

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT IN AND FOR  
LEON COUNTY, FLORIDA**

GENERAL JURISDICTION  
DIVISION

CASE NO. 2019-CA-002825

DISABILITY RIGHTS FLORIDA, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
FLORIDA DEPARTMENT OF CORRECTIONS,	)	
an agency of the State of Florida,	)	
	)	
Defendant.	)	
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**FIRST AMENDED COMPLAINT**

Plaintiff, Disability Rights Florida, Inc., sues Defendant, Florida Department of Corrections (“FDC”), and alleges:

**Preliminary Statement**

1. This is an action for breach of contract seeking specific performance. The Defendant has significantly breached the Settlement Agreement (“Agreement”) entered into by the parties to settle litigation brought in federal court that was captioned *Disability Rights Florida, Inc. v. Julie Jones, Secretary of the Florida Department of Corrections*, 4:16-cv-47-RH-CAS (N.D. Fla. 2016). Pursuant to paragraph 73 of the Agreement, the Agreement is a contract enforceable in state court.

2. More than three years ago, Plaintiff sued Defendant alleging a widespread pattern of failures to comply with the Americans with Disabilities Act (“ADA”), the Rehabilitation Act

of 1973 (“Rehab Act”), the Eighth Amendment, and the Due Process Clause of the Fourteenth Amendment. Thousands of FDC prisoners with disabilities were suffering as a result of the FDC’s failure to provide the accommodations, aids, and services required by those laws. After substantial litigation, the parties reached a comprehensive Settlement Agreement that requires FDC to make sweeping changes to the way it treats prisoners who are deaf, hard of hearing, blind, have low vision, and/or have mobility impairments. Defendant agreed to provide accommodations, aids, and services including, but not limited to: qualified interpreters, hearing aids, videophones, teletypewriters, impaired inmate assistants, white canes, wheelchairs, walkers, canes, rollators, and braces. Defendant also agreed to ensure that prisoners with disabilities have access to work, vocational, and educational programming.

3. For over two years, Plaintiff has been working with Defendant to assist with the implementation of these requirements. Plaintiff has reviewed thousands of pages of documents, spoken to and exchanged letters with hundreds of prisoners, attended dozens of meetings with FDC representatives, and toured numerous prisons.

4. However, after giving Defendant a substantial amount of time to come into compliance, Defendant FDC has still failed to do so in numerous ways. Florida prisoners with physical disabilities are still suffering from the lack of accommodations, aids, and services, and are still being excluded from FDC programs, services, and activities because of their disabilities. Defendant FDC has substantially breached the Settlement Agreement, and Plaintiff, therefore, files this lawsuit seeking specific performance.

### **Jurisdiction and Venue**

5. This is an action for breach of contract seeking specific performance. This Court has jurisdiction over the state law claims raised, pursuant to Article V, Section 5(b) of the Florida

Constitution and Fla. Stat. § 26.012.

6. The parties have completed the notice and cure procedures described in paragraphs 73(A) through 73(C) of the Agreement.

7. All conditions precedent to this action have been completed or waived.

8. Venue is proper in Leon County, Florida, pursuant to Section 47.011, Florida Statutes. Defendant does business in this county, the Florida Department of Corrections is headquartered in this county, and many of the events or omissions giving rise to the claims occurred in the county.

### **Parties**

9. Plaintiff, Disability Rights Florida, Inc. (“DRF”), is a not-for-profit corporation serving as Florida’s federally funded Protection and Advocacy agency for individuals with disabilities and serves as such as designated by the Governor of Florida. Among other things, DRF is authorized to “pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of individuals within the State who are or who may be eligible for treatment, services, or habilitation.” 42 U.S.C. § 15043(a)(2)(A)(i).

10. Defendant FDC is an agency of the State of Florida, which entered into the Agreement with DRF to provide appropriate accommodations, aids, and services to prisoners with disabilities. The then-Secretary of the Florida Department of Corrections, who signed the Agreement on FDC’s behalf, was sued in her official capacity, which is the equivalent of a suit against the agency itself.

### **Factual Allegations**

#### ***I. The Settlement Agreement***

11. On January 6, 2016, Plaintiff filed a federal lawsuit against Defendant, alleging

that Defendant had violated, and continued to violate, Title II of the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act of 1973, the Eighth Amendment to the United States Constitution, and the Due Process Clause of the United States Constitution in its treatment of incarcerated individuals who are deaf and hard of hearing, blind and low vision, and/or have mobility disabilities. That case was captioned *Disability Rights Florida v. Julie Jones*, 4:16-cv-47-RH-CAS (N.D. Fla. 2016).

12. Plaintiff alleged a widespread pattern of failures to comply with federal disability discrimination laws protecting incarcerated individuals by failing to provide auxiliary aids, services, and accommodations.

13. On July 7, 2017, following extensive and protracted mediation, Plaintiff and Defendant entered into a private Settlement Agreement (“Agreement”) to resolve the case. On April 4, 2018, the parties executed a First Modification to Settlement Agreement. The Settlement Agreement, together with the First Modification and any other modifications, is referred to herein as the “Agreement.” The Agreement is attached to this First Amended Complaint. The Agreement was drafted with extensive input from both parties and represents a fair settlement of DRF’s claims.

14. The Agreement lays out the parties’ comprehensive plan of compliance for incarcerated people who are deaf, hard of hearing, blind, low vision, and/or have mobility disabilities.

15. The Agreement includes an agreed upon list of the twenty-eight (28) correctional institutions that fall under the ambit of the Agreement. Those correctional institutions were selected by FDC. *See* Exhibit A of the Agreement. Plaintiff agreed to this list of institutions because they were spread geographically across the state, had varying missions and access to



programs, and would be able to accommodate inmates with a variety of classification and custody statuses. This ensured that prisoners with physical disabilities would be not be clustered at a small number of institutions, and would have access to facilities that were close to their families and had programming availability.

16. DRF and its counsel have been diligently monitoring FDC's compliance with the Agreement by interviewing prisoners, reviewing records, reviewing other information provided by FDC, and touring prison facilities.

17. In addition, DRF and its counsel have been attending frequent, often monthly, meetings with FDC representatives to receive reports from FDC regarding settlement compliance, to identify violations, to request responses to reported violations, and to offer assistance with correcting violations.

18. DRF's monitoring efforts have uncovered serious violations of the Agreement. DRF has consistently communicated the nature of these violations, providing significant details, throughout the past two-plus-year monitoring period, and has repeatedly requested FDC to come into compliance. Yet FDC has failed to do so. After over two years of these discussions, DRF has been left with no choice but to bring this lawsuit in order to bring FDC into compliance.

19. In accordance with Paragraph 73(A) of the Agreement, on February 11, 2019, DRF provided to FDC a Notice of Significant Breach outlining the various way in which FDC had failed to comply with the Agreement. The Notice contained sufficient detail for the FDC to understand the nature and scope of the breach, investigate it, and take necessary corrective action.

20. On April 26, 2019, the FDC provided a response to DRF.

21. In accordance with Paragraph 73(C) of the Agreement, on May 10, 2019, DRF

sent a reply to the FDC's response advising the FDC that DRF continued to assert that the FDC had significantly breached the Agreement.

22. On May 20, 2019, representatives of Plaintiff and representatives of Defendant FDC met in person to discuss the alleged breaches of the Agreement and attempt to resolve them. The parties did not reach an agreement on how to resolve the various violations.

23. On July 31, 2019, DRF submitted a Second Notice of Significant Breach to Defendant outlining additional violations of the Agreement. The Second Notice contained sufficient detail for the FDC to understand the nature and scope of the breach, investigate it, and take necessary corrective action.

24. On September 27, 2019, FDC provided its written response.

25. On October 9, 2019, DRF sent a reply to FDC's response advising the FDC that DRF continued to assert that FDC had significantly breached the Agreement.

26. On October 11, 2019, FDC provided to DRF a "Corrective Action Responses to the First and Second Notice of Significant Breach of Settlement Agreement in Disability Rights Florida v. Julie Jones, No. 4:16-cv-0047-RH-CAS," which purported to propose corrective action for the listed deficiencies and breaches in the two breach letters. However, FDC only proposed corrective action on seven (7) of the nineteen (19) items that were presented in the two letters. The corrective action proposed by FDC is inadequate to address the scope of the continued breach of the Agreement in each of those areas. Of the remaining items, FDC concluded that "[n]o additional action appears necessary for this allegation" on each of these items.

27. On February 18, 2020, DRF submitted a third Notice of Significant Breach outlining additional violations of the Agreement. The Third Notice contained sufficient detail

for the FDC to understand the nature and scope of the breach, investigate it, and take necessary corrective action.

28. On April 17, 2020, FDC provided its written response.

29. On May 4, 2020, DRF sent a reply to FDC's response advising the FDC that DRF continued to assert that FDC had significantly breached the Agreement.

30. The many ways in which the FDC has significantly breached the Agreement are listed below.

## ***II. Significant Breaches of the Settlement Agreement***

### **A. FDC Has Failed to Provide Qualified Interpreters**

31. Under paragraphs 29 and 30 of the Agreement, FDC agreed to provide American Sign Language ("ASL") Interpreters, Oral Interpreters, and Transliterators by way of on-site interpreters and video-remote interpreting services ("VRI") for incarcerated individuals who are deaf and hard of hearing, and whose effective means of communication is sign language or speech-reading/lip-reading.

32. FDC agreed to provide interpreters for all medical appointments, meetings with classification officers, education programs, substance abuse programs, intake and orientation, disciplinary hearings, work and job training, religious services, any training outside the routine day-to-day schedule, Prison Rape Elimination Act (PREA) training; and any pre-release or re-entry instructions.

33. The deadline for providing interpreters via VRI was March 1, 2018, and the deadline for providing on-site interpreters was December 31, 2018.

34. However, FDC has substantially failed to provide interpreters to prisoners who need them under the Agreement.

35. First, FDC has failed to provide oral interpreters to any individual whose effective means of communication is speech-reading/lip-reading. Numerous individuals require these services under the Agreement. This is a significant breach of the Agreement.

36. In addition, according to FDC's own records, from January 2017 through December 2018, no interpreters (on-site or VRI) were provided to deaf/hard of hearing prisoners at Central Florida Reception Center South Unit ("CRFC"), South Florida Reception Center ("SFRC"), Florida Women's Reception Center ("FWRC"), Lowell CI and Annex, Wakulla CI and Annex, Zephyrhills CI, Gadsden Re-Entry Center, Baker Re-Entry Center, Everglades Re-Entry Center, Union CI, Union Work Center, or Sumter CI. Prisoners whose effective means of communication is sign language were housed at some of these facilities during this time.

37. According to FDC's own records, from January 2019 through April 2019, no interpreters (on-site or VRI) were provided to deaf/hard of hearing prisoners at Baker Re-Entry Center, CRFC, Dade CI, Everglades CI, Everglades Re-Entry Center, FWRC, Gadsden Re-Entry Center, Lowell CI, SFRC, Santa Rosa CI, Santa Rosa Work Center, Suwannee CI, Suwannee Annex, Suwannee Work Center, Wakulla CI, Wakulla CI Annex, Zephyrhills CI, Columbia CI, Union CI, or Sumter CI. Prisoners whose effective means of communication is sign language were housed at some of these facilities during this time.

38. According to FDC's own records, from May 2019 through August 2019, no interpreters (on-site or VRI) were provided to deaf/hard of hearing prisoners at Baker Re-Entry Center, CRFC, Everglades CI, Everglades Re-Entry Center, FWRC, Gadsden Re-Entry Center, Northwest Florida Reception Center ("NWFRC"), Northwest Florida Reception Center Annex, SFRC, Santa Rosa CI, Santa Rosa Annex, Santa Rosa Work Center, Union CI, Union Work Center, Wakulla CI, Wakulla CI Annex, Zephyrhills CI, Suwannee Work Center, and Sumter CI.

Prisoners whose effective means of communication is sign language were housed at some of these facilities during this time.

39. In fact, according to FDC's own records, for all of 2019, interpreting services have been only provided at five (5) facilities, and only for inmates who use ASL: Columbia Annex, Reception and Medical Center ("RMC"), Lowell Annex, Suwannee Annex, and Dade CI, even though numerous prisoners who require ASL and oral interpreters are housed outside these facilities.

40. Moreover, save for Columbia Annex in the months of June, July, and August 2019, very few interpreting services were provided to anyone at these five (5) facilities.

41. For example, despite the fact that numerous prisoners whose effective means of communication is ASL are being housed at Suwannee CI and Suwannee CI Annex, in 2019, no interpreters have been provided there *at all* for education programs, substance abuse programs, work and job training, religious services, any training outside the routine day-to-day schedule, and PREA training, as required by the Agreement.

42. Also, despite the numerous prisoners whose effective means of communication is ASL who are housed at Dade CI, in 2019, only one prisoner has ever been afforded an interpreter at medical appointments, and there have been *no* prisoners who have been provided with interpreters for meetings with classification officers, education programs, substance abuse programs, work and job training, religious services, any training outside the routine day-to-day schedule, and PREA training, as required by the Agreement.

43. In addition, while at least two prisoners whose effective means of communication is ASL were housed at FWRC and Lowell Annex, as of August 2019, no interpreting services have been provided *at all* at FWRC, and very few interpreting services have been provided at

Lowell Annex. Moreover, according to the FDC reports, no oral interpreters have ever been provided at either of these female institutions.

44. Indeed, no interpreting services were provided at Lowell Annex for the entire month of June 2019. From May 2019 through August 2019, only VRI was made available for ASL users, and even then, only five (5) times for short durations.

45. Further, while all prisoners are processed at one of the reception centers – RMC, FWRC, SFRC, NWFR, and CFR – in 2019, no interpreters were provided *at all* for intake and orientation services at these reception centers. Prisoners who needed interpreters were processed at some of these facilities during this time.

46. This is a significant breach – not only did FDC agree to provide interpreters for all intake and orientation events, but FDC also agreed to evaluate a prisoner’s sign language skills at reception centers by a qualified interpreter under paragraph 12 of the Agreement.

47. Interpreters are a critical accommodation at reception centers. The reception center is the first facility a prisoner is sent to as they enter the state prison system, and it is there where they undergo comprehensive screening, along with possible medical care. FDC agreed to specifically provide qualified interpreters at reception centers by May 31, 2018, but FDC has failed to do this, which significantly breaches the Agreement.

48. From May 2018 to the present, at least 13 prisoners who require ASL interpreters were processed through reception without being evaluated by a qualified interpreter.

49. Upon information and belief, other prisoners who require oral interpreters were also processed and were not provided an interpreter.

50. Indeed, FDC has failed to identify any prisoners who require oral interpreters for speech-reading/lip-reading, which also significantly breaches the Agreement.

51. Further, very few interpreters have been provided for medical appointments at Reception and Medical Center, the FDC's hospital. From January 2019 through August 2019, for example, just five prisoners were provided with interpreters at medical appointments and for just fourteen medical appointments.

52. DRF has reported to FDC numerous times that prisoners are not being provided with interpreters and that it is a breach of the Agreement, yet FDC has failed to correct the violation.

