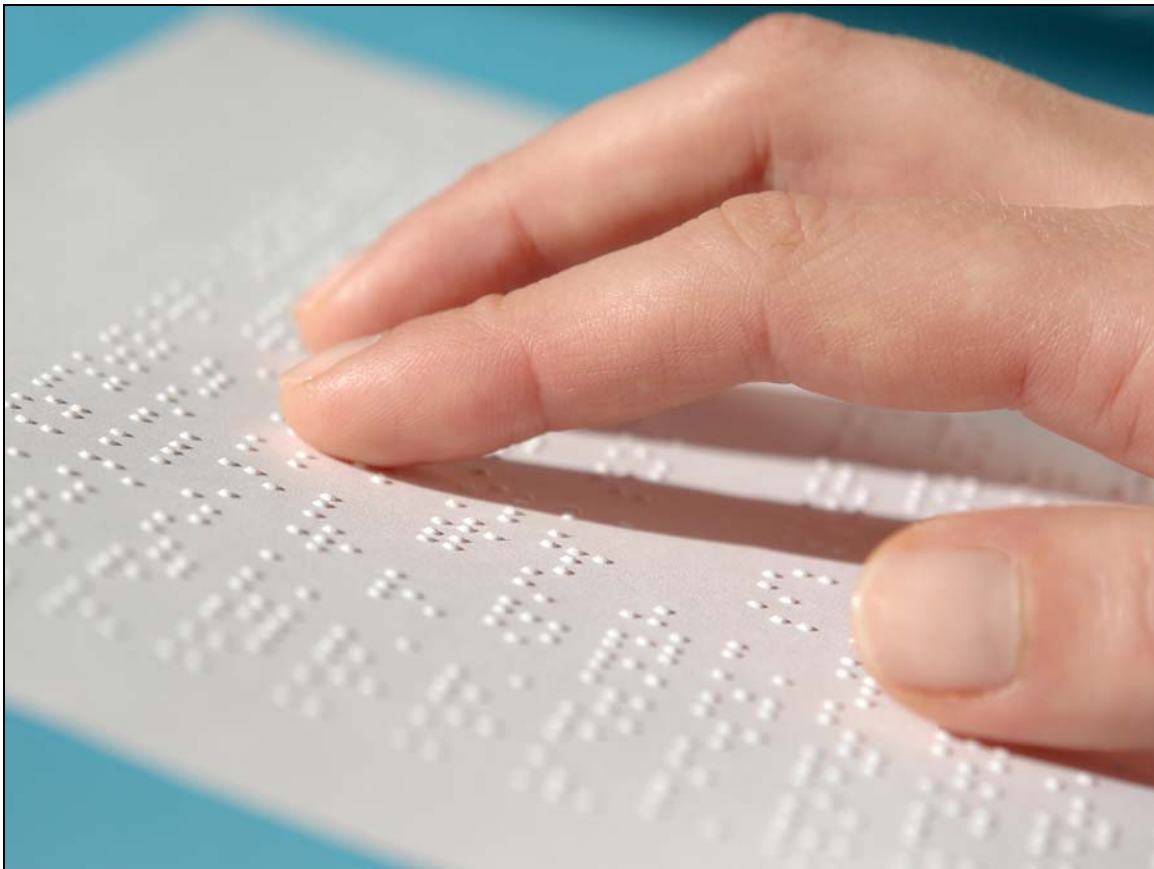




Americans with Disabilities Act Transition Plan Update



Broward County Board of County Commissioners

**BROWARD COUNTY, FLORIDA
ADA TRANSITION PLAN UPDATE
MARCH, 2007**

TABLE OF CONTENTS

Executive Summary	iv
Overview	1
Comparison of Structural and Programmatic Approaches to Compliance	2
Economic Advantages of Programmatic Approach	3
Legal Mandate	4
1. Establishment of Disability Affairs Section and Position of ADA Coordinator	5
2. Issue Notice of ADA Requirement	5
3. Establishment of Grievance Procedures	5
4. Conduct a Self-Evaluation	5
• Policies and Procedures	
• Communications	
• Employment	
• Program and Facility Accessibility	
5. Develop a Transition Plan	6
Methodology	6
Phase I: Planning and Self-Evaluation	7
ADA Task Force	7
A. Facility Inventory	
B. Survey Tools	
• Exterior Accessibility	
• Interior Accessibility	
• Program Accessibility	
Transition Plan Update Team	10

Self-Evaluation/Data Collection	11
A. Establishment of Disability Affairs Section and Position of ADA Coordinator	11
B. Issue Notice of ADA Requirements	12
C. Grievance Procedures for County Services, Programs and Activities	12
D. Policies and Procedures Review	12
E. ADA Communications Review	13
F. Employment Policies and Practices Review	14
Phase II: Recommendations and Prioritization	16
Data Analysis	16
Policy and Procedures Survey Recommendations	16
Communications Survey Recommendations	16
A. Auxiliary Aids and Services	17
B. Sign Language Interpreter Services	17
C. Telecommunications Access	17
D. Inclusion of Braille services in County Agencies	19
Employment Recommendations	19
Priority System Development	20
Operational, Non-structural and Structural Recommendations	21
Database and Intranet Website	22
Cost Estimates	22
Streets and Sidewalk Accessibility	23
Lighting and Traffic Signals	24
Community involvement and Outreach	25

Phase III: Adoption and Implementation	26
Public Outreach	26
Training	27
Communication and Training Budget Recommendations	28
Summary	29
Recommendations	30

**BROWARD COUNTY, FLORIDA
ADA TRANSITION PLAN UPDATE
MARCH, 2007**

EXECUTIVE SUMMARY

The Americans with Disabilities Act (ADA) is a comprehensive civil rights act that prohibits discrimination and ensures equal opportunity for persons with disabilities. In accordance with the requirements set forth by Title II of the Americans with Disabilities Act, This report describes the process by which Broward County's policies, practices, programs and facilities were evaluated, and describes how prioritization for accessibility improvements, including the facility surveys detailing physical barriers, occurred. This Plan further describes the process by which the County will continue to evaluate its physical facilities and remain in compliance with the Act.

Program Background

Broward County has a long history of efforts to improve the accessibility of its programs, services, and facilities to individuals with disabilities. Upon the enactment of the Americans with Disabilities Act in 1990, Broward County mobilized to comply with the new law's multi-faceted requirements. The County worked on the ADA Transition Plan from 1992-1994, and began implementation soon after. Over the next 10 years, the scope and extent of Broward County's programs increased. Bond initiatives were undertaken to fund new parks and libraries. Existing agencies expanded services and offered new services to the community. In light of new construction of County facilities, frequent shifting in programs assigned to existing facilities, and a general increase in the number and scope of programs and services offered to the public by Broward County, the County began work on its ADA Transition Plan Update process.

Section 35.150(b)(1) of the Americans with Disabilities Act requires that the County operates each program so that, when viewed in its entirety, the program is readily accessible to and usable by individuals with disabilities. This is known as the program accessibility standard, and it is one of the most important concepts in ADA Compliance planning. It allows programmatic adjustments—those not requiring physical modification to the structure—to be taken into consideration as a primary response to ADA facility compliance. Structural adjustments, which involve physical modification of a structure, are generally cost-intensive, disruptive to work flows, and time-consuming, and, most importantly, not always required.

Programmatic adjustments identified in this report will save the County significantly in terms of budgetary resources necessary to bring County facilities into compliance, over structural solutions. While less costly and more efficient, the programmatic approach does require a knowledgeable staff qualified in ADA compliance to review all program placements prior to decisions being made. ADA compliance is a complex process that affects an entity at many levels.

Experience indicates that compliance activities are best approached in a coordinated manner. Furthermore, success in implementing permanent changes depends to great extent on the quality of the planning process itself and the degree to which compliance becomes integrated in on-going operations.

ADA Task Force

In December 2005, the County Administrator, through the Office of Equal Opportunity, directed the establishment of an ADA Task Force to discuss ways to expedite the development and implementation of the Transition Plan Update.

This Task Force was comprised of the Assistant County Administrator, and the Directors of Public Works and Transportation Department, Community Services Department, Human Services Department, Finance and Administrative Services Department, Urban Planning and Redevelopment Department, the Office of Management and Budget and the Office of Equal Opportunity. The Office of Equal Opportunity was given the assignment to develop a proposed work plan for the Task Force's discussion, which was to include a phased-in approach to the completion of a transition plan update. The Task Force met on numerous occasions to discuss the strategic work plan being proposed, the facility accessibility survey tools, and resource requirements being requested.

