



# THE NEW ADA: FLORIDA IMPLICATIONS

# LEARNING OBJECTIVES



- Understand ADA enforcement trends with local governments
- Apply to P&R operations
- Discuss smart practices for ADA compliance
- Gain resources for compliance

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## PROCESS TODAY

- Pohlman and McGovern play-by-play
- Florida smart practices in parks and recreation
- Audience questions, success stories, and maybe not-so-successful stories
- Resources

## METHODS OF ENFORCEMENT

- **Internal solutions process**
- **Department of Interior administrative complaint**
- **Lawsuit in Federal District Court**
- **Project Civic Access (PCA)**

## GENERAL MUNICIPAL ISSUES

## AN ADA VIEW: WHAT IS DISCRIMINATION IN MUNICIPAL OPERATIONS?

- **West Palm Beach**
- **“extreme disparity”**
- **Budgets control operations**

## A MUNICIPAL VIEW: BUDGETS AND SERVICES FOR PEOPLE WITH DISABILITIES

- **Budget processes**
  - **Town of Davie’s Strategic Priorities**
    - **Commitment to customer satisfaction**
    - **Dedication to excellence in service delivery**
    - **Respect, promote diverse, sustainable community, and neighborhood values considering our historic roots**
- **Programs and services**
- **Parks and facilities**



## A MUNICIPAL VIEW: CIP AND OTHER SITE AND FACILITY PLANS

- **Duration...5 years, ten years, rolling plans**
- **Priorities: new sites, maintenance of existing sites, lifecycle**
- **Built by consensus, reflects believed community needs**
- **Current Projects**









## AN ADA VIEW: SITE AND FACILITY ISSUES AND PROJECT CIVIC ACCESS

- **City and County of Denver**
- **City of Cedar Rapids**
- **San Juan County**
- **City of Milwaukee**

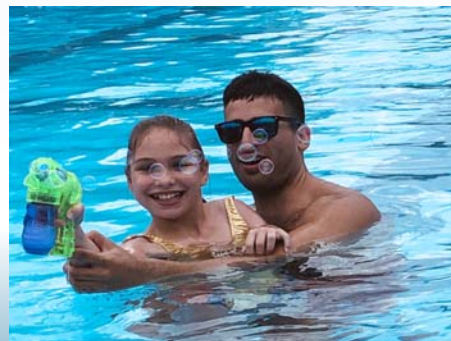
# RECREATION PROGRAMS

## AN ADA VIEW: REQUIREMENTS FOR PROGRAMS AND CONTRACTORS

- **Title II section 35.130(d) “most integrated setting”**
- **Title II 35.130(b)(1) and 35.130(b)(3)**
- **FDOA vs Florida DEP**
- **What is substantial support?**

## A MUNICIPAL VIEW: USE OF INDEPENDENT CONTRACTORS

- **Contractors are used for...**
- **Parks and Recreation agencies as facilitators**
- **Contractors comply with state and federal nondiscrimination laws**
- **Policy Change**



## AN ADA VIEW: PERSONNEL AND ADA COMPLIANCE IN PROGRAMS

- **What is “direct threat” and why is it important?**
- **How do you invite, analyze, and fulfill requests for supports by people with disabilities?**
- **Who conducts assessments of registrants with disabilities?**
- **Who makes the final call...yes or no to support request**

## A MUNICIPAL VIEW: HOW AGENCIES MANAGE PERSONNEL AND PEOPLE WITH DISABILITIES

- **ADA Coordinator at <https://www.adacoordinator.org/>**
- **Program Managers – staff training**
- **Assessments for inclusion in programming**
- **Get someone who knows disability and recreation**

## SMART PRACTICE...COULD IT WORK IN FLORIDA?

- **Intergovernmental partnership**
- **Share the cost of personnel**
- **Provide more service for less \$\$\$**
- **Minnesota, Missouri, Illinois, New York, and more states**

## A MUNICIPAL VIEW: SUPPORT FOR INCLUSION

- **Inclusion is here to stay**
- **Mission statements and strategic plans in action**

*The Department of Parks, Recreation and Cultural Arts is committed to providing superior parks and recreation facilities and services to the citizens of the Town of Davie. In addition, the department actively promotes Davie's rich history and heritage of open space, environmental awareness, and community values of inclusiveness and **recreation equality**.*

## SMART PRACTICE... HAVE AN INCLUSION PROCESS

- **“I need a modification because of disability for this program” YES NO**
- **Your staff then call or email registrant, set time to meet**
- **May lead to a sign language interpreter, extra staff, or other supports**

## AN ADA VIEW: DECISIONS ABOUT STAFF SUPPORT IN RECREATION PROGRAMS

- **Burriola vs Greater Toledo YMCA**
- **Barrington Park District**
- **Pocantico Hills**
- **YMCA (Texas, California, Illinois)**

# FACILITY AND TRANSPORTATION ISSUES

## A MUNICIPAL VIEW: FACILITY AND TRANSPORTATION ISSUES

- **Ongoing renovation at parks and facilities**
- **Modernization efforts and link to accessibility**
- **Aging Infrastructure or Historic Sites and the SHPO**
- **Service Animals are not Emotional Support Animals**



## AN ADA VIEW: FACILITY AUDITS AND TRANSITION PLANS

- **35.105 access audit requirement**
- **35.150(d) transition plan requirement**
- **Four plus one**
- **Cost references...and how long can it stretch?**



## AN ADA VIEW: WHAT ARE THE TRANSPORTATION REQUIREMENTS?

- **Title II Part B**
- **What is fixed route transportation?**
- **What is demand responsive transportation?**
- **Must every city or county van be lift equipped?**

## A MUNICIPAL VIEW: TRANSIT SOLUTIONS

- **In-house program transportation**
- **Davie fixed route**

## RESOURCES

- US DOJ at 202-514-0301 or [www.ada.gov](http://www.ada.gov)
- US Access Board at 202-272-0080 or [www.access-board.gov](http://www.access-board.gov)
- National ADA Network at <https://adata.org/> or 800-949-4232
- John McGovern at [john.mcgovern@rac-llc.com](mailto:john.mcgovern@rac-llc.com) or 224-293-6451

## CONCLUSION

- Exceed the minimum
- Follow the court decisions and settlement agreements
- Build a relationship with the disability communities
- Start planning for this now, do not be reactive



FOR MORE INFORMATION ABOUT THE FLORIDA RECREATION AND PARK ASSOCIATION VISIT [FRPA.ORG](http://FRPA.ORG)