53. Indeed, as of August 2019, according to records FDC has produced to DRF, the only FDC institution where onsite interpreting services have been provided on a somewhat regular basis is Columbia Annex, and those services just began in June 2019.

54. Yet, FDC itself has identified at least 45 prisoners who need ASL interpreters but has not been providing adequate interpreting services for them, which significantly breaches the Agreement. Most of these 45 prisoners have not been or were not housed at Columbia Annex.

55. DRF has identified an additional 18 prisoners who need ASL interpreters, but who have not been provided with adequate interpreting services by FDC, which significantly breaches the Agreement.

56. FDC's failure to provide interpreters is systemic and widespread and not limited to isolated incidents. FDC's failure to provide interpreters significantly breaches the Agreement.

B. FDC Has Improperly Denied ADA Accommodations to Prisoners Due to Errors in their Classification System

57. Under Paragraphs 2 through 5 of the Agreement, the FDC agreed to provide ADA accommodations, aids, and services to "Covered Inmates," and defined those inmates as individuals who are deaf and hard of hearing, blind and low-vision, and/or have a mobility disability.

58. FDC maintains an Impaired Inmate Grades List, which it provides to DRF pursuant to the Agreement, to keep track of which prisoners are deaf and hard of hearing, blind and low-vision, and/or have a mobility disability so they can receive ADA accommodations under the Agreement.

59. Yet, upon information and belief, many prisoners have been taken off the Impaired Inmate Grades List or are coded as having a lesser impairment than they should have, resulting in them being denied accommodations, which amounts to a significant breach of the Agreement.

60. In fact, FDC has repeatedly denied accommodations to prisoners who are clearly “Covered Inmates” under the Agreement; however, because they have been coded as having a lesser impairment on the list or are not on the list at all, these individuals have been denied ADA accommodations.

61. DRF has reported to FDC at least 30 instances of prisoners who should qualify as “Covered Inmates” but were either taken off the Impaired Inmate Grades List or improperly coded and subsequently denied accommodations.

62. As a result of being taken off the list or improperly coded, these 30 individuals with disabilities have been denied placement in ADA dorms and have been denied ADA accommodations, including wheelchairs, canes, rollators, walkers, braces, glasses, magnifiers, talking books, FM transmitters, impaired inmate assistants, and various ADA passes, in violation of the Agreement.

63. Notably, numerous deaf and hard of hearing prisoners who need hearing aids, many of whom have used hearing aids for years before FDC entered into the Agreement, were improperly coded as having a lesser impairment and have subsequently been denied hearing aids,



in significant breach of the Agreement.

64. FDC's repeated denial of accommodations as a result of failing to identify prisoners with disabilities is systemic and widespread and not limited to isolated incidents. FDC's failure to identify prisoners with disabilities significantly breaches the Agreement.

C. The FDC Has Improperly Confiscated ADA Accommodations

65. Under paragraph 20 of the Agreement, FDC agreed that it would not confiscate ADA accommodations unless there was a compelling security reason to do so, and only then with the approval of the Warden, the ADA Coordinator, and the Chief Health Officer. The deadline for implementation of this provision was November 4, 2017. These accommodations include, but are not limited to, wheelchairs, walkers, prosthetic devices, canes, rollators, orthopedic shoes and socks, braces, wedges, mattresses, cushions, wheelchair gloves, and trapeze bars.

66. FDC also agreed in paragraph 70(E) of the Agreement to provide DRF with documentation showing any time an accommodation was confiscated or revoked.

67. For two years, DRF reported numerous instances of ADA accommodations being improperly confiscated, in violation of the Agreement.

68. Notably, DRF has repeatedly reported to FDC that all rollators were improperly confiscated from prisoners with mobility disabilities at Lowell Annex, in addition to numerous canes, walkers, and wheelchairs being improperly confiscated.

69. Additionally, DRF has reported numerous instances of canes, walkers, rollators, and wheelchairs being confiscated at other facilities.

70. DRF has also reported numerous instances of other ADA accommodations being improperly confiscated.

71. Yet, in large part, FDC has not restored ADA accommodations to prisoners, in violation of the Agreement.

72. Indeed, from July 2017 through March 2019, FDC provided DRF with no documentation whatsoever of ADA accommodations being confiscated, even after FDC was made aware of confiscations that DRF had reported to FDC.

73. The scant documentation that FDC has now provided DRF on ADA accommodations being confiscated indicates that the FDC is not abiding by paragraph 20 of the Agreement, which requires the Warden, the ADA Coordinator, and the Chief Health Officer to approve any of these confiscations.

74. Other than emails in response to DRF's specific complaints about the confiscation of accommodations, DRF has not received the required documentation, even though DRF has repeatedly reported these confiscations to FDC. This significantly breaches the Agreement.

75. FDC's improper confiscations of accommodations is systemic and widespread and not limited to isolated incidents. FDC's confiscations of accommodations significantly breaches the Agreement.

D. FDC Has Failed to Adequately Provide Video-Enabled Devices (Video Phones)

76. Paragraph 36 of the Agreement requires the FDC to make video enabled devices (i.e., video phones) available in kiosks in the dormitories that house deaf or hard of hearing inmates in each of the twenty-eight (28) facilities listed in Exhibit A of the Agreement to access the Video Relay Service ("VRS") for free.

77. A video phone is a device that deaf and hard of hearing people, who use sign language, use to communicate.

78. Paragraph 36 of the Agreement also requires that each facility listed in Exhibit A

of the Agreement have a videophone located in an area that allows for unrecorded confidential, legal, and court-related calls to be made.

79. Paragraph 36 of the Agreement further requires that videophones be able to connect to the TIPS line. The TIPS line is the anonymous abuse reporting service available to all prisoners to report physical or sexual abuse and other potential crimes, and allows the FDC to respond to the prisoner in a way that protects the reporting prisoner's safety.

80. Finally, Paragraph 36 also requires staff to be trained on how to operate the videophones, that deaf or hard of hearing inmates be permitted twice the normal time to use the device, and that broken devices be repaired or replaced within thirty days.

81. The deadline to install videophones in all dorms listed in Exhibit A of the Agreement, and to make videophones available for confidential calls, was March 1, 2018.

82. FDC has breached this provision of the Agreement by failing to make video phones available for confidential calls at all the facilities listed in Exhibit A of the Agreement. Upon information and belief, video phones are only available for confidential calls at three prisons: Columbia Annex, Wakulla Annex, and Dade CI.

83. FDC has also breached this provision of the Agreement by failing to make video phones available at most dorms listed in Exhibit A.

84. As of April 2019, FDC has installed videophones at just five facilities: Columbia Annex, Dade CI, Suwannee Annex, Wakulla Annex, and FWRC.

85. Even at these facilities, only one or two devices are available for incarcerated individuals who are deaf and hard of hearing, and are not available at most dorms listed in Exhibit A. Accordingly, the individuals who need to utilize a videophone are effectively funneled into a limited number of dorms at only five out of the twenty-eight facilities listed in

Exhibit A, limiting where they can be placed geographically and also what kind of facilities they may be placed at.

86. Moreover, the videophone service has been plagued with operational issues, including poor transmission speed causing pixilation, image freezing, and technical problems, which make the devices completely inoperable for long periods of time.

87. Numerous facilities and dorms listed in Exhibit A, where individuals who need to utilize this technology reside, still do not have videophones, which breaches the Agreement.

88. Finally, FDC has breached this provision of the Agreement by failing to connect videophones to the TIPS line. Because of this, incarcerated individuals who are deaf and hard of hearing and whose effective means of communication is sign language are unable to anonymously report abuse.

89. FDC's failure to provide videophones is systemic and widespread and not limited to isolated incidents. FDC's failure to provide videophones significantly breaches the Agreement.

E. FDC Has Failed to Adequately Provide Teletypewriters (TTYs)

90. Paragraph 33 of the Agreement requires that teletypewriters (TTYs) be provided in all facilities and dormitories listed in Exhibit A. A TTY is a device used to make telephone calls. To place a call on a TTY in prison, you must first call a TTY relay service to act as an intermediary to relay the call. Then, to engage in a phone call, the user types on the device (in lieu of speaking) then reads the TTY screen to learn what the person on the other end of the call is saying.

91. Paragraph 33 further requires that TTYs be made available in classification areas for unrecorded confidential legal calls. The deadline for installing TTYs in all dorms was

September 5, 2017, and for providing TTYs for confidential legal calls was November 4, 2017.

92. Paragraph 33 of the Agreement also requires broken TTYs to be repaired or replaced within 30 days and that the TIPS line be accessible via TTY.

93. FDC has failed to provide TTYs in all facilities listed in Exhibit A, which breaches the Agreement.

94. Even when the FDC has provided TTYs in a facility, they are not being provided in all dorms listed in Exhibit A of the Agreement and they are not kept in proper repair. They either do not work at all, provide garbled transmission and/or take up to 30 minutes to start working, which also breaches the Agreement.

95. When a deaf or hard of hearing inmate is placed in a dorm without a TTY they are denied telephone access. To use the phone they must be granted permission, and sometimes be accompanied by a guard, to another dorm or area of the facility to use the TTY. If once in the other dorm their call cannot be made, or if the line is busy, they don't have the option to call back unless, again, they are granted permission to leave their dorm, and or be accompanied back to a dorm to make a call. This is not telephone access that is equal to that received by hearing inmates who can simply pick up the phone in the dorm during the prescribed times.

96. As an example, as of March 1, 2019, no TTYs were installed at Gadsden Re-Entry Center dorms – in order to use the phone, the inmate would have to utilize the only TTY available at the facility located in the classification office.

97. As of August 12, 2019, TTYs were only installed in two out of the five ADA dorms at SRFC. In addition, the TTY for legal calls was not located in an office in classification, but, rather, was located in the Chaplain's Office, which did not allow for confidential legal calls.

98. As of August 16, 2019, TTYs were only installed in two out of the eight ADA

dorms at Dade CI and neither of them worked.

99. As of August 2, 2019, TTYs were only installed in three out of the eight ADA dorms at Zephyrhills CI.

100. As of July 19, 2019, TTYs were only installed in three out of the eight ADA dorms at Lowell Annex.

101. As of July 19, 2019, no TTYs were available at Lowell CI.

102. Not taking into account FWRC, there are only three TTYs for all women residing at the three female institutions listed in Exhibit A.

103. As of June 25, 2019, only three out of the eight ADA dorms at Suwannee Annex had TTYs and only one worked. The TTY that did work was broken and not operable unless the caller was physically holding the wire in the wall port for the duration of the call, which would greatly impede communication during the call, because one needs to type on the device to communicate.

104. As of August 14, 2019, there were no TTYs installed at Suwannee Work Center.

105. As of June 5, 2019, there was only one TTY at RMC and it was located at a dorm that is not listed as an ADA dorm on Exhibit A of the Agreement.

106. As of June 14, 2019, no ADA dorms at Columbia CI had TTYs. Dorm M—not a listed ADA dorm—had a TTY, but it did not work.

107. As of June 26, 2019, there was no TTY available at Baker Re-Entry Center for confidential legal calls.

108. As of June 27, 2019, only one out of the four ADA dorms at Union CI had a TTY. There were also no TTYs available at Union CI for confidential legal calls.

109. As of June 27, 2019, the only TTY installed at Union Work Center did not work.

110. As of August 1, 2019, there were no TTYs installed at Santa Rosa Annex. At Santa Rosa CI, there was one TTY in Classification that was not connected, and staff could not figure out how to connect it, even with two employees from the FDC's phone vendor (Securus) present.

111. As of November 14, 2019, only two out of the seven ADA dorms at NWFRC Main Unit had a TTY. Moreover, only one out of these two TTYs work. In addition, the TTY in classification does not connect to the TIPS line.

112. As of November 14, 2019, there was only one TTY at NWFRC Annex and it was located in a dorm that is not listed as an ADA dorm on Exhibit A of the Agreement. However, this TTY does not work. In addition, the TTY in classification does not work.

113. As of November 15, 2019, only three out of the four ADA dorms at Wakulla Main Unit had TTYs. However, the TTYs in I-Dorm and B-2 Dorm did not work.

114. As of November 15, 2019, only two out of the four ADA dorms at Wakulla Annex had TTYs. However, the TTY in L-2 was garbled. In addition, the TTY in classification does not connect to the TIPS line.

115. Again, many TTYs are either inaccessible, do not work, or can take up to thirty minutes to start working, which also breaches the Agreement.

116. FDC's failure to provide TTYs is systemic and widespread and not limited to isolated incidents. FDC's failure to provide TTYs significantly breaches the Agreement.

#### F. FDC Has Failed to Provide Trained Inmate Assistants

117. Paragraphs 55 and 62 of the Agreement require that FDC provide trained impaired inmate assistants ("IIAs") to prisoners with vision and mobility disabilities. Having a trained assistant is a form of accommodation that allows blind/visually impaired inmates and

inmates with mobility disabilities to access certain services and programs of the prison.

118. According to the Agreement, IIAs who work with prisoners with vision disabilities must have the ability to effectively communicate, must possess sufficient literary skills to read aloud, and must be able to follow oral requests.

119. According to the Agreement, IIAs for prisoners with mobility disabilities must be able to push a wheelchair and effectively assist individuals with walking, standing, transferring, and other daily life activities.

120. To help ensure prisoners with disabilities are receiving the proper assistance, all IIAs must be evaluated periodically for fulfillment of established job duties and performance criteria. When an IIA is unavailable, another must be made available. Finally, IIAs should be housed in the same dorm as the covered inmate unless in special housing.

121. The deadline for assigning IIAs to prisoners with disabilities was October 5, 2017, and the deadline for training IIAs was July 2, 2018.

122. IIAs are not being provided to many prisoners who need them and are entitled to them under the Agreement.

123. IIAs are not being provided at all at Reception and Medical Center, leaving blind prisoners and prisoners who cannot ambulate without IIAs.

124. Further, upon information and belief, IIAs are not being provided to prisoners with mobility disabilities unless they use a wheelchair. Numerous prisoners with mobility disabilities who rely upon walkers or canes still require an IIA under the Agreement because they need assistance getting around, lifting things, completing personal hygiene activities, or other daily life activities.

125. The FDC has designated certain facilities to house a high number of inmates with



disabilities. Upon information and belief, at Dade CI and Suwannee Annex – two of these types of facilities – there are not enough IIAs to accommodate the large numbers of prisoners who have mobility disabilities.

126. Finally, many IIAs who are being assigned are not actually providing assistance because they refuse to provide assistance, are assigned to another job for part of the day, or are not housed in the same dorm with the inmate needing assistance as required by the Agreement.

127. FDC's failure to provide IIAs is systemic and widespread and not limited to isolated incidents. FDC's failure to provide IIAs significantly breaches the Agreement.

#### G. The FDC Has Failed to Provide Captioned Telephones

128. Paragraph 35 of the Agreement requires FDC to provide captioned telephones ("CapTel") for inmates who (1) can speak but cannot hear on the phone, (2) do not use sign language to communicate, and (3) are unable to use a TTY phone, as long as the CapTel phones can be used in accordance with FDC's security requirements.