Three-Phase Process

The ADA Transition Plan Update process consists of three phases:

- *Phase I: Planning and Self-Evaluation Phase* – The first phase involved planning and assessment, including the formation of the ADA Task Force, the facility inventory, the creation of survey tools, the hiring of staff for the effort, and subsequent data collection.
- *Phase II: Recommendations and Prioritization* – review of Phase I findings and the development of recommendations.
- *Phase III: Adoption and Implementation* - Phase III includes the approval of recommended actions by the Broward County Board of County Commissioners, and the start of implementation of the ADA Transition Plan Update.

During Phase I of the ADA Transition Plan Update, the ADA Transition Team completed reviews of the County's policies and procedures, communication resources and all County programs (215), and facilities (141). In order to expedite this project and maintain the integrity of the Transition Plan Update, the concept of Facility/Program Assessment Teams was established; each team was to consist of at least three persons to accomplish the facilities reviews. Each Team included an ADA Specialist, a Facilities Manager, and a person knowledgeable about the programs housed in each facility. Under the direction of the County's ADA Administrator, the ADA Specialists served as leaders of the

survey teams and conducted the facility access reviews of all County owned, operated and leased facilities. As the assessment proceeded through the County, department by department, relevant staff members in each agency were given comprehensive training sessions on the Americans with Disabilities Act and principles of compliance.

In total, there were over 150 unique teams, with varying program and facility members, required to perform the reviews in Phase I. With the assistance of the County's directors, each team approached the process in a direct and effective manner, and completed its review in four months—a time period that would not have been possible had County staff not been involved.

Phase II focused on the development of programmatic recommendations for ensuring accessibility to County programs and facilities. The ADA Team conducted a detailed analysis of the data collected during Phase I and developed recommendations to correct identified deficiencies in each of the four major areas. In addition, cost estimates for removing barriers were generated by the appropriate County facility management agencies.

During Phase III, upon approval of the ADA Transition Plan Update by the Board of County Commissioners, recommendations developed during Phase II to bring the County into compliance with the Americans with Disabilities Act will be implemented.

Public outreach, accountability, and transparency are all crucial to the success of the ADA Transition Plan Update. To this end, the Office of Equal Opportunity has made the use of technology a major part of the update effort from its inception. The intranet site, created during Phase II, has been central to the County's ability to complete this difficult process accurately and efficiently. The site will form the basis of the public outreach website, slated for development and deployment during Phase III.

Cost Estimates

Based on the information obtained during the Transition Plan Update process, the ADA Transition Plan Update team is able to provide estimates of the costs associated with bringing the County into full compliance with the Americans with Disabilities Act in terms of its programs and facilities.

The following budget summary reflects current cost estimates, by priority rank, for implementing the recommendations developed during the ADA facility/program review process:

Priority Group	Public Works	Port Everglades	Parks	Operational	Totals
Priority 1	\$629,751	\$0	\$3,285,200	\$135,250	\$4,050,201
Priority 2	\$2,356,464	\$0	\$833,700	\$0	\$3,190,164
Priority 3	\$29,400	\$276,050	\$402,100	\$0	\$707,550
Final Estimated Costs	\$3,015,615	\$276,050	\$4,521,000	\$135,250	\$7,947,915

Phase III implementation of the recommendations will also include a considerable emphasis on broad-based training of County staff on the ADA, and significant public outreach. Costs associated with requirements for communications enhancements include \$62,244 for TTY systems, \$100,000 for sign language interpreter services, and \$250,000 for a specialized countywide training program, for a total of \$412,244. The ADA Transition Plan Update Team recommends the County Commission consider funding for additional Braille machines, to provide enhanced service at strategic locations for the disable community; these machines are estimated to cost \$164,360.

Outcome of the ADA Transition Plan Update Process

Upon approval and adoption of the ADA Transition Plan Update, the County will be in compliance with the requirements of Title II of the Americans with Disabilities Act. But beyond the legal requirements, Broward County and its Board of County Commissioners are demonstrating, through this Transition Plan Update, their commitment to inclusion of all County citizens in public programs and facilities, as well as a dedication to transparency in government and to sustaining a high quality of life for residents. The institution of an ongoing ADA compliance monitoring system, coupled with increased community outreach and involvement, will ensure that Broward County will be a leader in the effort to comply with the Americans with Disabilities Act, and continue the County's commitment to inclusion.

**BROWARD COUNTY, FLORIDA
ADA TRANSITION PLAN UPDATE
MARCH, 2007**

Overview

The Americans with Disabilities Act (ADA) is a comprehensive civil rights act that prohibits discrimination and ensures equal opportunity for persons with disabilities. The ADA Transition Plan Update is being prepared according to the requirements set forth in Title II of the Americans with Disabilities Act. This report describes the process by which policies, practices, programs and facilities were evaluated, and describes how prioritization for accessibility improvements, including the facility surveys detailing physical barriers, occurred. This Plan further describes the process by which the County will continue to evaluate its physical facilities and remain in compliance with the Act.

Broward County has a long history of efforts to improve the accessibility of its programs, services, and facilities to individuals with disabilities. Well before the passage of the Americans with Disabilities Act, Broward County established a committee of representatives from County agencies and the local disabled community to implement the requirements of Section 504 of the Rehabilitation Act of 1973.

Upon the enactment of the Americans with Disabilities Act in 1990, Broward County mobilized to comply with the new law's multi-faceted requirements. At that time, the County undertook the development of the required ADA Transition Plan. The original evaluations of compliance with the Act were made on a departmental basis, with each department responsible for coordination and implementation of the ADA Transition Plan recommendation applicable to its own programs and facilities. While the approach taken under the original ADA Transition Plan was decentralized, the Office of Equal Opportunity maintained one staff position for Americans with Disabilities Act compliance support.

The County worked on the ADA Transition Plan from 1992-1994, and began implementation soon after. Throughout the remainder of the 1990s and into the current decade, departments implemented the recommendations of the original Transition Plan. Requests for funding of remedial actions were made by each department, directly to budget, based in part on issues identified during the initial assessment, for barriers identified in the plan.

Over the next 10 years, the scope and extent of Broward County's programs increased. Bond initiatives were undertaken to fund new parks and libraries. Existing agencies expanded services and offered new services to the community. Because the obligations under Title II of the ADA are ongoing and any change in the use or placement of programs and services triggers further evaluation for compliance with the ADA, an update of the County's original effort was

necessary. In 2004, the County began revisiting its compliance with the Americans with Disabilities Act.

Comparison of Structural and Programmatic Approaches to Compliance

In light of new construction of County facilities, frequent shifting in programs assigned to existing facilities, and a general increase in the number and scope of programs and services offered to the public by Broward County, the County began work on its ADA Transition Plan Update process in May, 2004. At that time, Broward County entered into an agreement with an architecture and engineering consultant to survey facilities owned and leased by the County to identify all existing structural barriers to persons with disabilities, and the costs associated with remediation of such barriers. This approach was to involve a technical assessment of all County facilities, with remedial actions of a structural nature to follow the assessment.

During the first 1½ years of this structural approach (May 2004 through November 2005), the consultant completed surveys of five (5) County facilities: the Government Center, the Main Library, and the North, South, and West Regional Courthouses. The County's cost for this approach for the 1½ years was \$250,000. While the consultant approach would have eventually surveyed all buildings, using this structural approach, it would have taken several years; when the surveys were completed, the County would still have had the task of bringing the buildings into compliance structurally. Throughout the process, the County would have remained open to legal action on its compliance issues with the Americans with Disabilities Act.

It became readily apparent that change was needed in the County's approach to the ADA Transition Plan Update process. The County was using a structural approach to bringing facilities into compliance with the Act. While this approach is acceptable under the Act, the reviews and resulting remedial actions are expensive and time-intensive.

Section 35.150(b)(1) of the Americans with Disabilities Act requires that the County operates each program so that, when viewed in its entirety, the program is readily accessible to and usable by individuals with disabilities. This is known as the program accessibility standard, and it is one of the most important concepts in ADA Compliance planning. It allows programmatic adjustments—those not requiring physical modification to the structure—to be taken into consideration as a primary response to ADA facility compliance. Structural adjustments, which involve physical modification of a structure, are generally cost-intensive, disruptive to work flows, and time-consuming, and, most importantly, not always required. The County's contract with the consultant was for structural evaluation, and did not allow for programmatic evaluation, which is more cost-effective and efficiently implemented.