129. The deadline to provide CapTel phones was July 1, 2018.

130. FDC has failed to make CapTel phone available at any FDC prison.

131. FDC has never stated to DRF that CapTel phones cannot be used within the FDC's security requirements. In fact, FDC continues to update DRF on its progress in securing a contract from an outside vendor to provide CapTel phones at its facilities.

132. FDC's failure to provide CapTel phones is systemic and widespread and not limited to isolated incidents. FDC's failure to provide CapTel phones significantly breaches the Agreement.

#### H. FDC Has Failed to Adequately Provide White Canes

133. Paragraph 42 of the Agreement requires that white canes of appropriate height (generally, shoulder height) be provided as an accommodation for inmates who are blind and/or

have low vision, and have difficulty safely and independently getting around the prison grounds. The deadline to provide white canes was March 4, 2018.

134. Numerous prisoners have been given white canes that are only four feet tall, far too short to use safely, which is in direct breach of the Agreement.

135. In addition, at least five blind and low vision prisoners have had their white canes confiscated and not replaced for months, if ever, which also breaches the Agreement.

136. FDC's failure to provide properly sized white canes is systemic and widespread and not limited to isolated incidents. FDC's failure to provide white canes significantly breaches the Agreement.

I. The FDC Has Failed to Provide Accommodations for Prisoners with Mobility Disabilities

137. Paragraph 60 of the Agreement requires that when an inmate with a mobility disability is determined by the FDC to require any of the following as a reasonable accommodation, the accommodations must be provided absent a compelling security concern: canes, walkers, rollators, trapeze bars, orthopedic shoes and socks, braces, wedges, appropriate mattresses, cushions, or wheelchair gloves.

138. The deadline to provide these accommodations was November 4, 2017.

139. Paragraph 60 also requires that necessary repairs or replacements to accommodations be completed within 60 days of when the FDC becomes aware of the need for the repair or replacement, and that the inmate be provided with an alternative reasonable accommodation.

140. FDC staff at Lowell Annex have not provided inmates with rollators, and instead have confiscated all rollators from covered inmates. Lowell Annex has also confiscated canes and walkers from covered inmates.

141. In addition, numerous other prisoners with mobility disabilities have not been provided with wheelchair gloves, orthopedic shoes, canes, walkers, rollators, braces, and appropriate mattresses, which violates the Agreement.

142. FDC's failure to provide accommodations to prisoners with mobility disabilities is systemic and widespread and not limited to isolated incidents. FDC's failure to provide these accommodations significantly breaches the Agreement.

J. The FDC Has Improperly Denied Prisoners with Disabilities Access to Work, Vocational, and Educational Programming

143. Paragraph 22 of the Agreement prohibits the FDC from denying otherwise qualified covered inmates access to work, vocational, or educational programming on the basis of their disability.

144. Paragraph 22 also requires that, when a covered inmate is denied a position or opportunity, the ADA Coordinator must document whether (1) the FDC can make reasonable modifications to permit the inmate to meet the essential functions of the position or opportunity, and (2) the modifications fundamentally alter the nature of the program, service, or activity.

145. The deadline for implementing the requirements listed in paragraph 22 was May 31, 2018.

146. Upon information and belief, most prisoners with physical disabilities have been assigned to be "housemen" rather than being given other, more desirable and stimulating job assignments without assessing where reasonable modifications could be made. The responsibilities of "housemen" generally involve cleaning the dormitory.

147. In addition, numerous prisoners have been unable to take part in educational programming due to a lack of appropriate accommodations.

148. Very few sign language interpreters have ever been provided for any educational,

vocational, or work programming. Indeed, as of August 2019, according to FDC's own records, sign language interpreters have only been provided for educational, vocational, or work programming services at two prisons: Columbia Annex and Lowell Annex. At these two prisons, these services were only made available in June or July of 2019.

149. Further, deaf prisoners who have been housed at other prisons, such as Dade CI, Suwannee CI, and Suwannee Annex, have been denied access to interpreters for educational, vocational, or work programming services.

150. Moreover, upon information and belief and according to FDC's records, no interpreting services have ever been made available to prisoners at any of the designated work release and community release centers. At least six deaf prisoners have been released from prison this year.

151. Additionally, according to FDC reports, no oral interpreters have been provided at all.

152. In addition, prisoners with vision disabilities have not been provided with any accommodations for educational or vocational programming.

153. Paragraph 53 of the Agreement also requires that access to correspondence courses from Hadley School for the Blind ("Hadley") be available for inmates with vision disabilities.

154. However, prisoners with vision disabilities have been denied access to Hadley, even though Hadley is still taking enrollees for many of its classes.

155. In addition, deaf and hard of hearing inmates have been removed from, or excluded in, work and educational programs on a large scale across the state. This is a result, in part, of FDC's forced clustering of deaf and hard of hearing inmates at Columbia Annex, which

does not offer vocational or educational programs. Many of the inmates forced to this facility have been denied the opportunity to work and receive training or education, in violation of the Agreement.

156. FDC's failure to provide access to work, educational and vocational training is systemic and widespread and not limited to isolated incidents. FDC's failure to provide access to these jobs, programs, and trainings significantly breaches the Agreement.

K. FDC Has Failed to Make Required Short-Term Architectural Modifications to Facilities Inspected During the Federal Litigation (the "Mazz Facilities")

157. During the federal litigation, Plaintiff's architectural expert Mark Mazz inspected twelve prisons and issued a report detailing the numerous ways in which these facilities were in violation of the ADA's architectural accessibility standards. These twelve prisons are referred to as the "Mazz Facilities." The remaining prisons listed on Exhibit A are referred to as the "Non-Mazz Facilities."

158. Under Paragraph 57(b) of the Agreement, with respect to the Mazz Facilities, FDC agreed to "make the modifications necessary to remedy the items listed on the attached Exhibit D, which is an implementation schedule for architectural modifications which the Parties have agreed will be made." The short-term modifications, highlighted in yellow on Exhibit D, were supposed to be remedied no later than December 31, 2017.

159. Pursuant to the Agreement, the parties selected a neutral Architect to review FDC's progress in making the required modifications. The Architect completed a review of these items and submitted a report to FDC.

160. On April 30, 2018, FDC submitted that report to DRF, which showed that roughly one third of the short-term items had not yet been completed.

161. Under Paragraph 57(b) of the Agreement, these remaining short-term items

should have been remedied “within one hundred twenty (120) days of receiving the” above-referenced report (or by August 30, 2018).

162. The FDC did not comply with this deadline, and did not send the reports to DRF until September 27, 2019.

163. Moreover, on September 27, 2019, FDC informed DRF that only “960 out of the 1114 Mazz Facilities short-term items” have been completed. Because FDC has still not completed a substantial number of short-term modifications, FDC is in significant non-compliance with this subsection.

L. FDC Has Failed to Make Required Short-Term Architectural Modifications to Facilities Not Inspected During the Federal Litigation (the “Non-Mazz Facilities”)

164. Under Paragraph 57(c) of the Agreement, with respect to the fifteen prisons that were not inspected by Mark Mazz (the “Non-Mazz Facilities”), the Architect completed a review of these facilities and issued a report recommending modifications to be made. Under the Agreement, FDC was required to make the recommended short-term modifications “within two hundred forty (240) days of receipt of the [architectural] reports.”

165. The architectural reports were received by DRF on April 30, 2018, so the short-term modifications were supposed to be completed within 240 days, or by December 26, 2018. Sixty days after that deadline, the Architect was to inspect these facilities and DRF should have received reports on these inspections sixty days later, or by April 26, 2019.<sup>1</sup> However, DRF has not received those reports.

166. In response to DRF’s second breach letter, FDC informed DRF that only “362 out

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<sup>1</sup> Under paragraph 57(c) of the Agreement, FDC was required to remedy the remaining items identified in these reports within 120 days of receiving the report. Had the report been received on time (April 26, 2019), the deadline to remedy the items would have been August 24, 2019.

of the 942 Non-Mazz Facilities short-term items” have been completed.

167. FDC’s failure to make the required short-term architectural modifications is systemic and widespread and not limited to isolated incidents. FDC’s failure to make these modifications, and its failure to provide the required reports to DRF, significantly breaches the Agreement.

M. FDC Has Failed to Pave Tracks

168. Under Paragraph 9 of the Agreement, all existing recreational tracks at the facilities listed in Exhibit A are required to be paved so that they can be safely traversed by prisoners with vision and mobility disabilities.

169. Unpaved tracks are potentially unsafe and hazardous to blind prisoners, and prisoners with wheelchairs or other mobility accommodations are unable to use unpaved tracks.

170. The deadline for the FDC to pave tracks was December 2018. However, as of September 2019, FDC has paved recreational tracks at only six out of the required 28 facilities. Prisoners who need to utilize the paved track are housed at the remaining 22 facilities without paved tracks.

171. FDC’s failure to pave tracks at its designated ADA facilities is systemic and widespread and not just limited to isolated incidents. FDC’s failure to provide paved tracks significantly breaches the Agreement.

N. Failure to Document Denial of Access to Programming

172. Under paragraph 22 of the Agreement, FDC is prohibited from denying an otherwise qualified Covered Inmate access to work, vocational, or educational programming on the basis of the inmates’ disability. Further, under paragraph 22, if a Covered Inmate applies for a work position, or a vocational or educational opportunity, and that inmate meets the skill,

experience, and education requirements, medical restrictions, custody level, criminal history and time remaining on sentence requirements, the FDC is prohibited from denying that individual the position or opportunity without documentation by an ADA Coordinator. The ADA Coordinator must document whether (1) FDC can make reasonable modifications in policies, practices or procedures to permit the inmate to meet the essential functions of the position or opportunity, and (2) the modifications fundamentally alter the nature of the program, service or activity.

173. At least two Covered Inmates have been denied access to work or educational programming without the proper documentation. DRF has informed FDC of these two instances and was advised that no documentation was kept.

174. FDC has advised that no other documentation exists for the denial of any other Covered Inmate's access to work, vocational, or educational programming.

175. Upon information and belief, other Covered Inmates have applied to access work, vocational, or educational programming and have been denied.

176. FDC's failure to maintain the required documentation is systemic and widespread and not just limited to isolated incidents. FDC's failure significantly breaches the Agreement.

### **CAUSES OF ACTION**

#### **Count 1: Breach of Contract** **Failure to Provide Qualified Interpreters**

177. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

178. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

179. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for providing qualified interpreters found in paragraphs 29



and 30 of the Agreement.

180. Defendant's failure to provide interpreters is systemic and widespread and not limited to isolated incidents. FDC's failure to provide interpreters significantly breaches the Agreement.

**Count 2: Breach of Contract**  
**Improper Denial of Accommodations Due to Classification Errors**

181. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

182. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

183. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement to provide accommodations to Covered Inmates, as set forth in paragraphs 2 through 5 of the Agreement.

184. FDC's repeated denials of accommodations as a result of failing to identify prisoners with disabilities is systemic and widespread and not just limited to isolated incidents. FDC's failure to identify prisoners with disabilities significantly breaches the Agreement.

**Count 3: Breach of Contract**  
**Improper Confiscations of Accommodations**

185. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

186. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

187. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement governing the confiscation of approved accommodations, as set forth in paragraph 20 of the Agreement.

188. FDC's improper confiscations of accommodations is systemic and widespread

and not just limited to isolated incidents. FDC's confiscations of accommodations significantly breaches the Agreement.

**Count 4: Breach of Contract**  
**Failure to Provide Videophones**

189. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

190. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

191. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for videophones, as set forth in paragraph 36 of the Agreement.

192. FDC's failure to provide videophones is systemic and widespread and not just limited to isolated incidents. FDC's failure to provide videophones significantly breaches the Agreement.

**Count 5: Breach of Contract**  
**Failure to Provide TTYs**

193. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

194. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

195. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for TTYs, as set forth in paragraph 33 of the Agreement.

196. FDC's failure to provide TTYs is systemic and widespread and not just limited to isolated incidents. FDC's failure to provide TTYs significantly breaches the Agreement.

**Count 6: Breach of Contract**  
**Failure to Provide Trained Impaired Inmate Assistants**

197. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action

section as is fully set forth herein.

198. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

199. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for providing trained impaired inmate assistants (IIAs), as set forth in paragraph 55 and 62 of the Agreement.

200. FDC's failure to provide trained IIAs is systemic and widespread and not just limited to isolated incidents. FDC's failure to provide trained IIAs significantly breaches the Agreement.

**Count 7: Breach of Contract**  
**Failure to Provide CapTel Phones**

201. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

202. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

203. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for CapTel phones, as set forth in paragraph 35 of the Agreement.

204. FDC's failure to provide CapTel phones is systemic and widespread and not just limited to isolated incidents. FDC's failure to provide CapTel phones significantly breaches the Agreement.

**Count 8: Breach of Contract**  
**Failure to Provide White Canes**

205. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

206. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

207. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for white canes, as set forth in paragraph 42 of the Agreement.

208. FDC's failure to provide properly sized white canes is systemic and widespread and not just limited to isolated incidents. FDC's failure to provide white canes significantly breaches the Agreement.

**Count 9: Breach of Contract**  
**Failure to Provide Accommodations to Prisoners with Mobility Disabilities**

209. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

210. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

211. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for accommodations for prisoners with mobility disabilities, as set forth in paragraph 60 of the Agreement.

212. FDC's failure to provide accommodations to prisoners with mobility disabilities is systemic and widespread and not just limited to isolated incidents. FDC's failure to provide these accommodations significantly breaches the Agreement.

**Count 10: Breach of Contract**  
**Failure to Provide Access to Programming**

213. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

214. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

215. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for providing access to work, and educational and vocational

training for prisoners with disabilities, as set forth in paragraph 22 of the Agreement.

216. FDC's failure to provide access to work, and educational and vocational training is systemic and widespread and not just limited to isolated incidents. FDC's failure to provide this significantly breaches the Agreement.

**Count 11: Breach of Contract**  
**Failure to Make Architectural Modifications – Mazz Facilities**

217. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

218. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

219. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for completing short-term architectural modifications in the Mazz Facilities, and failing to comply with the required deadlines, as set forth in paragraph 57(b) of the Agreement.

220. FDC's failure to make architectural modifications is systemic and widespread and not just limited to isolated incidents. FDC's failure to provide this significantly breaches the Agreement.

**Count 12: Breach of Contract**  
**Failure to Make Architectural Modifications – Non-Mazz Facilities**

221. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

222. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

223. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for completing short-term architectural modifications in the Non-Mazz Facilities, and failing to provide the required reports to DRF, as set forth in paragraph

57(c) of the Agreement.

224. FDC's failure to make architectural modifications is systemic and widespread and not just limited to isolated incidents. FDC's failure to provide this significantly breaches the Agreement.

**Count 13: Breach of Contract**  
**Failure to Pave Tracks**

225. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as is fully set forth herein.

226. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

227. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement for paving tracks at all ADA-designated facilities, as set forth in paragraph 9 of the Agreement.

228. FDC's failure to pave tracks is systemic and widespread and not just limited to isolated incidents. FDC's failure to provide this significantly breaches the Agreement.

**Count 14: Breach of Contract**  
**Failure to Main Documentation of Denial of Access to Programming**

229. Plaintiff incorporates and re-alleges all paragraphs preceding the Causes of Action section as if fully set forth herein.

230. The Agreement constitutes a contract between Plaintiff DRF and Defendant FDC.

231. Defendant has breached the express terms of the Agreement by substantially noncomplying with the requirement to maintain documentation of the denial of Covered Inmates' access to work, vocational, or educational programming, as set forth in paragraph 22 of the Agreement.

232. FDC's failure to maintain documentation of the denial of Covered Inmates'

access to work, vocational, or educational programming is systemic and widespread and not just limited to isolated incidents. FDC's failure significantly breaches the Agreement.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that this Court:

- A. Find and declare that Defendant FDC has significantly breached the Agreement as set forth herein and is in breach of contract;
- B. Order specific performance of all terms, conditions, and provisions of the Agreement by ordering Defendant to immediately come into compliance;
- C. Award Plaintiff its attorneys' fees, costs, and litigation expenses as required by Paragraph 74 of the Agreement; and
- D. Such other and further relief as may be just and proper.

Dated: June 11, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that today, June 11, 2020, a true and correct copy of the foregoing document was served via the Court's E-Filing Portal, and via email, to all counsel of record, including: Erik M. Figlio, [rfiglio@ausley.com](mailto:rfiglio@ausley.com); Alexandra E. Akre, [aakre@ausley.com](mailto:aakre@ausley.com); Samuel J. Walenz, [swalenz@ausley.com](mailto:swalenz@ausley.com).

By: *s/Dante P. Trevisani*  
Dante P. Trevisani



# **SETTLEMENT AGREEMENT**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
Tallahassee Division**

**DISABILITY RIGHTS FLORIDA, INC.,**

**Plaintiff,**

**vs.**

**Case No. 4:16-cv-47-RH-CAS**

**JULIE JONES, in her official capacity as  
Secretary of the Florida Department of  
Corrections,**

**Defendant.**

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**SETTLEMENT AGREEMENT**

**Table of Contents**

**I. BACKGROUND**

**II. DEFINITIONS**

1. Days.....	2
2. Deaf/Hard of Hearing Inmates.....	2
3. Inmates with Vision Disabilities.....	2
4. Inmates with Mobility Disabilities.....	2
5. Covered Inmates .....	3
6. Compelling Security Concern.....	3

**III. GENERAL PLAN OF COMPLIANCE**

7. Location of Covered Inmates .....	3
8. General Time Frames for Implementation of Requirements of General Plan of Compliance.....	3
9. Recreational Tracks.....	4
10. Health, Safety, & Welfare .....	4
11. Changes to Physical Disability Policies .....	4
12. Initial Identification of Disabilities and Accommodations at Reception .....	5
13. Periodic Re-assessments of Covered Inmates .....	5

14. Repair or Replacement of Preexisting Accommodations; Sending to Designee.....	6
15. Making Materials Available in Accessible Formats.....	6
16. Procedure for Requests for Aids, Services, and Accommodations.....	6
17. Other Requests for Accommodation.....	6
18. Passes .....	7
19. No Co-Pay or Charge for Accommodations .....	7
20. Confiscation of Approved Accommodations.....	7
21. Work Release Centers and Re-entry Programs .....	7
22. Work and Educational Programming.....	8
23. PRIDE .....	8
24. Natural Supports .....	8
25. Allegations of Retaliation or Harassment.....	8

#### **IV. TRAINING**

26. FDC Staff.....	8
27. Covered Inmates .....	10
28. Impaired Inmate Assistant.....	10

#### **V. COMPLIANCE REQUIREMENTS FOR DEAF/HARD OF HEARING INMATES**

29. Qualified Interpreters: American Sign Language, Oral Interpreters and Transliterators .....	11
30. Access to Qualified Interpreters: American Sign Language, Oral Interpreters or Transliterators .....	12
31. Use of Handcuffs .....	13
32. Hearing Aids .....	13
33. Teletypewriters .....	14
34. Telephone Amplification and Hearing Aid Compatibility.....	14
35. Captioned Telephone (“CapTel”).....	14
36. Video Relay Services .....	14
37. Alert Systems .....	15
38. Vibrating Watches .....	15
39. Open or Closed Captioning .....	15
40. FM Transmitters and Receivers.....	16

#### **VI. COMPLIANCE REQUIREMENTS FOR INMATES WITH VISION DISABILITIES**

41. Housing .....	16
42. White Canes .....	16
43. Talking Watches .....	17
44. Key Locks.....	17
45. Magnifiers.....	17
46. Recorders/Players .....	17
47. General Library Services .....	18

48. Law Library Services .....	18
49. Time to Work with Impaired Inmate Assistants, Library Clerks, and Law Clerks in or Near the Law Library .....	18
50. The Division of Blind Services' Talking Book Program .....	18
51. Call Out Lists .....	19
52. Medical Care .....	19
53. Correspondence Courses from Hadley School for the Blind .....	19
54. Access to Grievance, RMAR, and DR System .....	19
55. Impaired Inmate Assistants .....	20
56. FM Transmitters and Receivers .....	20

## **VII. PLAN OF COMPLIANCE FOR INMATES WITH MOBILITY DISABILITIES**

57. Modifications to Prisons Where IMDs Will Be Housed .....	200
A. Selection of an Architect .....	200
B. Facilities and Areas in Facilities That Mark Mazz Has Already Inspected .....	21
C. Facilities and Areas in Facilities That Mark Mazz Has Not Inspected .....	22
58. Wheelchairs .....	24
59. Prosthetic Devices .....	24
60. Other Accommodations .....	25
61. Bathrooms and Showers .....	25
62. Impaired Inmate Assistants (IIAs) .....	26

## **VIII. IMPLEMENTATION OF THE PLAN OF COMPLIANCE**

63. Agreement to Implement the Plan of Compliance .....	26
64. No Admission .....	26
65. Agreement is the Product of Multiple Sessions .....	26
66. Voluntary Dismissal .....	27
67. Meetings .....	27
68. Continued Protection and Advocacy Activities .....	28
69. Party Liaisons and Presentation of Concerns .....	28
70. DRF's Access to Records .....	28
71. Confidential Legal Visits and Telephone Calls with Inmates .....	30
72. Compliance Visits .....	31

## **IX. VIOLATION OF SETTLEMENT AGREEMENT**

73. Procedures for Allegations of Significant Breach of this Agreement .....	31
A. Notice of Significant Breach .....	32
B. Response to Notice of Significant Breach .....	32
C. Reply Regarding Significant Breach .....	33
74. DRF's Remedy for FDC's Alleged Significant Breach .....	33
75. Effect of DRF's Inaction or Action With Respect To A Suit To Enforce .....	33

## **X. OTHER PROVISIONS**

76. Authentication of Documents .....	34
77. Attorney's Fees and Costs .....	34
78. Modification of the Manner in Which FDC Provides Accommodations to Covered Inmates .....	34
79. Modification of Agreement .....	35
80. Force Majeure Clause .....	35
81. Agreement Binding on Successors .....	35
82. Agreement Constitutes Entire Agreement .....	35
83. Effective Date of Agreement .....	36
84. Agreement Subject to Legislative Appropriations .....	36
85. Release .....	37
86. Compliance with Section 45.062 .....	37

## **EXHIBITS**

- A. List of Institutions
- B. Implementation Schedule
- C. Public Announcement for Professional Architectural Services
- D. Accessibility Items at Prisons Inspected by Mark Mazz
- E. Architect Inspection Procedures
- F. Business Associate Agreement
- G. Procedures for the Compliance Visits

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
Tallahassee Division**

**DISABILITY RIGHTS FLORIDA, INC.,**

**Plaintiff,**

**vs.**

**Case No. 4:16-cv-47-RH-CAS**

**JULIE JONES, in her official capacity as  
Secretary of the Florida Department of  
Corrections,**

**Defendant.**

\_\_\_\_\_ /

**SETTLEMENT AGREEMENT**

The Plaintiff, DISABILITY RIGHTS FLORIDA, INC., (“DRF”) and the Defendant, JULIE JONES, sued in her official capacity as Secretary of the Florida Department of Corrections (“FDC”) (collectively the “Parties”), have entered into this Settlement Agreement (“Agreement”) as a plan for settling this litigation. Both Parties agree to comply with the following terms. The Parties do not intend that this Agreement will be enforceable by an order of this Court. As set forth below, this Agreement is a contract enforceable in state court should the FDC significantly breach this Agreement. That this Agreement is not a Consent Decree is a key factor in FDC’s willingness to enter into this Agreement.

**I. BACKGROUND**

DRF initiated this action by filing a Complaint on January 6, 2016. In the Complaint, DRF alleges that FDC has violated and continues to violate, in a systemic fashion, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Eighth

Amendment to the United States Constitution, and the Due Process Clause of the United States Constitution, in its treatment of inmates who have hearing, vision, and mobility disabilities. FDC responded to DRF's allegations by denying all liability.

DRF did not, and does not, assert any claims based on the treatment of, or on behalf of, FDC inmates with mental, emotional, cognitive, or developmental disabilities, unless those inmates also have a physical disability involving their hearing, vision or mobility. To the extent that inmates with mental, emotional, cognitive, or developmental disabilities also have hearing, vision, or mobility disabilities, this Agreement provides for compliance activities only for their hearing, vision, and mobility disabilities.

This Agreement is the product of multiple mediation meetings, and the Parties believe that this Agreement represents a fair settlement of DRF's claims.

## **II. DEFINITIONS**

1. **Days.** Unless otherwise specified, references to "days" shall be to calendar days. If the last day of the specified period falls on a weekend or holiday, the due date shall be the next business day.

2. **Deaf/Hard of Hearing Inmates.** Abbreviated herein as "D/HOH inmate". This means an FDC inmate with a physical impairment that substantially limits the inmate's hearing, as defined in the Americans with Disabilities Act, 42 U.S.C. § 12102.

3. **Inmates with Vision Disabilities.** Abbreviated herein as "IVD." This means an FDC inmate with a physical impairment that substantially limits the inmate's seeing, as defined in the Americans with Disabilities Act, 42 U.S.C. § 12102.

4. **Inmates with Mobility Disabilities.** Abbreviated herein as "IMD," or "IMDs." This means an FDC inmate with a physical impairment that affects the inmate's ability to move,

which substantially limits the inmate's major life activities of walking, standing, bending, performing manual tasks, lifting, reaching, or sitting, as defined in the Americans with Disabilities Act, 42 U.S.C. § 12102 and 42 C.F.R. § 35.108.

5. **Covered Inmates.** For purposes of this Agreement, Covered Inmates means any Deaf/Hard of Hearing Inmate, Blind/Visually Impaired Inmate, or Inmate with a Mobility Disability.

6. **Compelling Security Concern.** For purposes of this Agreement, a "compelling security concern," as it relates to a reasonable accommodation, aid, or device, that has been provided or may be provided to a Covered Inmate, exists if the accommodation, auxiliary aid, or device cannot be adequately searched by FDC for contraband, is contraband, has been used as a weapon, can be weaponized to harm the Covered Inmate or others, or can be used to facilitate an escape. Documentation of the compelling security concern shall be maintained.

### **III. GENERAL PLAN OF COMPLIANCE**

The Parties agree to the following Plan of Compliance:

7. **Location of Covered Inmates.** Effective July 1, 2017, FDC will begin to locate Covered Inmates in the facilities listed in the attached Exhibit A. This will be accomplished by June 30, 2018, except for inmates in restrictive housing. Covered Inmates in restrictive housing cells will be moved as the architectural modifications to the restrictive housing cells are completed. All restrictive housing cells will be completed no later than December 31, 2019. The services contemplated for the Covered Inmates will be provided at the facilities listed, in accordance with the implementation schedules referred to herein.

8. **General Time Frames for Implementation of Requirements of General Plan of Compliance.** Attached as Exhibit B is an Implementation Schedule which describes the time



frames for implementation of the requirements of the General Plan of Compliance, except for architectural modifications which are described in paragraph 57 below. The Parties agree that the timing of compliance as set forth in this document is an essential term of the Agreement.

9. **Recreational Tracks.** Existing recreational tracks at the facilities listed on Exhibit A, that are used for activities such as running and walking by inmates, shall be paved so that they can be safely traversed by IVDs and IMDs.

10. **Health, Safety, & Welfare.** FDC reserves the right to temporarily suspend a Covered Inmate's access to any accommodation, aid, or device, to protect the health, safety, and welfare of inmates or staff.

11. **Changes to Physical Disability Policies.** FDC shall complete a review of its policies, rules, procedures, Health Service Bulletins, manuals, the Inmate Handbook, and post orders, and any associated forms that reference the treatment of Covered Inmates (hereinafter collectively referred to as "policies") to determine which of them must be modified to comply with the provisions of this Agreement. Within one hundred twenty (120) days from the Effective Date, FDC shall provide to DRF, in draft, the revisions to the policies. However, FDC will also provide revised drafts of the policies as they become available. DRF shall have sixty (60) days to provide feedback to FDC on the proposed revised changes. While FDC will consider DRF's feedback, FDC reserves the right to make the final decision as to policy content. Within thirty (30) days after receiving DRF's feedback, FDC will initiate rulemaking for those policies requiring Chapter 120 rulemaking, will adopt any finalized policies not requiring rulemaking, and will provide final copies to DRF. The FDC shall comply with these new policies to the extent that they relate to this Agreement.

**12. Initial Identification of Disabilities and Accommodations at Reception.** At Reception, FDC will attempt to identify whether an inmate has a hearing, vision, or mobility disability. If it is determined that the inmate is a Covered Inmate, FDC will determine the extent of the disability, and whether he or she needs any accommodations, aids, or services. For D/HOH Inmates and IVD Inmates, FDC will evaluate the verbal and written communication skills, reading level, and where appropriate, the inmate's proficiency in sign language (including American Sign Language) by an appropriate professional. The sign language evaluation must be completed by a Qualified Interpreter. The assessment must also include documentation of any needs and accommodations desired by the inmate, and FDC will consider the Covered Inmate's stated preferences. FDC shall conduct an individualized assessment of the need for accommodations, aids, or services required by the Covered Inmate. Results of this assessment will be documented and placed in the Covered Inmate's record, documented in FDC's electronic system (currently called "Offender Based Information System" or OBIS), and will be made available as needed, to FDC staff responsible for the inmate's medical care, programs, or custody and supervision at both Reception and the permanent prison. The FDC will use this information so that needed accommodations, aids, or services are provided.

**13. Periodic Re-assessments of Covered Inmates.** At least once per year, FDC will conduct periodic re-assessments of Covered Inmates to determine whether any changes in accommodations are necessary. These re-assessments shall include but not be limited to determining whether the Covered Inmate is receiving effective accommodations for his or her disability, whether the Covered Inmate desires any other accommodations, and a medical examination, if appropriate. Results of any changes in the Covered Inmate's status, or his or her

permitted accommodations, will be provided, or made available, to FDC staff responsible for the Covered Inmate's medical care, programs, or custody and supervision.