Programmatic adjustments identified in this report will save the County significantly in terms of budgetary resources necessary to bring County facilities into compliance, over structural solutions. Under the Act, programmatic approaches are to be taken first—programs can be moved, or other minor adjustments made—with structural approaches being taken only as a last resort.

While less costly and more efficient, the programmatic approach does require a knowledgeable staff qualified in ADA compliance to review all program placements prior to decisions being made. The approach also requires teamwork—staff working together to learn the regulations, the programs, and the facilities, and to develop recommendations to meet the requirements of the law at maximum benefit for cost. Training, to elevate the level of ADA knowledge among program and facility managers, is also critical to the long term effectiveness of the programmatic approach.

Finally, the process as originally designed did not make effective use of County staff resources, particularly those of the County’s departmental executives. As a result, a potentially invaluable resource in marshalling agency-level resources and establishing work priority at the agency level was being overlooked.

Economic Advantages of Programmatic Approach

As noted previously, the use of programmatic approaches, instead of the structural approaches which had been exclusively employed by the outside consultant, results in significant cost savings to the County. The following chart details the results of the surveys of the first five buildings, using the structural approach employed by the County in its consultant-driven process, compared with the programmatic approaches employed by the County during its review.

Facility	Programmatic Approach (County)	% of Total Cost	Structural Approach (Consultant)	% of Total Cost	Cost Savings	% Savings
Government Center	\$543,900	37.9%	\$585,755	18.6%	\$41,855	7.1%
Main Library North	\$341,070	23.8%	\$880,730	28.0%	\$539,660	61.3%
Regional Courthouse South	\$166,145	11.6%	\$584,771	18.6%	\$418,626	71.6%
Regional Courthouse West	\$219,625	15.3%	\$540,201	17.1%	\$320,576	59.3%
Regional Courthouse	\$162,585	11.3%	\$309,589	9.8%	\$147,004	47.5%
Subtotal (Estimated Costs)	\$1,433,325	100.0%	\$2,901,046	92.1%	\$1,467,721	50.6%
Consultants Fees	\$0	0.0%	\$250,000	7.9%	\$250,000	100.0%
Total Cost	\$1,433,325	100.0%	\$3,151,046	100.0%	\$1,717,721	54.5%

The cost savings exhibited by the comparisons above are striking. The average cost savings on each building is \$293,544 (an average of \$580,209 for the structural approach, and \$286,665 for the programmatic approach). For these buildings, the County is projected to save approximately 54.5% by utilizing a unified programmatic approach, over the structural approach originally taken by the County. There are savings in the case of each building, from the Government Center, which requires the greatest percentage of structural adjustments (7.1%) to the North Regional Courthouse, where the Transition Plan Update's approach will save the County an estimated \$418,626, or 71.6%.

Data from the consultant regarding estimated structural costs only exists for five buildings of the County's 141 facilities; this makes generalization, from the comparisons seen here, difficult. While it would not be appropriate to extrapolate from these data a total estimated savings resulting from the use of programmatic approaches, the potential savings of programmatic approaches over structural approaches is unmistakable. This savings extends to the balance of the County's facilities, given that the programmatic approach has been similarly applied across all County facilities.

Legal Mandate

The American with Disabilities Act (ADA) was signed into law on July 26, 1990, and provides a comprehensive mandate of the rights of individuals with disabilities. The signing of the ADA into law was a momentous public policy initiative, because approximately 20% of all Americans (or about 54 million people) have some type of disability that affects their daily lives. The ADA has three titles that address information pertaining to employment and the accessibility of programs, services, and facilities.

Title II of the ADA covers public entities including Broward County Government and all its programs, services and activities. The regulations contained in Title II of the Americans with Disabilities Act prohibit public entities from discriminating against or excluding individuals with disabilities from programs, services, or activities on the basis of disability.

The provisions of Title II fall into four broad areas:

- 1) General non-discrimination
- 2) Equal effective communication
- 3) Employment
- 4) Program and facility accessibility

Equal opportunity must be provided through reasonable modification in policies, practices, or procedures; effective communication must be ensured through the provisions of auxiliary aids and services; nondiscriminatory employment practices are required; and programs must be made accessible through programmatic or architectural modifications.

Title II of the ADA requires that public entities take systemic steps to examine their programs and establish a plan for ensuring compliance with the law. Five action steps must be taken to bring a public entity into compliance with Title II regulations:

1. *Establishment of Disability Affairs Section and Position of ADA Coordinator:* The ADA requires a public entity with fifty or more employees to designate at least one employee to coordinate ADA compliance. Section 35.107 (a)
2. *Issue Notice of ADA Requirement:* All public entities, regardless of size, must provide information to applicants, participants, beneficiaries, employees, and other interested parties regarding the rights and protections afforded by Title II of the ADA, including information about how the Title II requirements apply to its particular programs, services, and activities. This notice also serves to notify the public of the ADA Coordinator's contact information. Section 35.106
3. *Establishment of Grievance Procedures:* Public entities with fifty or more employees must adopt and publish grievance procedures providing for prompt and equitable resolution of grievances arising under Title II of the ADA. The purpose of this grievance is to provide a mechanism for the resolution of discrimination issues at the County level, rather than requiring the complainant to resort to the federal complaint process. Section 35.107 (b)
4. *Conduct a Self-Evaluation: A self- evaluation is a comprehensive review of the following four major areas:* Section 35.105
 - a. *Policies and Procedures* - The self-evaluation involves thorough review of general policies and procedures to ensure non-discrimination.
 - b. *Communications* - The purpose of this survey is to assess the County's ability to provide communication for individuals with disabilities that is as effective as the communication provided to individuals without disabilities.
 - c. *Employment* - The County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).
 - d. *Program and Facility Accessibility* - Title II of the ADA prohibits public entities from excluding individuals with disabilities from programs, services, or activities because of inaccessible facilities.

In order to ensure that our programs are accessible, when viewed in their entirety, we are required to conduct a facility access review.

5. *Develop a Transition Plan:* The ADA Transition Plan flows logically from the Self-Evaluation. If the self-evaluation for programs and facilities reveals that barriers cannot be removed through nonstructural program changes, Title II requires that public entities develop a transition plan. The regulation requires that, at a minimum, the transition plan:
- a. List physical obstacles that limit the accessibility of the public entity's programs, services, or activities to people with disabilities;
 - b. Describe the methods to be used to make the facilities accessible;
 - c. Provide cost estimates;
 - d. Provide a schedule for making the access modifications—a yearly schedule for making the modifications if the transition plan is more than one year long;
 - e. Name a person responsible for implementation of the transition plan.

In addition, Section 35.150 (d)(2) requires that if the public entity has responsibility or authority over streets, roads or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs.

The ADA does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, would create a hazardous condition for other people, or would represent an undue financial and administrative burden.

Methodology

ADA compliance is a complex process that affects the entity at many levels. Experience indicates that compliance activities are best approached in a coordinated manner. Furthermore, success in implementing permanent changes depends to great extent on the quality of the planning process itself and the degree to which compliance becomes integrated in on-going operations.

Broward County's Transition Plan Update process was organized into three main phases that incorporated the five general requirements of Title II regulations.

Phase I: Planning and Self-Evaluation Phase – The first phase involved planning and assessment, including the formation of the ADA Task Force, the facility

inventory, the creation of survey tools, the hiring of staff for the effort, and subsequent data collection.

Phase II: Recommendations and Prioritization - Phase II of the Transition Plan Update included the following activities:

- Data Analysis;
- Development of recommendations associated with the policies and procedures survey;
- Development of recommendations associated with the communications survey;
- Development of program/facility recommendations and priority system;
- Creation of database and internal website;
- Cost estimate by facility management agencies;
- Review of streets, sidewalks and traffic signals compliance; and
- Community involvement and outreach.

Phase III: Adoption and Implementation - Phase III includes the approval of recommended actions by the Broward County Board of County Commissioners, and the start of implementation of the ADA Transition Plan Update.

Phase I: Planning and Self-Evaluation

ADA Task Force

In December 2005, the County Administrator, through the Office of Equal Opportunity, directed the establishment of an ADA Task Force to discuss ways to expedite the development and implementation of the Transition Plan Update.

This Task Force was comprised of the Assistant County Administrator, and the Directors of Public Works and Transportation Department, Community Services Department, Human Services Department, Finance and Administrative Services Department, Urban Planning and Redevelopment Department, the Office of Management and Budget and the Office of Equal Opportunity. The Office of Equal Opportunity was given the assignment to develop a proposed work plan for the Task Force's discussion, which was to include a phased-in approach to the completion of a transition plan update. The Task Force met on numerous occasions to discuss the strategic work plan being proposed, the facility accessibility survey tools, and resource requirements being requested.

Task force members, given the influence of their positions in the County, have played a valuable role in the completion of the ADA Transition Plan Update process. Their participation and positive influence on the workforce helped to carry the project through the initial reviews, through the analysis phase, and will be instrumental in the implementation phase over the next several years. This participation ensured that ADA compliance was a priority, and that staff and resources were mobilized to meet the need.

After reviewing the outcome of the structural approach for the first five facilities, and examining the potential cost savings and greater efficiency that might be realized by taking the programmatic approach, the County Administrator directed that the Office begin mobilizing to perform the programmatic reviews.

Upon this direction, the Office began putting together its ADA Transition Plan Update Team and developing a plan for implementing the programmatic approach to compliance under the Act.

In order to expedite this project and maintain the integrity of the Transition Plan Update, the concept of Facility/Program Assessment Teams was established; each team was to consist of at least three persons to accomplish the facilities reviews. Each Team included an ADA Specialist, a Facilities Manager, and a person knowledgeable about the programs housed in each facility. Under the direction of the County's ADA Administrator, the ADA Specialists served as leaders of the survey teams and conducted the facility access reviews of all County owned, operated and leased facilities. As the assessment proceeded through the County, department by department, relevant staff members in each agency were given comprehensive training sessions on the Americans with Disabilities Act and principles of compliance.

It was the unique combination of expertise in the Facility/Program Assessment Teams that allowed the County to proceed with great efficiency and accuracy. This specialized knowledge, of facilities and programs, could not have been expected from consulting groups which, while experts on the law, are not experts on our facilities or programs. In total, there were over 150 unique teams, with varying program and facility members, required to perform the reviews in Phase I. With the assistance of the County's directors, each team approached the process in a direct and effective manner, and completed its review in four months—a time period that would not have been possible had County staff not been involved.

A. Facility Inventory

The facility inventory is a management tool for organizing and monitoring access reviews. Departments and divisions were asked to provide a list of all buildings and facilities occupied by department; a list of facilities used by each activity or program, including: 1) address; 2) a facility contact person; 3) the year of construction; and 4) capital planning information (e.g. planned alterations, closings or other plans for each facility, etc.); description of the program, including the purpose, scope of activities, number and type of participants, any unique features of each facility that are necessary for the operation of programs provided at that location, and other key information about the program. The resultant facility inventory is a comprehensive inventory of programs and services offered by Broward County. (*Exhibit I – Facility Inventory Listing*)

B. Survey Tools

In order to create a format for collecting the facility information that would form the basis of the update, the Transition Plan Team developed survey tools. These survey tools were provided to the Task Force members for approval. In designing the facility survey tool, the main goal was to understand how an individual with a particular disability “navigates” through a facility. The facility survey tool is divided into three broad categories:

- *Exterior Accessibility* – Once they arrive at a facility site, individuals with disabilities should be able to approach a building and enter the building as freely as everyone else. For instance, at least one accessible route must be provided within the boundary of the site connecting elements such as accessible parking, sidewalks and or public transportation stops, to an accessible building entrance.
- *Interior Accessibility* - The interior accessible route connects the accessible entrance with the program and services area. Typically, interior accessible routes are made up of hallways, corridors, and interior rooms and spaces. The accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility aids to access the services and programs areas. Additionally, people who are blind or have low vision may walk along any route to access the programs and services areas, not just the accessible routes. As such, routes open to or leading to the service area, such as hallways, corridors and service and program spaces, must be free of objects that cannot be detected by a person who is blind or visually impaired.
- *Program Accessibility* - A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible.

The results of these surveys form the basis of this transition plan update and strategy for remediation or resolution of identified barriers. (*Exhibit II – Program/Facility Survey*)

Surveys were also created for policy/procedure and communication compliance. These surveys solicited information on how County agencies communicate with the public, and how policies and procedures might adversely affect the disabled community, or provide for their inclusion in County programs and services as required under the Americans with Disabilities Act. This portion of the review provides important context to the detail of the program and facility assessment surveys. (*Exhibit III - Policies and Practices Survey* and *Exhibit IV – Communications Survey*)

ADA Transition Plan Update Team

The Office was given discretion to expeditiously hire ADA Specialists for the reviews. This mobilization effort, and the development of all the necessary survey tools, occurred in January, 2006, within six weeks of the Task Force's direction. Four ADA Specialists were hired to work with the County's ADA Administrator on the assessment process.

The resulting Broward County ADA Transition Update Team has been instrumental in undertaking and completing the review of County facilities and programs required under the Americans with Disabilities Act. Through their hard work and dedication during the update's first phase, the team has provided the County with the raw facility and program data necessary to review ADA compliance countywide.

The Transition Plan Update Team is headed by *Maria A. Colon*, the County's ADA Administrator. Ms. Colon is responsible for coordinating the ADA Transition Plan Update process, and supervising the transition plan team in its activities, from the initial program and facility surveys, to completion of the Transition Plan Update report and monitoring of compliance during its implementation. Ms. Colon is a graduate of American International College in Springfield, Massachusetts, and Cambridge College, in Cambridge, Massachusetts, and has a wealth of experience in compliance activities associated with the Americans with Disabilities Act and equal opportunity. She is a tireless advocate for the disabled community in Broward County and a champion of equal opportunity.

The Transition Plan Update Team included the following specialist staff:

Brandon Jewell is a graduate of Purdue University, and also holds a J.D. degree from Capital University Law School in Columbus, Ohio. His legal expertise has proven a great asset to the smooth operation of the Transition Plan Update process. He is also an outstanding ADA advocate in his own right.

Enrique Madrinan has a comprehensive understanding of the Americans with Disabilities Act, and has previously served as an ADA Coordinator in California. A graduate of California State University—Hayward with dual Bachelor's degrees, Mr. Madrinan brings practical experience in support of the ADA law, and dedication to the team's mission.

Glenn McCormick is an accomplished attorney and legal affairs manager. Mr. McCormick, who holds a J.D. degree from Stetson University, has worked tirelessly in support of the Transition Plan Update process, and has been a model of dedication to his work on the project. His analyses of compliance with the ADA show a remarkable depth of understanding and expertise.

Andrea Pantoja is a graduate of Central University of Puerto Rico, and has served as the Director of a regional office of the Puerto Rican Ombudsmen for Persons with Disabilities, Protection and Advocacy Center of Puerto Rico. Ms.

Pantoja's experience and understanding of ADA compliance has been of great importance to the team's successful completion of its survey work.

The Team also benefited greatly from the services of the Office of the County Attorney, and in particular the support of *Ben Salzillo*. Mr. Salzillo's expertise and capacity for understanding the work of the ADA Transition Plan Update in legal terms proved to be a consistently valuable resource.

Self-Evaluation/Data Collection

The development of an ADA Transition Plan Update requires the County to complete a number of requirements. While the requirements are broadly defined to apply evenly across all public entities, the resulting ADA Transition Plan Update, once completed, is a unique document of the specific entity's effort to achieve inclusion for its disabled community.

The general requirements of Title II of the Americans with Disabilities Act are as follows:

A. Establishment of Disability Affairs Section and Position of ADA Coordinator

The passage of the Americans with Disabilities Act in 1990 led to the establishment of the County's disability affairs compliance program in 1992. The program was initially decentralized to all County using agencies, with the Office of Equal Opportunity acting as a coordinator in support of the primary efforts of the agencies. The determination was made at the time that, given the size of the agencies and the scope of their programs, remedial actions necessary for compliance under the Americans with Disability Act would be best handled by the agencies themselves, given their understanding of their program requirements and facilities.

The Office of Equal Opportunity has, under this Transition Plan Update, been directed to centralize its oversight role and see to the full implementation of this transition program countywide. The Office of Equal Opportunity, through its Disability Affairs section, has assumed the management and coordination of the County's ADA compliance program for all general fund programs. In the case of the Aviation Department and the Office of Transportation, the Office of Equal Opportunity will provide a limited coordination role, with technical assistance provided to said agencies on an as-requested basis, as these agencies will continue to be decentralized due to their size and the nature of their functional responsibilities

The Disability Affairs section of the Office of Equal Opportunity is responsible for tracking the County's compliance with the Americans with Disabilities Act and other state and local regulations governing equal access, such as the Florida Accessibility Code, and the Broward County Human Rights Ordinance. The section is also focused on effective implementation of countywide initiatives for improving access for those with disabilities.