**14. Repair or Replacement of Preexisting Accommodations; Sending to Designee.**

If a Covered Inmate comes into custody with an accommodation, auxiliary aid, or device and the accommodation, auxiliary aid, or device requires repair, FDC may provide another accommodation, auxiliary aid, or device in lieu of repairs. If this occurs and the Covered Inmate wishes to keep the original accommodation, auxiliary aid, or device, the Covered Inmate will be allowed to send the accommodation, auxiliary aid, or device to his or her designee.

**15. Making Materials Available in Accessible Formats.** All materials distributed or made available to inmates, including paper forms, signs, handbooks, orientation materials, instructional videos, grievances, etc., must also be in accessible formats.

**16. Procedure for Requests for Aids, Services, and Accommodations.** If an inmate requests an accommodation, aid, or service, the FDC will consider the request in good faith, interview the inmate if necessary, and refer the inmate for a medical evaluation as needed. The determination that an inmate, who has requested an accommodation, is not a Covered Inmate shall be made only after a recommendation from a medical doctor, if appropriate, and written approval by the statewide ADA Coordinator or his or her designee. The reasons for the determination must be documented in writing in the inmate's record.

**17. Other Requests for Accommodation.** If a Covered Inmate requests an accommodation, aid, or service that is not covered elsewhere in this Agreement, after a determination of need is made under the prior paragraph, FDC will provide the requested accommodation, aid, or service to the Covered Inmate unless (1) FDC has a compelling security, health, safety, or welfare concern, (2) the inmate already has an effective accommodation, (3) the

accommodation would cause an undue financial or administrative burden to FDC, (4) another reasonable and effective accommodation is available, or (5) the accommodation would constitute a fundamental alteration of an identifiable FDC program, service, or activity. The reasons for the denial must be documented in writing in the inmate's record.

18. **Passes.** The FDC will issue passes to Covered Inmates to implement any accommodations, aids, and services it has provided. All necessary passes for Covered Inmates will remain in effect even when a Covered Inmate is transferred to another facility, so that the Covered Inmate does not lose his or her accommodations, auxiliary aids, and services solely because of the transfer.

19. **No Co-Pay or Charge for Accommodations.** If FDC refers a Covered Inmate for a medical visit to assess the need for an accommodation, aid, or service, no medical co-pay will be charged to the Covered Inmate. No charges shall be assessed to a Covered Inmate for accommodations, aids, or services, including batteries to use the accommodation device, that are or have been previously approved by FDC.

20. **Confiscation of Approved Accommodations.** The FDC shall not confiscate a Covered Inmate's approved accommodation, aid, or service or fail to renew or approve a pass for a Covered Inmate's approved accommodation, aid, or service, unless there is a compelling security concern. All confiscations of Covered Inmates' approved accommodations, aids, or devices must be approved by the institutional warden who will confer with an ADA Coordinator and the Chief Health Officer of the institution.

21. **Work Release Centers and Re-entry Programs.** FDC will not refuse to send a qualified Covered Inmate to a community work release center or reentry program because the inmate has a mobility, hearing, or vision disability.

22. **Work and Educational Programming.** FDC shall not deny an otherwise qualified Covered Inmate access to work, vocational, or educational programming on the basis of that inmate's disability. If a Covered Inmate applies for a work position, or a vocational or educational opportunity, and that inmate meets the skill, experience, and education requirements, medical restrictions, custody level, criminal history and time remaining on sentence requirements, the FDC will not deny that individual the position or opportunity without documentation by an ADA Coordinator. The ADA Coordinator shall document whether (1) FDC can make reasonable modifications in policies, practices or procedures to permit the inmate to meet the essential functions of the position or opportunity, and (2) the modifications fundamentally alter the nature of the program, service or activity. Enrollment in courses offered by the Hadley School for the Blind shall not be the basis for denying an IVD inmate access to work, vocational, or educational programming that is otherwise available.

23. **PRIDE.** FDC shall not prevent a qualified Covered Inmate from participating in PRIDE work programs because the inmate has a mobility, hearing, or vision disability.

24. **Natural Supports.** A Covered Inmate shall not be punished on the sole basis that he or she asked another inmate for help due to his or her disability, or accepted such help, and an inmate shall not be punished on the sole basis that he or she provided such help.

25. **Allegations of Retaliation or Harassment.** Allegations of retaliation or harassment will be promptly investigated by FDC, and appropriate action will be taken.

#### **IV. TRAINING**

26. **FDC Staff.** By July 1, 2018, FDC shall begin to provide training appropriate to the responsibilities of all FDC medical care, programs, and custody and supervision staff who interact with Covered Inmates, on the following subjects: (A) disability laws, (B) the FDC's

process of evaluating impairments and disability, and providing information regarding that to staff, (C) the use and evaluation of impaired inmate assistants, (D) the process for Covered Inmates to request accommodations, (E) the availability and the use of accommodations that are provided by the FDC, (F) general information as to how to effectively work with Covered Inmates, (G) explanations of the use of sign language by D/HOH inmates, (H) the limitations of hearing aids, (I) appropriate ways to guide inmates who are blind or visually disabled, (J) orienting blind or visually disabled inmates to their environment, (K) assisting blind or visually disabled inmates with submitting grievances, appeals, Reasonable Modification or Accommodation Requests, Disciplinary Report paperwork and appeals, and other similar documents; (L) functional implications of being a D/HOH, IVD, or IMD inmate ; and (M) common misunderstandings about an individual's remaining sight, hearing, and mobility. The FDC shall utilize reasonable efforts to consult with the Florida Department of Education Division of Blind Services and the Florida School for the Deaf and Blind to develop its training modules. This training shall be provided by qualified personnel, and may be via webinar or online training. As draft written training materials for different training modules are completed, FDC will provide those materials to DRF. Within nine (9) months after the Effective Date of this Agreement, FDC will provide DRF with a copy of the written materials to be used for the training for DRF's feedback. DRF will respond within thirty (30) days; however, FDC reserves sole discretion on the content of its training materials. Within eleven (11) months after the Effective Date of this Agreement, FDC will provide DRF with a copy of any videos or online materials that may be used for the training for DRF's feedback. DRF will respond within thirty (30) days; however, FDC reserves sole discretion on the content of any video or online training materials. All staff who interact with Covered Inmates will receive a first training by July 1,

2019. This training will be repeated on an annual basis. When this training becomes available, new staff shall complete it as part of their initial orientation and training.

27. **Covered Inmates.** At Reception, FDC will provide additional orientation for Covered Inmates that includes the following subjects, as appropriate: (A) skills training, (B) orientation at the permanent prison, (C) the impaired inmate assistant program, (D) orientation to accommodations and services that are being provided (this must include information about devices available at FDC prisons), (E) quarterly impaired inmate meetings, (F) FDC's ADA coordinators, (G) filing requests for accommodation (including grievances and Reasonable Modification or Accommodation Requests), (H) services provided by The Division of Blind Services' Talking Book Program, and (I) services provided by the Hadley School for the Blind. The materials must be provided in a format that is appropriate and accessible for the individual Covered Inmate. When the Covered Inmate is transferred to a permanent prison, appropriate ADA training will be provided as needed.

The FDC shall facilitate general skills training for IVD inmates through the Hadley Institute for the Visually Impaired and Blind, and FDC shall also offer training on the use of the auxiliary aids and devices that have been provided to these inmates. The goal of this training is to promote independence among the IVD inmates. The FDC shall offer IVD inmates who have difficulty safely and independently moving on, and negotiating, steps, curbs, terrain, and facilities, skills training for traveling independently. The FDC shall also offer all Covered Inmates, as needed, skills training in self-care, shaving, the safe and independent administration of medicine, and traveling independently.

28. **Impaired Inmate Assistant.** Impaired Inmate Assistants ("IIAs") will receive initial and periodic training as to their job duties and performance criteria, as well as assisting

Covered Inmates. The assistance training will be designed to educate the IIAs to (A) a Covered Inmate's needs, (B) the use and evaluation of impaired inmate assistants, (C) general information as to how to effectively work with Covered Inmates with disabilities, (D) functional implications of being deaf/hard of hearing, blind/visually impaired, or having a mobility disability; and (E) common misunderstandings about an individual's remaining sight, hearing, and mobility.

Training for IIAs that assist IVD inmates will also include topics such as guiding, assisting with talking watches, assistance in recreational activities, reading aloud, assistance at meals, traveling stairs, and maintaining confidentiality of information.

Training for IIAs that assist with IMDs will also include topics such as safely pushing a wheelchair, helping someone to transfer to another seat, and assistance with daily life activities.

## **V. COMPLIANCE REQUIREMENTS FOR DEAF/HARD OF HEARING INMATES**

29. **Qualified Interpreters: American Sign Language, Oral Interpreters and Transliterators.** A qualified sign language interpreter ("interpreter") is one who, via a video remote interpreting service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. An individual does not need to be registered or licensed in order to be considered to be a qualified sign language interpreter, but an individual holding a valid certification from the National Registry of Interpreters for the Deaf or the National Association of the Deaf shall be deemed to be a qualified sign language interpreter. Preference will be given to interpreters who hold a certification from the National Registry of Interpreters for the Deaf or the National Association of the Deaf. FDC will exercise reasonable efforts to utilize interpreters who hold a certification from the National Registry of Interpreters for the Deaf or the National Association of the Deaf in hiring or contracting with interpreters.



**30. Access to Qualified Interpreters: American Sign Language, Oral Interpreters or Translitterators.** FDC shall make available an interpreter to any D/HOH inmate whose effective means of communication is sign language or speech-reading/lip-reading in the following situations: (A) medical, dental, and mental health appointments; (B) scheduled meetings with classification officers; (C) education programs; (D) substance abuse programs; (E) intake and orientation; (F) disciplinary hearings; (G) work and job training, including at PRIDE; (H) religious services; (I) any training for matters that are outside the routine day-to-day schedule; (J) PREA training; and (K) any pre-release and re-entry instructions.

The phrase “make available” includes making an interpreter available by video remote interpreting (VRI) service, or by an on-site appearance. VRI shall not be used when it is not effective. FDC shall adopt a policy to implement the use of VRI for D/HOH inmates. VRI will not be utilized if:

- A. A qualified sign language interpreter is available to provide onsite interpretation;
- B. The event at issue is long or complex;
- C. The individual has a secondary disability (such as low vision or physical mobility) that may impede the ability of the inmate to fully access the communications; and
- D. The individual has cognitive, psychiatric, or linguistic difficulties which impede effective communication through VRI.

To the extent that FDC provides qualified interpreters via VRI services, FDC shall provide:

- (1) Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;

- (2) A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position;
- (3) A clear, audible transmission of voices;
- (4) Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI; and
- (5) Use of the VRI equipment in a location which safeguards the inmate's privacy, as much as any non-disabled inmate's privacy is protected.

31. **Use of Handcuffs.** Except when an inmate is being transported, FDC shall, as a reasonable accommodation, handcuff in the front D/HOH inmates whose effective means of communication is by sign language or writing, and shall only handcuff those inmates behind the back when there is a compelling security reason to do so. During disciplinary hearings, FDC will ensure that a D/HOH inmate whose effective means of communication is by sign language or writing, shall have sufficient freedom of movement for their hands.

32. **Hearing Aids.** When a D/HOH inmate is determined by FDC to need a hearing aid, it will be provided free of charge. When necessary as a reasonable accommodation, bilateral hearing aids will be provided. The FDC shall not confiscate the hearing aids of inmates who come to prison with them, but shall permit such inmates to retain and use them during their time in prison, unless there is a compelling security or medical reason; however, in the event that repair of such hearing aids is necessary, the FDC retains the option of providing the inmate with replacement hearing aids. FDC will provide training to inmates and staff on the processes to be used so that hearing aid batteries can be obtained free of charge. The FDC shall repair or replace hearing aids within a maximum of sixty (60) days of being advised of the need, unless due to the severity of the repair more time is necessary, in which event the repair shall be completed within a maximum of ninety (90) days.

33. **Teletypewriters.** Teletypewriters or a successor technology (TTYs) will be available in the dormitories for those D/HOH inmates who choose to use TTY in lieu of Videophones, or other devices and have the capability of using them. D/HOH inmates shall be permitted two times the normal time to use the TTY. The FDC shall ensure that staff is trained on how to operate the TTYs. Broken TTYs will be repaired or replaced within thirty (30) days. The TTY paper will be replaced when necessary. While the TTY is unavailable due to needed repairs, FDC will ensure that the inmate has access to another TTY. The FDC shall ensure that D/HOH inmates have access to the TIPS line using TTY. For legal calls, a TTY, for which a printout will not be maintained, will be available in another location on the compound which permits privacy.

34. **Telephone Amplification and Hearing Aid Compatibility.** FDC shall continue to provide standard telephones which offer volume amplification features, and that are compatible with hearing aids.

35. **Captioned Telephone (“CapTel”).** FDC shall provide captioned telephones (“CapTel”) for inmates who (1) can speak but cannot hear on the telephone, (2) do not use sign language to communicate, and (3) are unable to use a TTY phone, as long as the CapTel phones can be used in accordance with FDC’s security requirements.

36. **Video Relay Services.** Video enabled devices shall be available in kiosks in the dormitories which house D/HOH inmates in the facilities listed in Exhibit A to access the Video Relay Service (“VRS”) free of charge. The FDC shall ensure that staff is trained on how to operate the video enabled devices in the kiosks. Video enabled devices available in kiosks in the dorm which are broken will be repaired or replaced, within thirty (30) days. While the video enabled device is unavailable due to needed repairs, FDC will ensure that the D/HOH inmate has

access to another kiosk with another video enabled device in another dorm. The video enabled devices shall have the capability to access the TIPS line. The D/HOH inmates shall be permitted two times the normal time to use the video enabled device. Further, in all the facilities listed in Exhibit A, at least one video enabled device will be available in an area such that the call can be made confidentially for legal or court related calls.

37. **Alert Systems.** The FDC will install light boards and other visual alert systems in dormitories, which will be used to alert D/HOH inmates, whose condition prevents them from hearing announcements for events such as medical and legal call-outs, meal times, recreation times, counts, fire drills, and any other reason when an inmate needs to be alerted. In addition to the above, FDC will also explore other alternatives that may be used to alert D/HOH inmates to the events described above.

38. **Vibrating Watches.** FDC will utilize reasonable efforts to inform or remind the D/HOH inmate of necessary events or appointment “call outs.” If notwithstanding that, the D/HOH inmate is unable to respond to necessary events or appointment “call outs” due to the inmate’s hearing, a vibrating watch will be made available as an accommodation. In addition, all profoundly deaf inmates will receive a vibrating watch.

39. **Open or Closed Captioning.** FDC is not authorized by law to purchase televisions for the recreational use of inmates, so this creates practical impediments to ensuring that closed captioning exists for all television viewing; however, FDC will use reasonable efforts to locate television sets, which have closed captioning and place them in the dormitories where D/HOH inmates will be residing. If despite using reasonable efforts, FDC is unable to locate sufficient numbers of these televisions, this is not a violation of this Agreement. If a television set is equipped with a captioning chip, the captioning must be kept on at all times. All television sets

purchased by the FDC for education and wellness shall have closed captioning ability. If, after this Agreement is executed, any programming is produced by FDC that is transmitted over the television or computer, or any videos or DVDs are purchased by FDC for inmates' use (to include all educational or training material), the programming will be produced with captioning and the videos or DVDs will have captioning.