This section is headed by the ADA Coordinator, who in Broward County is the ADA Administrator/HIPAA Privacy Officer. A more detailed description of the Disability Affairs section and the responsibilities of the ADA Administrator/HIPAA Privacy Officer are included as an exhibit to this report (Exhibit V – ADA Administrator Job Description)

B. Issue Notice of ADA Requirements

In accordance with Section 35.106 of the ADA, during the initial self-evaluation process conducted in 1992, the County reviewed the requirements of issuance of the ADA notice of compliance. The Broward County notice is in keeping with the letter and spirit of the ADA legislation, and has therefore not been subject to revision by the Office of Equal Opportunity under this Transition Plan Update. (*Exhibit VI – Notice of Compliance with the Americans with Disabilities Act*)

C. Grievance Procedures for County Services, Programs and Activities

As required under Title II of the ADA, in 1992, Broward County reviewed its Grievance Procedures for adherence to both the letter and intent of the Americans with Disabilities Act. The only adjustment necessary under this update was the deletion of outdated language for internal routing of grievances involving County employment. (*Exhibit VII – ADA Grievance Procedures*)

D. Policies and Procedures Review

The goal of the ADA is to integrate people with disabilities into existing programs instead of creating separate programs. An entity cannot require an individual to participate in a separate program nor can it restrict an individual from participating in general programs and activities. Individuals with disabilities must be assured an equal opportunity to participate in the programs, services and activities offered by a public entity. Programs, services and activities are required to be delivered in the most integrated and appropriate setting possible.

Under the ADA, public entities are required to “make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.” They are required to do so in every situation, unless they can demonstrate “that making the modifications would fundamentally alter the nature of the service, program, or activity.”

The Reasonable Modification requirement is perhaps the most important element of a programmatic access infrastructure. It states that says every policy, procedure, and practice is potentially subject to modification. This means that the County will do whatever is reasonable to ensure that a person qualified to participate in a program or receive a service receives as effective a service as any other qualified individual.

Section 35.130(b)(7) of the ADA requires a thorough review of both the County's formal written policies and the actual operating practices of each program, service, or activity in relation to the general prohibitions against discrimination contained in Title II of the ADA. Consistent with this requirement, a General Policies and Practices Survey was sent to all Offices and Departments on June, 2006. Survey questions addressed a broad range of issues related to internal program operations and external relationships. (*Exhibit III - Policies and Procedures Survey*)

E. ADA Communications Review

In accordance with Section 36.160(a) of Title II of the ADA, a public entity is required to ensure effective communication with people with disabilities. Equally effective communication means communication access that is equally effective as that provided to people without disabilities. This includes the requirement that a public entity provide auxiliary aids and services upon the request of a qualified person with a disability.

The effective communication requirement of the ADA is targeted largely at barriers faced by people with sensory impairments; essentially, a requirement to reasonably modify the way information is communicated. What distinguishes the effective communication requirement from the general reasonable modification requirement of the ADA is the specificity of the modifications it mandates:

- For people with vision impairments: written material must be provided/accepted in large print, auditory or tactile (Brailled) form;
- For people with hearing impairments: oral communication must be provided/accepted in visual or amplified aural form;
- For people with speech impairments: oral communication must either be provided/accepted in written form, or the person must be allowed sufficient time to communicate whatever must be communicated.

It is important to note that the effective communication requirement applies to all communications, and it requires programs to do whatever is necessary to ensure that their communications are accessible to all people with disabilities, including people with cognitive disabilities, developmental disabilities, memory disabilities, brain injuries that result in confusion, various psychiatric disabilities, and others.

Broward County's self-evaluation included a complete assessment of policies, procedures, and resources necessary to ensure that people with disabilities are not excluded, segregated, or restricted in any way as the result of communication barriers. The purpose of this review was to assess the County's ability to provide communications to individuals with disabilities that is as effective as the communication provided to individuals who do not have disabilities. (*Exhibit IV – Communications Survey*)

F. Employment Policies and Practices Review

Title II of the Americans with Disabilities Act prohibits a public entity from discriminating against a qualified applicant or employee with a disability. It is unlawful for a public entity to discriminate in any aspect of employment including: application, testing, interviewing, hiring, evaluation, discipline, compensation, promotion, termination and benefits.

To ensure compliance with the provisions of Title II of the ADA, the County is required to conduct a review of its employment policies and practices, including the protocol for handling requests for reasonable accommodations and the essential job functions associated with each job category.

Reasonable accommodation is a critical component of the ADA's assurance of nondiscrimination. Reasonable accommodation is any change in the work environment or in the way tasks are usually done that results in equal employment opportunity for an individual with a disability.

Essential job functions are those fundamental or critical job duties of the employment position the individual with a disability holds or desires. The term does not include the marginal tasks of the position. The ADA requires an employer to focus on the essential functions of a job to determine whether a person with a disability is qualified to do the job, with or without reasonable accommodation.

The regulations list several reasons why a function could be considered essential:

- The position exists to perform the function.
- There are a limited number of other employees available to perform the function, or among whom the function can be distributed.
- A function is highly specialized, and the person in the position is hired for special expertise or ability to perform it.

To identify essential job functions under the ADA, a job analysis should focus on the purpose of the job and the importance of actual job functions in achieving this purpose.

In the initial self-evaluation conducted in 1992, Broward County reviewed the applicable employment requirements of Title II of the Americans with Disabilities Act. As a result of this process, the County established the necessary procedures to handle requests for reasonable accommodations. (*Exhibit VIII – Reasonable Accommodations Request Procedures*)

Although significant changes are not required during this update, a review of the current applicable policies and practices revealed that County job descriptions do

not identify the essential job functions. The essential job functions are currently determined on an as-needed basis when a request for a reasonable accommodation is received by the Office of Equal Opportunity. This process may adversely impact the requirement to provide accommodations without unnecessary delay and can result in a violation of the ADA.

Phase II: Recommendations and Prioritization

Data Analysis

During Phase I of the ADA Transition Plan Update, the ADA Transition Team completed reviews of the County's policies and procedures, communication resources and all County programs (215), and facilities (141). The activities of the Team during this Phase generated approximately 10,000 pieces of paper, in reports and survey documents. During Phase II, the ADA Team conducted a detailed analysis of the data collected during Phase I and developed recommendations to correct identified deficiencies in each of the four major areas. In addition, cost estimates for removing barriers were generated by the appropriate County facility management agencies.

Policy and Procedures Survey Recommendations

The results of the Policies and Procedures survey revealed that the County requires improvement in its ADA policies and procedures, and improvements to its disability training programs. Specifically:

- Employees are only generally familiar with the requirement to make "reasonable modifications" to the policies, practices and procedures in order to avoid discrimination.
- Employees need additional training and information about their obligations under Title II of the ADA.

In order to clearly outline the County's expectations to employees with regards to compliance with the Reasonable Modifications requirements of the ADA, the Transition Plan Update team developed a Reasonable Modifications Policy and associated procedures. This policy and its procedures have been reviewed by the Policy and Procedures subcommittee and recommended for the approval of the County Commission. (*Exhibit IX – Reasonable Modifications Policy and Procedures*)

Communications Survey Recommendations

As previously indicated, Broward County's self-evaluation included a complete assessment of policies, procedures, and resources necessary to ensure that people with disabilities are not excluded, segregated, or restricted in any way as the result of communication barriers. The purpose of this survey was to assess the County's ability to provide communications to individuals with disabilities that is as effective as the communication provided to individuals who do not have disabilities.

A review of the survey results revealed that:

- Many County agencies are aware of the requirements to provide auxiliary aids and services to individuals with disabilities, upon their request, but this understanding is limited to a few individuals who are trained in ADA compliance.
- Written material prepared for public distribution is not readily available in accessible formats, such as large print, Braille or audiotape.
- Many agencies that provide a public service or work primarily with the public do not have Telecommunications Devices for Deaf, as required by the ADA.

A. Auxiliary Aids and Services

In order to be in compliance with Section 35.160(b)(1) of Title II of the ADA, the County is required to provide specific communication access in the form of auxiliary aids and services upon request of a qualified individual with a disability.

When it comes to basic communications, accessibility often can be created on the spot. For example, to explain written instructions to individuals who have vision impairments, employees can simply read the instructions out loud. In many basic transactions, such as paying bills or filing applications, communications provided through such simple methods will be as effective as the communications provided to other individuals in similar transactions. However, in situations that involve extensive, complex, or very significant communication, creating access may require the use of a communication device or a person with expertise in a certain form of communication, such as an American Sign Language interpreter. These devices and experts are referred to as "auxiliary aids and services," and under the ADA, programs are required to furnish them whenever their use will create equal access.

B. Sign Language Interpreter Services

When sign language interpretation is necessary for effective communication, Section 35.104 of the ADA requires that it be provided by a "qualified interpreter." Under the ADA, the term "qualified interpreter" is defined as an individual who is "able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary". In order to satisfy this requirement, it is recommended that a pre-qualified library of eligible Sign Language Interpreter Services providers be established for this purpose.

C. Telecommunications Access

Section 35.161 of Title II of the ADA, requires that where communication by telephone is a major function of a particular agency within the County, TTY's should be available.

Under the ADA, programs that communicate with the public by telephone are required to also use an equally effective system for communicating with people who have hearing or speech impairments. This applies to incoming as well as outgoing calls, which means that if a program has a practice of allowing members of the public to use its phones to make outgoing calls, it must provide an equally effective alternative to members of the public with hearing or speech disabilities.

The most common device used to create telecommunications access is a teletype machine (TTY), which is a device that allows a user to send typed messages over standard telephone lines. Additionally, the state of Florida operates a free public service, called the Florida Relay Service (FRS), which connects a person using a TTY to a person using a standard telephone via a third party that also uses a TTY. There is also a new service through which a caller can connect to a third party via a video screen and thus communicate in sign language. However, because of the involvement of a third party, the FRS and the newer video relay services are only "equally effective" in circumstances in which privacy is not a concern. Therefore, people with hearing and speech disabilities often prefer direct TTY communication over communication by other means.

The Communications survey results identified 92 programs that are required to have TTY's in accordance with Section 35.161 of Title II of the ADA. The programs identified as requiring TTY's are:

- Programs where communication by telephone is a major function of the program and, as such, must provide direct access to individuals who rely on TTY's for telephone communication, such as Consumer Affairs, Human Resources/Staffing, County Records, Libraries, Regional Parks, etc. ;
- Programs that typically receive confidential information over the telephone, such as Sexual Assault hotline, Counseling unit, Child Protection, Substance Abuse Services, etc. ;
- Programs that provide telephones to members of the public for making outgoing calls, such as Family Success Centers, Homeless Shelters, etc.

Agencies that are not required to provide direct access to communications will be directed to utilize the Florida Relay Service to provide effective communication to persons with hearing or speech impairments.

To ensure access in telecommunications, it is recommended that TTY's be purchased for the 92 programs identified as requiring TTY's. Additionally, training must be provided to employees on the use of TTY's as well as the Florida Relay System. (*Exhibit X – List of Programs Requiring TTY's*)

D. Inclusion of Braille services in County agencies

One of the auxiliary aids that must be provided upon request is material in Braille. This service is currently offered in the Office of Equal Opportunity; requests are filled by the Office, for the County as a whole, as the need arises. This often results in significant delays in the delivery of services; therefore, it is not consistent with the requirement that materials should be readily available in alternative formats for distribution upon request. In order to ensure that all communications are accessible, including communication in the context of regular services and communication in public meetings and special events, and that County agencies are prepared to fulfill any request they might receive with minimum delay, it is recommended that Braille embossers be purchased and distributed to those agencies where the likelihood for this type of request is greatest. This decentralized distribution of the equipment will facilitate requests for Braille materials by individuals with visual impairments.

In order to clearly outline the County's expectations to employees with regard to compliance with the effective communication requirement of the Americans with Disabilities Act, the Transition Plan Update team developed an effective communication policy and associated procedures for requesting auxiliary aids and services. The policy and its procedures have been reviewed and approved by the Communications subcommittee and are recommended for the approval of the County Commission. (*Exhibit XI – Communications Policy and Procedures*)

The proposed Communications policies and procedures will bring necessary consistency and clarity to the delivery of services for individuals with disabilities. Additionally, the purchase of communication technology and equipment will ensure minimum delays in removing communication barriers and will ensure that employees have what they need to provide the individual service that is critical to programmatic and communication access.

Employment Recommendations

To ensure compliance with the provisions of Title II of the ADA, the County is required to conduct a review of its employment policies and practices, including the protocol for handling requests for reasonable accommodations and the essential job functions associated with each job category. As previously indicated, the essential job functions are currently determined on an as-needed basis when a request for a reasonable accommodation is received by the Office of Equal Opportunity. This process may adversely impact the requirement to provide accommodations without unnecessary delay and can result in a violation of the ADA.

The Equal Employment Opportunity Commission cites the following relevant factors in determining whether there has been an unnecessary delay in responding to a request for reasonable accommodation: (1) the reason(s) for the delay, (2) the length of the delay, (3) how much the individual with a disability and the employer each contributed to the delay, (4) what the employer was doing

during the delay, and (5) whether the required accommodation was simple or complex to provide.

In order to fully comply with the primary employment provisions of the ADA and avoid unnecessary delays in responding to requests for reasonable accommodations, it is recommended that within 90 days of adoption of the Transition Plan Update, the Human Resources Division submits to the Board of County Commissioners a plan outlining the manner upon which a review of all job categories to identify essential functions will be conducted. In the interim, it is recommended that positions associated with pending reasonable accommodation requests be evaluated on a priority basis, with other positions being evaluated as they become vacant and prior to commencement of a recruitment.

Priority System Development

After Phase I was completed, the ADA Transition Plan Update team reviewed all program and facility assessment data. The intent of this initial review was to prepare for the process of making recommendations and prioritizing the recommendations to address identified deficiencies.

The Department of Justice recommends that a priority system be instituted to implement all recommendations for barrier removal. The primary prioritization system, meaning criteria by which recommendations are ordered, is at the discretion of the County. As part of Phase II, recognizing that the County has limited funds and cannot immediately make all buildings and facilities fully accessible, the ADA Transition Plan Update team recommended that the following primary criteria be used as the basis for prioritizing the removal of identified barriers:

- Priority One: Critical nature of the service provided: Facilities providing essential services related to health and safety and programs that are unique to a building, facility, or park and cannot occur at another location.
- Priority Two: Level of use by the public: Facilities that receive a high level of public use.
- Priority Three: Geographic distribution: by selecting a range of facilities that are distributed throughout the County, the County can ensure maximum access for all residents.

A secondary prioritization system—for program-based barrier removal actions—has been put forward by the Department of Justice for use by all entities in their prioritization of remedial actions. The Department of Justice criteria listed below are used to assist in the determination of specific program-based barrier removal actions within a building or facility, on a secondary basis to the primary criteria noted above.

- Priority One: The highest priority is placed on those barrier removal items that provide accessibility at the main entrance of a facility or improve a path of travel to the portion of the facility where program activities take place (e.g., parking, walks, ramps, stairs, doors, corridors, etc.).
- Priority Two: A second level priority is placed on those barrier removal items that improve or enhance access to program use areas (e.g., transaction counters, conference rooms, public offices, restrooms, etc.).
- Priority Three: A third level priority is placed on those barrier removal items that improve access to amenities serving program areas (e.g., drinking fountains, telephones, site furnishings, vending machines).

Based on the data collected during Phase I, the Phase II evaluations sought to prioritize recommendations based on priority as noted above.

Operational, Non-structural and Structural Recommendations

As noted previously, the ADA Transition Plan Update Team completed reviews of all County programs (215) and facilities (141) during Phase I. During Phase II, 3072 recommendations were generated as a result of the Phase I survey review process. Recommendations developed during Phase II were sorted into three key categories, for ease in the management of data:

- OPERATIONAL: Modifications which require minimal or no cost. These may include moving furniture, adjusting or clearing reception areas, moving offices, and similar changes of this nature. 316 of the 3,072 recommendations were operational (10.3%).
- NON-STRUCTURAL: Modifications requiring effort beyond simple operational changes, that do not rise to the level of physical modification of existing facilities. Examples include door knobs, mirrors, signs, grab bars, and other control and operating mechanisms. 2,368 of the 3,072 recommendations involved non-structural recommendations (77%).
- STRUCTURAL: Modifications requiring changes to the physical construction of a facility, or work of similar scope. For Broward County, most structural changes involve work on parking lots and restrooms. 388 of the 3,072 recommendations involved structural recommendations (12.7%).

This categorization allowed for smooth dissemination of the recommendations to the agencies or individuals responsible for the implementation, whether the department heads themselves, in the case of operational recommendations, the Port Everglades and Parks and Recreation facilities teams, for their respective agencies, or the Public Works/Facility Management team for general fund non-structural and structural implementation and budget cost estimation.