40. **FM Transmitters and Receivers.** In housing units designated for D/HOH inmates, TVs shall have FM Transmitters, and the FM transmitter will be turned on at all times when the TV is on. Broken FM transmitters will be repaired or replaced within thirty (30) days. When a D/HOH inmate is determined by the FDC to require an FM Transmitter as a reasonable accommodation, receivers will be provided. FDC will provide the additional appropriate devices needed to receive the FM signal.

## **VI. COMPLIANCE REQUIREMENTS FOR INMATES WITH VISION DISABILITIES**

41. **Housing.** IVD inmates will be housed with reasonable access to the IIAs. Dormitories will contain one or more dedicated charging stations for electronic accommodation devices. When IVD inmates are housed in open bay dorms, they shall receive appropriate accommodation for access to the bathroom, which can include orientation to the dorm, a clear path to the bathroom, and, if practicable, a bed close to the bathroom. IVD inmates will not be housed on the second floor of dormitories, except for compelling reasons on a temporary basis, or in the event of an emergency.

42. **White Canes.** White canes will be offered as an available accommodation device for those IVD inmates who are totally or legally blind, or those who have low vision and have difficulty safely and independently moving on, and negotiating, steps, curbs, terrain, and facilities. The length of the white cane shall be based on an individual's height, and generally

should stand at shoulder height, but the preference of the inmate will be considered. White canes must be available for replacement as soon as practicable, but no longer than two (2) weeks, and FDC shall provide an accommodation in the interim, as needed.

43. **Talking Watches.** FDC will utilize reasonable efforts to remind the IVD inmates of necessary events or appointment “call outs.” If, notwithstanding the reminders provided by FDC, and/or changes to the Call Out Lists as discussed below, the IVD inmate is unable to respond to necessary events or appointment “call outs” due to his vision, a talking watch will be made available as an accommodation. In addition, all totally blind inmates will receive a talking watch.

44. **Key Locks.** IVD inmates will be authorized to purchase a key lock to store their possessions in their lockers.

45. **Magnifiers.** Hand held magnifying glasses of various magnifications, which are made of plastic, shall be available in the library for use by IVD inmates. The library shall also contain a CCTV video magnifier for use by IVD inmates. IVD inmates who are legally blind or have low vision will be permitted to have plastic magnifying sheets in the dorms as an accommodation.

46. **Recorders/Players.** If an IVD inmate has made a request, and has demonstrated a need, to independently prepare correspondence, he will be provided with a recorder in or near the library to dictate correspondence despite whatever other aids or devices are available. The location will permit dictation confidentiality. If an IVD inmate has made a request, and has demonstrated a need, to independently listen to correspondence, he will be provided with a player in or near the library to listen to correspondence despite whatever other aids or devices are available. The location will permit confidentiality.

47. **General Library Services.** To the extent reasonably possible, the general library shall offer large print books and other written resources; otherwise, the hand held magnifying glasses, or CCTV video magnifier, can be utilized to enlarge print material. If the general library contains a computer, the computer will have a font enlargement feature, and a screen magnifier. Also, impaired inmate assistants or library clerks will be available to read out loud.

48. **Law Library Services.** The law library shall offer the hand held magnifying glasses to enlarge print material, and impaired inmate assistants or library clerks will be available to read out loud. In addition, computers will have a font enlargement feature, and a screen magnifier. One law library computer shall be equipped with a text-to-speech software (JAWS), and training on the use of the text-to-speech software will be available. If an IVD inmate has an inability due to his vision to read legal documents from retained counsel or the court, and is unable to use any other aid or device for that purpose, the inmate will be able to use an impaired inmate assistant, a law clerk, or a library clerk to read material out loud in a location in or near the law library that will permit confidentiality.

49. **Time to Work with Impaired Inmate Assistants, Library Clerks, and Law Clerks in or Near the Law Library.** Inmates with vision disabilities shall be provided up to fifty percent (50%) additional time to work with IIAs, library clerks, or law clerks in or near the law library beyond that amount of time that is normally afforded to the non-vision disabled.

50. **The Division of Blind Services' Talking Book Program.** Access to The Division of Blind Services' Talking Book Program (the "Program") will be an available accommodation device or aid for IVD inmates. Assistance will be provided to IVD inmates to register for the Program, select Program resources, and to send and receive Program resources. An IVD inmate's access to resources with regard to the number of resources that can be taken

out at one time, the use of the Talking Book players, etc. will be in accordance with the policies of the Program. The FDC will update its policies to reflect the policies of the Talking Book program. When DRF brings any issues with access by IVD inmates to Talking Books to FDC's attention during meetings or through liaisons, FDC will work with Talking Books to try to resolve those issues.

51. **Call Out Lists.** "Call Out" lists shall either be printed in at least 18-22 font, or, if necessary, the information contained on the Call Out list will be provided to the IVD inmates by alternative methods.

52. **Medical Care.** IVD inmates will receive the periodic vision examination that their condition requires. IVD inmates shall receive the treatment, medical procedures, or accommodations that are deemed to be medically necessary. IVD inmates who have been determined by FDC to have a sensitivity to light shall be issued dark tinted glasses or a hat.

53. **Correspondence Courses from Hadley School for the Blind.** Access to correspondence courses from Hadley School for the Blind ("Hadley") will be an available accommodation device or aid for IVD inmates. Assistance will be provided to IVD inmates to register for the Hadley courses, select Hadley courses, and to send and receive Hadley resources. An IVD inmate's access to Hadley resources will be in accordance with the policies of Hadley.

54. **Access to Grievance, RMAR, and DR System.** If an IVD inmate has an inability due to his vision to write written grievances, grievance appeals, requests using the Reasonable Modification or Accommodation forms, or responses to disciplinary actions, the inmate will have access to an impaired inmate assistant, law clerk, or a library clerk to prepare such written items. If that is not possible, the inmate will then have access to a FDC staff member for that purpose. An extension of time for filing informal grievances, formal



grievances, grievance appeals to the Office of the Secretary, or direct grievances to the Office of the Secretary shall be granted when it is clearly demonstrated by the inmate to the satisfaction of FDC that it was not feasible to file the grievance within the relevant time periods and that the inmate made a good faith effort to file in a timely manner.

55. **Impaired Inmate Assistants.** The IVDs, who have been determined by FDC to need an IIA as a reasonable accommodation, shall have access to IIAs who have the ability to effectively communicate with the IVDs to the extent possible, and will possess sufficient literacy skills to read aloud, and to follow oral requests. The IIAs will be periodically evaluated for fulfillment of established job duties and performance criteria, and any information provided by the Covered Inmate will be considered. When an IIA is unavailable, the FDC will make another IIA available. When not in special housing, IIAs shall be housed in the same dorm as the covered. FDC will provide documentation to DRF that Impaired Inmate Assistants have completed the training.

56. **FM Transmitters and Receivers.** If an IVD inmate has a need for enhancement of television sound in order to appreciate the programming, and preferential seating in the day room is not available, a receiver shall be provided to the IVD inmate as an accommodation to be used along with the FM transmitter. When the TV is on, the FM transmitter shall be turned on. Ear buds shall be made available in order to utilize the receiver.

## **VII. PLAN OF COMPLIANCE FOR INMATES WITH MOBILITY DISABILITIES**

### **57. Modifications to Prisons Where IMDs Will Be Housed.**

A. **Selection of an Architect.** Within thirty (30) days after the Effective Date, FDC will initiate procurement of the services of a licensed architect by following the procedures set forth in Florida Statute § 287.055. The selected architect must be

knowledgeable with ADA requirements and standards in prisons or jails, be licensed in Florida, and have experience assessing ADA accessibility in institutionalized settings. FDC will utilize the solicitation document that is attached as Exhibit C as the public announcement for these services. Both DRF and FDC may name one participant to the two-person selection committee that will consider which architect will be selected to perform the work required in this Agreement, consistent with state law procurement requirements. Both members of the selection committee will review each submitted proposal and evaluate them using the criteria set forth in Florida Statute § 287.055 and the applicant's experience assessing ADA accessibility in institutionalized settings, and preliminarily score them using the methodology currently used for competitive selection of professional architectural services, with the goal of selecting the most highly qualified firm. The three top-ranked firms will provide public presentations, after which final scoring will be done by the two-person selection committee. The scores from each member of the selection committee will be averaged and the firms will be ranked according to these scores. The person selected is referred to in this Agreement as the Architect.

The Parties intend for the Architect to be a neutral expert, and accordingly neither party will have contact with him/her about this case (other than for ministerial tasks such as arranging travel and payment) without the other party present or included in the communication. The Architect will be paid by FDC.

**B. Facilities and Areas in Facilities That Mark Mazz Has Already Inspected.** As to the facilities or areas within facilities listed in the attached Exhibit A which Mark Mazz has already inspected, and which FDC will use to house IMDs, FDC

will make the modifications necessary to remedy the items listed on the attached Exhibit D, which is an implementation schedule for architectural modifications which the Parties have agreed will be made. The items highlighted in yellow on Exhibit D, which can be remedied over the short-term, will be modified no later than December 31, 2017. The items highlighted in blue, which are long-term and structural, will be modified no later than June 30, 2020.

By April 30, 2018, the Architect will inspect and complete a written report describing whether the short-term items identified in Exhibit D have been remedied, and will provide that report to DRF and FDC upon completion. By December 31, 2020, the Architect will inspect and complete a written report to determine whether the long-term items identified in Exhibit D have been remedied, and will provide that report to DRF and FDC upon completion. FDC shall remedy any items identified by the Architect in either report as not being remedied within one hundred twenty (120) days of receiving the report, but in no event, no later than April 1, 2021.

**C. Facilities and Areas in Facilities That Mark Mazz Has Not Inspected.**

As to the facilities or areas within the facilities listed in the attached Exhibit A which Mr. Mazz has not inspected, and which FDC will also use to house IMDs, the Architect will conduct inspections in order to identify any items that do not meet ADA accessibility standards in areas where inmates have access. The Architect will inspect all areas where any prisoner is allowed to be, enter, or remain, whether or not prisoners actually enter or remain in that area. The inspections will be otherwise governed by the attached Exhibit E. The Parties may each send one representative, who is not an expert for either side, to accompany the Architect on the tour of the first facility, to ensure that the architect

appropriately applies ADA standards to all areas where inmates have access and inspects all appropriate areas. The inspections shall be completed within two hundred ten (210) days of the Effective Date. A written report listing any items that need to be remedied shall be prepared and provided to both FDC and DRF upon completion. The reports shall also explain whether there were any areas the Architect was not able or not permitted to inspect. DRF will confer with FDC if it believes that any areas were improperly excluded from the inspection, and the Parties shall negotiate in good faith to attempt to reach an agreement about whether the Architect must re-visit a facility to inspect those excluded areas. Within sixty (60) days of receiving the report, FDC shall inform DRF of the items that it will agree to remedy. As to the remaining items, the Parties shall negotiate in good faith in an attempt to reach an agreement on the items that will be modified. The items identified by the Architect as short-term shall be completed within two hundred forty (240) days of receipt of the report. The items identified by the Architect as long-term and structural will be modified no later than June 30, 2020. FDC shall not be required to make any architectural modifications that would result in a fundamental alteration in the nature of a service, program, or activity or in either an undue financial or administrative burden (as defined in 28 C.F.R. § 35.150), or a compelling security concern. Within sixty (60) days from the designated time for completion of the short-term remedies, the Architect will conduct an inspection to determine whether the short-term items have been remedied, and shall provide a written report to both FDC and DRF within sixty (60) days of those inspections. Within sixty (60) days from the designated time for completion of the long-term remedies, the Architect will conduct an inspection to determine whether the long-term items have been

remedied, and shall provide a written report to both FDC and DRF within sixty (60) days of those inspections. FDC shall remedy any remaining items in either report within one hundred twenty (120) days of receiving the report, but in no event later than April 1, 2021.

58. **Wheelchairs.** An IMD, who has been determined to need a wheelchair as an accommodation, may keep the wheelchair he had when he entered prison, absent a documented compelling security, health or safety concern. If that occurs, FDC will provide an alternative reasonable accommodation.

A wheelchair will be provided to any IMD if FDC determines it is necessary as a reasonable accommodation. FDC shall utilize an appropriate professional to determine the size and type of wheelchair.

FDC shall conduct quarterly inspections of the wheelchairs to determine whether they need repair or maintenance. If repair or maintenance is needed, it shall be completed within sixty (60) days of when FDC becomes aware of the need for the repair or maintenance, unless due to the severity of the repair more time is necessary, in which event the repair shall be completed within a maximum of ninety (90) days. In the interim, the IMD will be provided with a “loaner” chair.

59. **Prosthetic Devices.** An IMD, who has been determined to need a prosthetic device as an accommodation, may keep what he had when he entered prison, absent a documented compelling security, health or safety concern.

A prosthetic device will be provided to any IMD if FDC determines it is necessary as a reasonable accommodation. FDC shall utilize and follow the recommendations of an appropriate

professional to determine whether the device is operable, properly fitted, and to show the inmate how to use the device.

FDC shall conduct quarterly inspections of the prosthetic devices to determine whether they need repair or maintenance. If repair or maintenance is needed, it shall be completed within sixty (60) days of when FDC becomes aware of the need for the repair or maintenance, unless a determination is made that the prosthetic must be replaced or, due to the severity of the repair more time is necessary, in which event the repair or replacement shall be completed within a maximum of ninety (90) days. In the interim, the IMD will be provided with an alternative reasonable accommodation.

60. **Other Accommodations.** When an IMD is determined by FDC to require any of the following as a reasonable accommodation, these accommodations shall be provided: canes, walkers, rollators, trapeze bars, orthopedic shoes and socks, braces, wedges, appropriate mattresses, cushions, or wheelchair gloves, so long as there is no compelling security concern. If repair or replacement is needed, it shall be completed within sixty (60) days of when FDC becomes aware of the need for the repair or replacement. In the interim, the IMD will be provided with an alternative reasonable accommodation.

61. **Bathrooms and Showers.** IMDs who have been determined to require special accommodations in the shower or bathroom, such as grab bars, elevated toilets, shower chairs and seats, shower wands, and privacy screens, shall receive those accommodations. If repair or replacement is needed, it shall be completed within sixty (60) days of when FDC becomes aware of the need for the repair or replacement. Until the item is fixed and if it is required so that the IMD may shower or use the bathroom, the IMD will be provided access to a working shower

chair, grab bar, elevated toilet, shower wand, or privacy screen as needed in another dormitory as needed. FDC will permit the IMD to use a privacy screen in the ADA accessible shower.

62. **Impaired Inmate Assistants (IIAs).** If an IMD is determined by FDC to need an IIA as a reasonable accommodation, the IMD shall have access to IIAs who have the ability to push a wheelchair and effectively assist an IMD with walking, standing, transferring, and other daily life activities. The IIAs will be periodically evaluated for fulfillment of established job duties and performance criteria, and any information provided by the Covered Inmate will be considered. When an IIA is unavailable, the FDC will make another IIA available. When not in special housing, IIAs shall be housed in the same dorm as the Covered Inmate they are assisting.