Database and Intranet Website

Each recommendation required review by County agencies, or by the facilities teams at Port Everglades, Parks & Recreation Division, or the Facilities Management team of Public Works. This presented problems for the team in getting information out to the agencies and receiving their responses regarding the compliance recommendations, prioritization and cost estimates of projects.

To solve this problem, a comprehensive database and internal website were created to handle the large volume of information. The database tracked programs and facilities and held the information required for analysis by the update team. Through the ADA Transition Plan Update Intranet website, agencies were able to access the surveys for their offices, departments, and divisions, review, and complete if necessary, the required information, and submit them to the team for processing on line.

Agency Directors were notified by the County Administrator via memorandum and were directed to examine the survey reports/recommendations, cost estimates and priority grouping information. Additionally, a section of the Intranet Website was designed to allow for collecting, calculating and reporting the cost estimates associated with the non-structural and structural recommendations from the Facilities Management Team.

Cost Estimates

Based on the information obtained during the Transition Plan Update process, the ADA Transition Plan Update team is able to provide estimates of the costs associated with bringing the County into full compliance with the Americans with Disabilities Act in terms of its programs and facilities. The following budget summary reflects current cost estimates, by priority group, for implementing the recommendations developed during the ADA facility/program review process (see budget details in Attachment A):

Priority Group	Public Works	Port Everglades	Parks	Operational	Totals
Priority 1	\$629,751	\$0	\$3,285,200	\$135,250	\$4,050,201
Priority 2	\$2,356,464	\$0	\$833,700	\$0	\$3,190,164
Priority 3	\$29,400	\$276,050	\$402,100	\$0	\$707,550
Final Estimated Costs	\$3,015,615	\$276,050	\$4,521,000	\$135,250	\$7,947,915

Note: Estimates are based on current pricing information and do not account for inflation or fluctuations in the cost of materials associated with implementation of these recommendations.

Broward County presently has several facilities that are scheduled for closing within two years. All programs and services will be relocated from these facilities; as a result, no remediation efforts are necessary to bring these facilities into compliance with the Americans with Disabilities Act. While the Transition Plan Update Team did include these facilities in its review, the budget summary does not include those facilities that are scheduled for closing within the next two years, as no remedial costs are applicable. (*Exhibit XII– Facilities Closing*)

Additionally, the budget summary does not include the cost associated with bringing the Broward County Main Courthouse into compliance with the ADA. The Supreme Court of Florida has directed chief judges across the state to establish a Court Accessibility Team of persons with expertise on the ADA, individuals with disabilities, Clerk of Circuit Court, Court ADA Coordinator and County representatives, to survey the court facilities and develop updated transition plans. This initiative is expected to be completed by May 2008 and the Main Courthouse will be included in this effort.

Streets and Sidewalk Accessibility

The ADA requires all public entities to install curb ramps at intersections where road constructions and alterations are done and to ensure that all curb ramps installed after January 26, 1992, are accessible to and usable by individuals with disabilities (28 C.F.R. § 35.151(b) and (e)). In addition, the ADA also requires that a schedule for providing curb ramps or other sloped areas be included in the transition plan.

Broward County Highway Construction and Engineering Division is responsible for maintaining records of streets and sidewalk accessibility. Since its initial ADA Transition Plan, the County has administered an aggressive curb ramp retrofit program. Of the original inventory of 326 intersections, 287 have been completed (or 88% of the original inventory). 39 remain pending (*Exhibit XIII – List of Intersections*)

The curb ramps installed were built in compliance with then existing State and Federal standards. However, since the standards have evolved, and are continuing to evolve, previously installed curb ramps should be re-evaluated for compliance with current accessibility standards. For instance, in 1994, the U.S. Access Board temporarily suspended the requirements for detectable warnings at curb ramps due to concerns raised about the specifications, the availability of complying products, usefulness and safety. As a result, the requirements were temporarily removed from the ADA standards. The suspension expired on July 26, 2001. Consequently, the requirements for detectable warnings at curb ramps and other areas are again part of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the enforceable standards.

It is therefore recommended that within 90 days of adoption of this ADA Transition Plan Update, the Broward County Highway Construction and Engineering Division establishes a formal process and schedule to re-evaluate

previously installed curb ramps for compliance with current accessibility standards.

Additionally, in its Title II Technical Assistance Manual, the Department of Justice advises that to achieve or maintain program accessibility, it may be appropriate to establish an on-going procedure for installing curb ramps, upon request, in areas frequented by individuals with disabilities. It is recommended that the Broward County Highway Construction and Engineering Division develops such a procedure within 90 days of adoption of this ADA Transition Plan Update.

Lighting and Traffic Signals

As required by 28 CFR Part 35 Subpart D, Title II of the Americans with Disabilities Act (ADA), municipalities and states must make their programs accessible if no undue hardship is imposed by the changes. Since pedestrian circulation is considered a program, accessible pedestrian signals (APS) may be necessary to provide access to certain types of existing intersections. Also, the ADA's effective communication requirement stipulates that information shall be communicated as effectively to people with disabilities as to all others.

In contrast to the requirements for streets and sidewalks, lighting and traffic signal requirements are less clearly defined by the ADA law. However, Broward County takes seriously the general requirements for accessibility and effective communication with regard to pedestrian safety for its citizens, and has instituted a process of review in keeping with its commitment to intersection safety.

To ensure that a resident is not denied use of sidewalks and street crossings because of a disability, a community may need to retrofit an existing signalized intersection with accessible pedestrian signals (APS) if it has been identified by one or more people as needing accessible crossing information. An accessible pedestrian signal (APS) provides the information that is conveyed in visual WALK signals in an audible, verbal, and/or vibrotactile manner indicating the crossing phase.

Broward County's current policy is to proactively address lighting and signal issues at intersections under its jurisdiction. Disabled individuals are encouraged to contact the County with regard to specific instances where retrofitting may be required to ensure safety of those with disabilities. Such contacts and requests may be directed to:

Yves d'Anjou, P.E.
Systems Engineering Supervisor
Public Works and Environmental Services Department
TRAFFIC ENGINEERING DIVISION
2300 W. Commercial Boulevard, Ft. Lauderdale, FL 33309
954-847-2600
ydanjou@broward.org

Upon request, the Traffic Engineering Division may conduct a preliminary study that will take into consideration traffic and pedestrian volumes, vehicular speeds,

accident history, visibility, signal spacing, and other conditions. The data collected will then be analyzed according to Federally-mandated guidelines.

This process takes some time to complete, but it provides traffic engineers with enough information to reach decisions that will be in the best interests of public safety and efficient street operation. A study will take approximately 12 weeks. If the installation of a traffic signal or accessible pedestrian signal, or other retrofitting is deemed appropriate, it will be scheduled for installation, and will be prioritized based on our analysis of the data.

Community involvement and Outreach

One of the key elements of the Transition Plan Update development is the participation of the disabled community. The participants from the disabled community can identify key issues that may not be readily apparent to staff members of the County. Their perspective on the impact of the barriers to program access is essential to the accuracy of our findings. To this end, interested persons, including individuals with disabilities or organizations representing individuals with disabilities, have had and will have the opportunity to comment on the proposed plan, at various opportunities and through various means:

- Status reports of the ADA Transition Plan Update were presented at Advisory Board of Individuals with Disabilities meetings.
- Special presentations on the ADA Transition Plan Update have been made to representatives of interested agencies, such as the Center for Independent Living, Paralyzed Veterans Association, National Federation of the Blind, and others.
- The County's Advisory Board for Individuals with Disabilities has indicated its support of the team's efforts, recommending that the barrier removal efforts proceed with main priorities of the health and safety of citizens, as well as facilities with a high level of public access.
- The Office of Equal Opportunity will continue to solicit public input through public presentations and forums hosted by the County's Advisory Board for Individuals with Disabilities. In addition, information about the County's Transition Plan Update, will be posted in an accessible ADA website which will allow the public to e-mail their input.

Moving forward, and upon Commission approval, the Office of Equal Opportunity will develop additional plans to inform the community about the Transition Plan Update, its processes and outcomes, and how the plan benefits the community and improves accessibility. The Office of Equal Opportunity will issue public notices in both print, electronic media and accessible formats, advising the public of upcoming events, and coordinate logistics associated with holding the presentations. A major goal of this process will be the ongoing solicitation and

acceptance of feedback, and the implementation of improvements to the County's approach to ADA compliance that may arise from these meetings.