## **VIII. IMPLEMENTATION OF THE PLAN OF COMPLIANCE**

63. **Agreement to Implement the Plan of Compliance.** Subject to the terms of this Agreement, the Parties agree that the Plan of Compliance resolves all issues which have been raised in the Complaint, and should be implemented.

64. **No admission.** FDC has entered into this Agreement in order to avoid the necessity of trial. Nothing in this Agreement should be construed as an admission of liability by FDC, and the Agreement cannot be used as an admission by either Party in this or any other proceeding. Nothing in this Agreement or FDC's compliance with this Agreement shall be construed as an admission or concession by DRF that FDC is in compliance with the Americans with Disabilities Act, the Rehabilitation Act, or any other statutory or constitutional provision.

65. **Agreement is the Product of Multiple Sessions.** The Plan of Compliance, and this Settlement Agreement, are the product of multiple lengthy negotiation sessions and compromise by both DRF and FDC.

66. **Voluntary Dismissal.** Ten (10) days after the Effective Date, the Parties will file a Stipulated Notice of Dismissal with Prejudice pursuant to Rule 41(a)(1)(ii), Fed. R. Civ. P.

67. **Meetings.** Until July 1, 2018, representatives of FDC and representatives of DRF will meet in person at least once every quarter—although the schedule may be adjusted with the consent of both Parties—so that DRF can receive information from FDC on the implementation of the above-described Plan of Compliance, and DRF can share any feedback regarding the implementation. The first meeting will occur thirty (30) days after the Effective Date. Thereafter, until April 30, 2021, representatives of FDC and representatives of DRF will meet in person on a quarterly basis, or more frequently as agreed to by the Parties. The meetings shall be held in Tallahassee, Florida at a location chosen by FDC, although the location and City may be adjusted with the consent of both Parties, or the meetings may be held by phone or videoconference with the consent of both Parties. At these meetings, the Parties will discuss the progress of implementation of the Plan of Compliance. It is envisioned that free, open and frank discussions of problems, limitations and successes will further the fulfillment of the Plan of Compliance. The discussions in these meetings shall not be used by either Party should additional or subsequent litigation be necessary. These meetings will also provide an opportunity for DRF to share any inmate specific issues (including providing inmate identifying detail) that may continue to exist notwithstanding FDC's efforts to implement the Plan of Compliance, in order to afford FDC an opportunity to investigate and address those issues. Four (4) weeks before the meeting—although DRF will endeavor to provide this notice as early as practicable—DRF will provide FDC with a report of any claimed problems or deficiencies, giving as much detail as possible regarding the matter, including the date, time, place, identification of any individuals involved, and a description of what occurred.



68. **Continued Protection and Advocacy Activities.** The Parties agree that this Agreement in no way limits DRF's protection and advocacy activities, and DRF may continue these efforts during the implementation of the Plan of Compliance.

69. **Party Liaisons and Presentation of Concerns.** Within thirty (30) days after the Effective Date, FDC and DRF will each designate a representative to serve as a liaison for purposes of ensuring compliance with this Agreement. If the liaison becomes unable, temporarily or permanently, to perform his or her duties, the party for the affected liaison shall designate an alternate who shall perform the duties of the liaison, and shall inform the other party in writing. In addition to the regularly scheduled meetings described in paragraph 67 above, DRF may present, in writing, ideas or concerns to the FDC liaison, including inmate specific concerns (providing as much detail as practicable under the circumstances so that the concerns may be investigated, and, where appropriate, corrective action may be taken). If DRF believes it needs access to a FDC employee or agent, it will be through the FDC liaison, and any written communication will be copied to the designated counsel for FDC. The Parties may also designate an attorney who will be copied on all communications between the liaisons. At the regularly scheduled meetings, described in paragraph 67 above, the Parties shall discuss, among other things, the communications that occur between meetings, the results of any investigation of concerns raised, and any corrective action needed to abide by the Plan of Compliance. Communication at the regularly scheduled meetings and the contact with the liaison shall be the sole methods of exchanging information and matters of concern relating to compliance with this Agreement.

70. **DRF's Access to Records.** Starting one hundred twenty (120) days after the Effective Date, except for documentation described in paragraph 70.D below, and continuing

every one hundred twenty (120) days thereafter until the termination of this Agreement (unless another time period is specified elsewhere in this Agreement), FDC will provide to DRF, at no cost to DRF and without a request from DRF, via email or some other electronic method, copies of the following records:

A. A report, in Excel format, listing every inmate who has been given an “impairment grade” for hearing, vision, or mobility, along with the code that has been assigned to that inmate. If FDC creates a new coding system that codes inmates as having a physical disability, FDC will also provide a report in Excel format that lists all such inmates.

B. A report, in Excel format, of all completed Reasonable Modification or Accommodation Request forms (currently FDC form DC2-530a and DC2-530b) containing the names and DC numbers of each inmate who submitted a request, a summary of the request, the institution the inmate was at when the request was submitted, the institution’s recommendation regarding the request, the action taken on the request, and the date of the decision.

C. A report, in Excel format, of all disability-related grievance appeals, currently labeled as “code 24,” containing the Grievance Appeal case numbers, inmate names and DC numbers, the institution the inmate was at when the Grievance Appeal was received, when it was responded to, when it was mailed, and the disposition.

D. Starting six (6) months after the Effective Date, documentation of sign language interpreter services, which provides the date, inmate name and DC number, and type of event, and whether the services were in-person or via a VRI service, when sign language interpreter services were provided to a D/HOH inmate.

E. All documentation showing the confiscation of any accommodation, aid, or service as referenced in paragraph 20 (Confiscation of Approved Accommodations).

Each production is an update to the prior production. In addition to these regular reports, DRF may request, in writing to the designated FDC liaison, the following additional records relating to hearing, vision, or mobility issues: medical, hospital, classification, and utilization management records; grievances (including appeals and responses); Reasonable Modification or Accommodation Requests; inspector general reports; and applications for the talking book program; of specific inmates DRF reasonably believes to be Covered Inmates. FDC will promptly acknowledge such requests and provide the requested records as soon as practicable after receiving a request. The attached Exhibit F is the Business Associate Agreement which authorizes FDC to disclose these records to DRF to the extent that they contain protected health information. The Parties will comply with the attached Exhibit F. Nothing in this paragraph prohibits DRF from conducting public records requests or other investigations to obtain information that may be related to this Agreement.

71. **Confidential Legal Visits and Telephone Calls with Inmates.** DRF or its representatives may conduct confidential legal visits or telephone calls with inmates DRF reasonably believes are Covered Inmates to ascertain compliance with this Agreement, as one part of DRF's monitoring of this Agreement. DRF will attempt to set up such visits and calls through normal channels, but should DRF experience any difficulties, DRF will notify FDC's counsel, who will attempt to intervene and assist with setting up the visit or call. Within five (5) days after such a confidential legal visit or telephone call, DRF will notify FDC's counsel and the FDC liaison about the name of the inmate(s) with whom DRF or its representatives communicated, the date of the visit or call, the amount of time spent on the visit or telephone

call, and the name of the DRF representative(s) who conducted the visit or telephone call, provided that the inmate agreed to speak with DRF or its representative. If the inmate declines to speak with DRF or its representative for any reason, DRF will not provide the name, DC number, date of the attempted interview, or interviewer's name to FDC.

72. **Compliance Visits.** DRF or its representative shall be permitted to conduct inspections of each facility listed on Exhibit A to ascertain compliance with this Agreement and identify any deficiencies. The inspections will be conducted under the terms and conditions described in Exhibit G. DRF or its representative will be permitted to inspect and test all new auxiliary aids and devices designated for Covered Inmates. The inspections will be conducted at some point between one (1) year after the Effective Date up until the termination of this Agreement. If problems are noted, inspections may be repeated with a focus on any problem areas. The inspections performed under this paragraph will be performed by persons who are not experts.

If during the inspection of a facility it is discovered that there are operational issues or deficiencies with the VRS or the VRI service, DRF may bring an expert knowledgeable in the technical aspects of VRS and VRI services inspect those devices within thirty (30) days. FDC will attempt to arrange to have a representative from its VRS and VRI provider present so that the nature of the technical issues can be identified and quickly resolved. FDC will exercise reasonable efforts to resolve any problems or deficiencies with VRS or VRI service as soon as practicable after these inspections.

## **IX. VIOLATION OF SETTLEMENT AGREEMENT**

73. **Procedures for Allegations of Significant Breach of this Agreement.** The Parties agree that this Agreement represents a written contract binding under state law and

enforceable as a contract in state court; however, the Parties have agreed that the sole remedy should a breach of contract action be filed would be specific performance. Before any alleged violation of this Agreement is brought in state court, the Parties shall attempt to resolve the problem among themselves as follows:

Any time after eighteen (18) months following the Effective Date, if DRF believes that FDC has significantly breached this Agreement, the following Notice and Cure Procedures apply:

A. **Notice of Significant Breach.** DRF shall provide a written Notice of Significant Breach to counsel for FDC alleging that FDC has significantly breached this Agreement and containing sufficient detail for FDC to understand the nature and scope of the significant breach, to investigate it, and to take necessary corrective action.

B. **Response to Notice of Significant Breach.** FDC shall promptly investigate and take corrective action to remedy the significant breach, and shall provide a written response to DRF as soon as practicable but not to exceed sixty (60) days after receiving the Notice of Significant Breach. FDC's written response shall contain an outline of the steps FDC took to investigate the problem, the results of the investigation and a specific corrective action plan for addressing the stated problem. If FDC's response includes a corrective action plan, FDC will provide to DRF a written update on the status of the results of the corrective action plan every thirty (30) days until either party deems the problem to be resolved or DRF seeks to enforce this Agreement. If no corrective action is anticipated, or if FDC denies a significant breach, FDC's response shall include the reason and any statutes, regulations or other bases upon which FDC is relying.

C. **Reply Regarding Significant Breach.** The purpose of the Notice and Response described in the two preceding paragraphs is to enable the Parties to work to avoid DRF taking further action to enforce this Agreement. To this end, DRF agrees to promptly advise FDC within fourteen (14) days of receipt of FDC's response whether DRF continues to assert that FDC has significantly breached this Agreement. Adherence to the notice and cure provisions described in paragraphs 73.A to 73.C shall be a condition precedent to further action to enforce this Agreement as described below.

74. **DRF's Remedy for FDC's Alleged Significant Breach.** If, after completing the Notice and Cure Procedures described in paragraphs 73.A to 73.C above, DRF, in its sole discretion, believes that FDC has still significantly breached this Agreement, DRF may file a breach of contract action in state court asserting a significant breach, in which event the sole remedy will be for specific performance. To the extent that DRF brings such a breach of contract seeking specific performance as the sole remedy, FDC will not assert sovereign immunity as a defense. FDC agrees to pay DRF's reasonable attorneys' fees and expenses if a state court finds FDC significantly breached this Agreement. If FDC takes an appeal and loses the appeal, FDC also agrees to pay DRF's reasonable attorneys' fees and expenses for the appeal. If DRF has not filed a breach of contract action, this Agreement will terminate on July 6, 2021. If a breach of contract action is pending as of July 6, 2021, the termination of the specific terms of the Agreement referenced in the breach of contract action shall be tolled.

75. **Effect of DRF's Inaction or Action With Respect To A Suit To Enforce.** Failure by the DRF to enforce this entire Agreement or any provision thereof with regard to any deadline or any other provision herein shall not be construed as a waiver of the DRF's right to enforce other deadlines and provisions of this Agreement provided DRF complies with the

Notice and Cure Provisions in paragraph 73 above. Moreover, if DRF seeks to enforce certain provisions in this Agreement by bringing a breach of contract action, and not seeking enforcement of other provisions at the same time, seeking enforcement of select provisions of this Agreement does not void the unchallenged terms of the Agreement and it remain in full force and effect throughout the entire term of this Agreement. Furthermore, DRF is not prohibited from bringing multiple breach of contract actions against the FDC should it be necessary.

## **X. OTHER PROVISIONS**

76. **Authentication of Documents.** If DRF files a breach of contract action, the Parties agree that any documents or reports provided by either Party pursuant to this Agreement shall be deemed to be authenticated.

77. **Attorney's Fees and Costs.** Within thirty (30) days after the Effective Date, FDC shall pay to DRF the sum of two million U.S. dollars (\$ 2,000,000), in full payment of attorneys' fees and costs accrued through the Effective Date, via check made payable to Disability Rights Florida, Inc. This payment shall be nonrefundable. DRF hereby releases and discharges FDC of and from any claims or causes of action arising out of payment of attorneys' fees and costs accrued through the Effective Date.

78. **Modification of the Manner in Which FDC Provides Accommodations to Covered Inmates.** FDC specifically reserves the right to change, alter, amend, or rescind the manner in which it treats Covered Inmates, to the extent that such amendments, alterations, or changes are required by federal law in order to retain or obtain federal funding or to avoid federal sanctions. If DRF believes FDC has violated any constitutional, statutory, regulatory, or other legal provision in a manner that is not covered by this Agreement, DRF specifically

reserves the right to bring a separate action against the official capacity agency head of FDC for such alleged violation and FDC agrees to not raise the defense of collateral estoppel or res judicata in an action for prospective declaratory and injunctive relief.

79. **Modification of Agreement.** Should the Parties in the future jointly determine to modify any provision of this Agreement, any modifications must be reduced to writing and signed by both Parties. No modification shall take effect unless it is reduced to writing and signed by both Parties. These actions must receive the prior written approval of both Parties, which approval shall not be unreasonably withheld or delayed.

80. **Force Majeure Clause.** Should a war, riot, fire, flood, hurricane, typhoon, earthquake, lightning, explosion, strike, lockout, pandemic, or prolonged shortage of energy supplies substantially impede FDC in its compliance with any of the terms of this Agreement, or substantially impede FDC's timely compliance with any of the terms of this Agreement, the Parties agree that the failure to comply or comply timely shall be excused and shall not be considered a failure to meet the terms of the General Plan of Compliance. Should any of the events in this paragraph occur and substantially impede compliance, FDC shall make reasonable efforts to restore or alternatively achieve compliance as soon as it is possible to do so.

81. **Agreement Binding on Successors.** It is the intent of the Parties that this Agreement shall be binding upon the Parties, and their successors, assigns, employees, contractors and agents.

82. **Agreement Constitutes Entire Agreement.** This Agreement, including any attachments, constitutes the entire Agreement of the Parties with respect to its subject matter and supersedes any and all other prior agreements and all negotiations leading up to the execution of this Agreement, whether oral or written, regarding the subject covered in this Agreement. The



Parties acknowledge that no representations, inducements, promises, or statements related to this settlement or the subjects covered in this Agreement, oral or written, have been made by any of the Parties or by anyone acting on behalf of the Parties which are not embodied or incorporated by reference in this Agreement, and further agree that no other agreement, covenant, representation, inducement, promise, or statement relating to this settlement or the subjects covered in this Agreement not set forth in writing in this Agreement have been made by any Party.