Phase III: Adoption and Implementation

Upon approval and adoption of the ADA Transition Plan Update, the County will be in compliance with the requirements of Title II of the Americans with Disabilities Act. But beyond the legal requirements, Broward County and its Board of County Commissioners are demonstrating, through this Transition Plan Update, their commitment to inclusion of all County citizens in public programs and facilities, as well as a dedication to transparency in government and to sustaining a high quality of life for residents. The institution of an ongoing ADA compliance monitoring system, coupled with increased community outreach and involvement, will ensure that Broward County will be a leader in the effort to comply with the Americans with Disabilities Act, and continue the County's commitment to inclusion.

Public Outreach

Public outreach, accountability, and transparency are all crucial to the success of the ADA Transition Plan Update. To this end, the Office of Equal Opportunity has made the use of technology a major part of the update effort from its inception. The intranet site, created during Phase II, has been central to the County's ability to complete this difficult process accurately and efficiently.

During Phase III, this intranet site will be expanded to include additional functionality. Some of the functions to be included are:

- C. An interface with the facility management system, for tracking of changes in facilities and their use;
- D. A lease review component; and
- E. A mechanism for tracking inspections of new facilities, and modifications to existing facilities.

Upon completion of the intranet website, and subject to the Board of County Commissioners approval, an ADA accessible external website will be developed for public use. This external website will be an important point of contact for citizens interested in information about the County's Transition Plan Update, its compliance with the Americans with Disabilities Act, and its status in implementing the recommendations developed through the update process.

This user-friendly website will have a vast array of information available, including facility and program information, recommended changes developed during this update process, timelines, and status reports. The Office of Equal

Opportunity intends for this website to set a positive precedent in outstanding customer service and high quality e-government. It is anticipated that the website will be deployed by the beginning of FY 2008.

Training

Training and other internal communication is critical to the effectiveness of the program accessibility approach. Appropriate training and communication will maximize the level of ADA knowledge among program and facility managers and help ensure that violations do not occur because of lack of knowledge of the policies and procedures governing accessibility. For example, continuous staff training in the use of TTY's is necessary to ensure effective communication. Similarly, training addressing the requirements to modify County policies and practices is essential in ensuring that individuals with disabilities have an equal opportunity to participate in the programs, services and activities offered by the County.

The ADA Transition Plan Update team recommends the development of an ongoing training program for managers and supervisors. The model should account for the training of new employees; specialized training for County architects, engineers, facility managers, and park managers; and the need for keeping employees current on changes in the law and in County policies.

In addition, front line personnel should be trained as well, because they set the tone for the agency's interaction with the public, and they often have an enormous impact on access to services for individuals with disabilities.

During last year's budget process, \$100,000 was approved for a countywide ADA training program. However, it is expected that an aggressive ADA education and awareness campaign, of the sort envisioned for the roll-out of the ADA Transition Plan to the County and the community as a whole, would necessitate a budget of \$250,000. Enhancing inclusiveness through training will also help avoid the costs associated with litigation, as well as problems of exclusion that have long-term financial and organizational impacts.

Communication and Training Budget Recommendations

The following chart represents the budget requirements for implementation of the Communications and Training recommendations resulting from the Phase II survey review. (Attachment B includes budget detail on Auxiliary aids and services, and Attachment C focuses on ADA Training Subjects).

Priority Group	TTY's	Sign Language Interpreters and other Contract Services	Braille Embossers and Software	Training	TOTALS
Priority 1	\$62,244	\$100,000	\$0	\$250,000	\$412,244
Priority 2	\$0	\$0	\$164,360	\$0	\$164,360
Priority 3	\$0	\$0	\$0	\$0	\$0
Final Estimated Costs	\$62,244	\$100,000	\$164,360	\$250,000	\$576,604

Communications recommendations noted as “Priority I” include the TTY and Interpretation Services noted above. The County Commission has the option of directing the inclusion of Braille embossers into the communications program throughout the County. The ADA Transition Plan Update team recommends the presence of Braille embossers in County agencies where the need is greatest, as not having them requires that County agencies requests the service from the Office of Equal Opportunity. This often results in significant delays in the delivery of services; therefore, it is not consistent with the requirement that materials should be readily available in alternative formats, upon request. Having a Braille embosser in the agency providing the service requires no extra time, and provides a high level of service to the citizen.

The amount of \$250,000 is a recommendation for a training budget for ADA issues throughout the County. The ADA Transition Plan Update team recommends that all County employees receive ADA training, but that Supervisors/Managers receive special training that addresses the issues they are likely to encounter as management staff. The team also recommends that specialized training be provided to County architecture and engineering staff, with the expectation of the development of countywide architectural standards in support of the Americans with Disabilities Act, and the County’s continued ADA compliance over the long-term.

Summary

In light of new construction of County facilities, frequent shifting in programs assigned to existing facilities, and a general increase in the number and scope of programs and services offered to the public by Broward County, the County began work on its ADA Transition Plan Update process in May, 2004. The consultant-based approach taken by the County was attempted for a period, but it became clear that a different approach—one that drew directly on the expertise of County staff—was a more appropriate path to take.

The resulting programmatic approach involved the creation of a task force model, and a three phase approach: data collection, analysis, and implementation. With the Phase I program and facility surveys being handled directly by the ADA Transition Plan Update Team, the County saw a more advantageous use of its resources. This allowed the ADA Transition Plan Update reviews to be successfully completed in an expedited fashion.

Given the programmatic approach taken by the ADA Transition Plan Update Team, Broward County will pay much less than anticipated to attain and maintain ADA compliance. The County currently has capital reserve funds, already in place, to handle the vast majority of tasks required to attain compliance, through the implementation of the recommendations put forward by the ADA Transition Plan Update team. By working together, County agencies have seen the importance of the ADA Update and the cost savings associated with handling most of the remedial programmatic actions within the County.

However, while this programmatic approach has been shown to be less costly and more efficient, the caveat is that program and facility managers must be knowledgeable in ADA compliance. In order to maintain acceptable levels of compliance with the requirements of the Americans with Disabilities Act, it is essential that Managers and Supervisors continue to receive ADA training that addresses the issues they are likely to encounter. Additionally, architectural and engineering staff must receive specialized training with the expectation that county wide architectural design standards be developed.

The County will ensure the highest level of compliance with the requirements of the ADA, through technology and the integration of systems to interface with the facility management system, for tracking of changes in facilities and their use; inspections of new facilities; and modifications to existing facilities.

In approving this ADA Transition Plan Update, the Broward County Board of County Commissioners is emphasizing its commitment to program and service accessibility for all of its citizens. Upon approval, implementation of the program, with its focused enhancements to facilities and programs, inclusion of additional policy and communication enhancements, and accent on community outreach and training, will commence.

Recommendations

In order to achieve full compliance with the requirements of Title II of the Americans with Disabilities Act, the ADA Transition Plan Update Team recommends the following:

- That the ADA Transition Plan Update be adopted by the Board of County Commissioners.
- That the Policy and Procedures recommended as a result of the policy/procedures review be approved for implementation.
- That the Policy and Procedures governing County communications be approved for implementation.
- That a pre-qualified library of eligible Sign Language Interpretation providers be established.
- That the communications budget for TTY's and Sign Language Interpretation Services be approved.
- That the County Commission consider optional funding for additional Braille equipment throughout the County at high-impact locations, to provide enhanced service to the disabled community.
- That within 90 days of adoption of the Transition Plan Update, the Human Resources Division submits to the Board of County Commissioners a plan to review all job categories, to identify essential functions of each position, and that in the interim, positions associated with pending reasonable accommodation requests be evaluated on a priority basis, with other positions being evaluated as they become vacant and prior to commencement of a recruitment.
- That the recommendations governing operational, non-structural, and structural modifications be implemented.
- That the recommended prioritization criteria for the removal of identified barriers be adopted.
- That the ADA facility cost estimates be approved.
- That the following implementation schedule for barrier removal be implemented:
 - ✓ Operational modification: 12 months from adoption of Transition Plan Update;

- ✓ Non-structural modifications: 24 months from adoption of Transition Plan Update, or if out sourced, from contract award and;
 - ✓ Structural Modification: 24 months from contract award, if out sourced.
-
- That within 90 days of adoption of the Transition Plan Update, the Broward County Highway Construction and Engineering Division establishes a formal process to re-evaluate previously installed curb ramps for compliance with current accessibility standards, and an on-going procedure for installing curb ramps, upon request, in areas frequented by individuals with disabilities.
 - That an additional \$150,000 budget be approved for a comprehensive Americans with Disabilities Act training program for County managers, supervisors, front line personnel, architects and engineers.
 - That the development of architectural Design Standards for Broward County be approved.
 - That an external website for public use be developed to keep Citizens informed about the County's progress with the implementation of the ADA Transition Plan Update.