83. **Effective Date of Agreement.** This Agreement shall become effective on the last date on which it is executed (the “Effective Date”). It may be executed by the Parties in multiple counterparts and shall constitute one final Agreement which shall be binding upon each party hereto, notwithstanding the fact that all of the signatures required to effectuate this Agreement do not appear on the same page. An electronic signature shall have the same force and effect as an original signature.

84. **Agreement Subject to Legislative Appropriations.** The Parties recognize that the Plan of Compliance includes plans for activities extending beyond the current fiscal year, and fiscal year 2017-2018. The Parties recognize that the continued implementation of the Plan of Compliance past July 1, 2018 is dependent upon legislative appropriation. FDC will exercise reasonable efforts to secure the legislative appropriations necessary to meet the terms of the Plan of Compliance. The inability to perform any act required under the Plan of Compliance due to non-appropriation of funds, so long as those funds are necessary to implement or support the Plan of Compliance, shall not be deemed to be a significant breach by FDC so long as FDC exercises reasonable efforts to secure the appropriations at issue. If FDC does not receive appropriations in subsequent years, DRF may file a separate lawsuit with respect to those issues

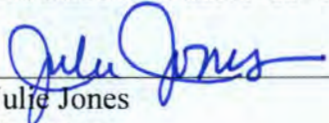
which it contends amount to systemic violations of federal law and the official capacity agency head of FDC will not raise the defense of collateral estoppel or res judicata in an action for prospective declaratory and injunctive relief.


85. **Release.** Contingent on FDC meeting its obligations under the General Plan of Compliance, DRF hereby releases and discharges FDC, including its successors and assigns, of and from any claims or causes of action arising out of the matters described in the Complaint (DE-1).

86. **Compliance with Section 45.062.** Each of the signatories to this Settlement Agreement on behalf of FDC represents that they will take all necessary steps to comply with the requirements of Florida Statute § 45.062 (2000).

IN WITNESS WHEREOF, the Parties to this Settlement Agreement have executed the same as of the 7 day of July, 2017.

FLORIDA DEPARTMENT OF CORRECTIONS

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Secretary  
Defendant

By:   
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Attorneys for the Plaintiff

# EXHIBIT A

INSTITUTION	MISSION	DORM	DORM TYPE
<b>REGION 1</b>			
<b>Wakulla CI</b>			
	Faith and Character	A	OB
	Faith and Character	B	OB
	Faith and Character	C	OB
	Infirmary	I	RM/SC
<b>Wakulla CI-Annex</b>			
	General Population	K	OB
	General Population	L	OB
	General Population	M	OB
	General Population	N	SC
<b>Santa Rosa CI</b>			
	General Population	A	OB
	CM	F	SC
	CM	G	SC
	Infirmary	I	RM/SC
<b>Santa Rosa-Annex</b>			
	General Population	M	OB
	General Population	N	OB
	General Population	O	OB
	General Population	P	OB
	CSU/TCU	Q	SC
<b>Santa Rosa WC</b>			
	General Population	T	OB
<b>NWFRC</b>			
	General Population	A	OB
	General Population	B	OB
	General Population	C	OB
	General Population	D	OB
	General Population	E	OB
	Confinement	G	SC
	Infirmary	I	RM/SC
<b>NWFRC-Annex</b>			
	Confinement	J	SC
	General Population	M	OB
	General Population	N	OB
	General Population	O	OB
	Drug Treatment	P	OB
	General Population	Q	OB
	Infirmary	V	RM/SC
<b>Gadsden Re-Entry</b>			

# EXHIBIT A

INSTITUTION	MISSION	DORM	DORM TYPE
	General Population	B	OB
	General Population	C	OB
<b>REGION 2</b>			
<b>RMC Main Unit</b>			
	General Population	C	OB
	General Population	D	OB
	General Population	E	OB
	General Population	F	OB
	Hospital, CSU/TCU	H	RM/SC
	Dialysis, IMR	J	OB/SC
<b>Union CI</b>			
	Death Row	P	SC
	Residential Treatment	S	SC
	TCU	U	SC
	TCU	V	SC
<b>Union WC</b>			
	General Population	A	OB
<b>Suwannee CI</b>			
	YO/Confinement	A	SC
	General Population	B	OB
	General Population	C	OB
	General Population	D	OB
	CM	E	SC
	CM	F	SC
	CM	G	SC
	CSU/TCU/MHTF	H	SC
	Infirmery	I	RM
<b>Suwannee-Annex</b>			
	Infirmery	H	RM
	General Population	I	OB
	General Population	J	OB
	General Population	K	OB
	General Population	L	OB
	General Population	M	OB
	General Population	N	OB
	Confinement	P	SC
<b>Suwannee WC</b>			
	General Population	A	OB
<b>Columbia CI</b>			
	General Population	A	OB
	Confinement	H	SC

# EXHIBIT A

INSTITUTION	MISSION	DORM	DORM TYPE
	Infirmary	M	RM/SC
	PM	Y	SC
<b>Columbia-Annex</b>			
	Confinement	N	SC
	General Population	O	OB
	General Population	P	OB
	General Population	Q	OB
	General Population	R	OB
	General Population	S	SC
	General Population	T	SC
	Transition/F&C	U	SC
<b>Baker Re-Entry</b>			
	General Population	C	OB
<b>REGION 3</b>			
<b>Sumter CI</b>			
	YO	F	OB
	Confinement	G	SC
	Infirmary	U	RM/SC
<b>FWRC</b>			
	GP/CSU/TCU/Confinem.	A	SC
	General Population	C	OB
	General Population	D	OB
	General Population	E	OB
	General Population	F	OB
	General Population	G	OB
	General Population	H	OB
	Infirmary/MHTF	I	RM/SC
<b>CFRC South Unit</b>			
	Intensive Medical	A	RM
	Palliative Care	B	SC
<b>Lowell CI</b>			
	Intensive Medical	I	RM
	Infirmary	W	RM/SC
<b>Lowell Annex</b>			
	Infirmary	I	RM/SC
	Elderly/General Pop.	N	OB
	General Population	O	OB
	General Population	P	OB
	Drug Treatment	Q	OB
	Faith &Charac./GP	R	OB
	GP/Confinement	S	SC

# EXHIBIT A

INSTITUTION	MISSION	DORM	DORM TYPE
	Confinement/CM	T	SC
<b>Zephyrhills CI</b>			
	Intensive Medical/Elderly	A	OB
	General Population	B	OB
	Elderly/General Pop.	D	SC
	GP/Confinement	E	SC
	Intensive Medical	J	OB
	TCU/CSU	K	RM/SC
	TCU/CSU	L	RM/SC
	General Population	C	OB
<b>Pinellas CRC</b>			
	General Population	A	RM
<b>REGION 4</b>			
<b>SFRC</b>			
	General Population	C	OB
	Palliative Care	F	OB
	General Population	H	SC
	General Population	J	SC
	Infirmary	M	RM
<b>Dade CI</b>			
	General Population	A	OB
	General Population	B	OB
	General Population	C	OB
	General Population	D	OB
	General Population	E	OB
	GP/Confinement	F	SC
	Infirmary	I	RM
	CSU/TCU	J	RM/SC
<b>Everglades Re-Entry</b>			
	General Population	A	OB
<b>Everglades CI</b>			
	Infirmary	I	RM



## EXHIBIT B

### FDC'S IMPLEMENTATION SCHEDULE

[**Note:** Activities are briefly described. See the page and line of the settlement agreement for a full, detailed description of the activity.]

<u>Description of Activity</u>	<u>60 days</u>	<u>90 days</u>	<u>120 days</u>	<u>180 days</u>	<u>Other projected dates</u>
<b>GENERAL PLAN OF COMPLIANCE</b>					
Relocation of inmates with vision, hearing, and mobility disabilities to the facilities listed in Exhibit A will begin.  Page 3, Par. 7					July 1, 2017
Relocation of inmates with vision, hearing, and mobility disabilities to the facilities listed in Exhibit A will be completed.  Page 3, Par. 7					June 30, 2018, except for inmates in confinement
Paving of recreational tracks will begin.  Page 4, Par. 9					Begin September 2017 (subject to DEP permitting)
Paving of recreational tracks will be completed.  Page 4, Par. 9					December 2018 (subject to DEP permitting)
Internal review of Rules, Policies and Procedures, for compliance with the Settlement Agreement, will begin.  Page 4, Par. 11	X				

Internal review of HSBs, for compliance with the Settlement Agreement, will begin.  Page 4, Par. 11	X				
Share draft revisions of Rules, Policies and Procedures with DRF.  Page 4, Par. 11			X		
Share draft revisions to HSBs with DRF  Page 4, Par. 11		X			
Initiate rule making for any revised Rules, Policies, and Procedures that require rule making.  Page 4, Par. 11					Within 45 days after receiving DRF's feedback on draft revisions.
Adopt any revised Rules, Policies, and Procedures that do not require rule making.  Page 4, Par. 11					Within 45 days after receiving DRF's feedback on draft revisions.
Revise any HSBs.  Page 4, Par. 11					Within 60 days after receiving DRF's feedback on draft revisions.
At reception, begin attempts to identify those inmates who have hearing, vision or mobility disabilities, the extent of the disability, and whether accommodations are needed.  Page 5, Par. 12					Within 90 days of completion of the pertinent revised Rules, Policies, and Procedures.
At reception, begin evaluation of hearing disabled inmates' communication skills, reading level, and, if necessary, sign language proficiency.  Page 5, Par. 12					Within 90 days of completion of the pertinent revised Rules, Policies, and Procedures.

At permanent prisons, begin periodic re-assessments of Covered Inmates.  Page 5, Par. 13					Within 180 days of the completion of the pertinent revised Rules, Policies, and Procedures.
Provide in accessible format for inmates with vision or hearing disabilities all material that is distributed or made available to inmates (such as paper forms, signs, handbooks, orientation material, instructional videos, and grievances).  Page 6, Par. 15					Within 90 days after the completion of the pertinent revised Rules, Policies, and Procedures.
Begin documentation that an inmate who requests an accommodation is not a Covered Inmate.  Page 6, Par. 16	X				
Begin documentation of the reasons for the denial to a Covered Inmate of an accommodation, aid, or service.  Page 6, Par. 17	X				
Begin issuing passes to Covered Inmates for accommodations, aids, and services that have been provided.  Page 7, Par. 18					Within 60 days after the revision of the pertinent HSBs.
Do not assess a medical co-pay for a Covered Inmate's medical visit to assess the need for an accommodation, aid, or service.  Page 7, Par. 19					Within 30 days after the revision of the pertinent HSBs.
Do not charge a Covered Inmate for accommodations, aids, or services, including batteries.  Page 7, Par. 19		X			

Begin the process of conferral by institution warden with an ADA coordinator and the institution's chief health officer before a Covered Inmate's accommodation, aid, or device can be confiscated.  Page 7, Par. 20			X		
Begin the process of documentation by an ADA coordinator for any denial of a Covered Inmate of a work position, or vocational or educational opportunity for which that inmate met the skill, experience, etc.  Page 8, Par. 22					Within 90 days after the completion of the pertinent revised Rules, Policies, and Procedures.
Provide drafts of staff training modules to DRF for feedback.  Page 8-9, Par. 26					No later than March 1, 2018.
Provide drafts of any videos or online staff training material to DRF for feedback.  Page 8-9, Par. 26					No later than May 1, 2018.
Begin annual training of all existing FDC staff who interact with Covered Inmates.  Page 8-9, Par. 26					No later than July 1, 2018.
Begin training of all new FDC staff regarding Covered Inmates.  Page 8-10, Par. 26					No later than July 1, 2018.
At reception, begin additional orientation and skills training for Covered Inmates.  Page 10, Par. 27					Within 90 days of the implementation of the pertinent revised Rules, Policies, and Procedures.

At permanent prisons, begin skills training and any additional ADA training for Covered Inmates that is necessary.  Page <b>10</b> , Par. <b>27</b>					Within 90 days of the implementation of the pertinent revised Rules, Policies, and Procedures.
Begin facilitation of skills training for inmates with vision disabilities through the Hadley Institute.  Page <b>10</b> , Par. <b>27</b>			X		
Begin Impaired Inmate Assistant training.  Page <b>10-11</b> , Par. <b>28</b>				X	
<b>HEARING COMPLIANCE REQUIREMENTS</b>					
Make available on-site interpreters when required to any D/HOH inmate whose effective means of communication is sign language or speech-reading/lip-reading.  Page <b>12</b> , Par. <b>30</b>					December 31, 2018
Make available VRI interpreters to any D/HOH inmate whose effective means of communication is sign language or speech-reading/lip-reading.  Page <b>12</b> , Par. <b>30</b>					March 1, 2018
Handcuff in the front D/HOH inmates whose effective means of communication is by sign language or writing.  Page <b>13</b> , Par. <b>31</b>					Within 90 days of revision of rules, policies and procedures.
Allow D/HOH inmates whose effective means of communication is by sign language or writing to move their hands during disciplinary hearings.  Page <b>13</b> , Par. <b>31</b>		X			

Provide hearing aids free of charge. Page <b>13</b> , Par. <b>32</b>	X				
Provide bilateral hearing aids. Page <b>13</b> , Par. <b>32</b>					July 1, 2018
Do not confiscate hearing aids of inmates who came into prison with them. Page <b>13</b> , Par. <b>32</b>	X				
Provide training to inmates and staff regarding the process for free hearing aid batteries. Page <b>13</b> , Par. <b>32</b>	X				
Repair or replace hearing aids within 60 days, or 90 days if necessary. Page <b>13</b> , Par. <b>32</b>		X			
Make TTYs available in dorms. Page <b>14</b> , Par. <b>33</b>	X				
Provide D/HOH inmates with two times the normal time to use the TTY. Page <b>14</b> , Par. <b>33</b>	X				
Provide training to staff on the operation of TTYs. Page <b>14</b> , Par. <b>33</b>		X			
Repair or replace broken TTYs within 30 days. Page <b>14</b> , Par. <b>33</b>		X			
Replace TTY paper when necessary. Page <b>14</b> , Par. <b>33</b>	X				
Make a TTY available in a location other than the dorms when the dorm TTY is being repaired. Page <b>14</b> , Par. <b>33</b>	X				

Make a TTY available for inmates to access the TIPS line. Page <b>14</b> , Par. <b>33</b>	X				
Make a TTY available for inmate legal calls in a location other than the dorms. Page <b>14</b> , Par. <b>33</b>			X		
Provide CapTels in the dorms, if possible. Page <b>14</b> , Par. <b>35</b>					July 1, 2018
Provide Video Relay Service in the dorms. Page <b>14</b> , Par. <b>36</b>					March 1, 2018
Provide training to staff regarding Video Relay Service operation. Page <b>14</b> , Par. <b>36</b>					March 1, 2018
Repair or replace broken Video Relay Service devices within 30 days. Page <b>14</b> , Par. <b>36</b>					March 1, 2018
Make a Video Relay Service device available in another dorm when the dorm Video Relay Service device is being repaired. Page <b>14-15</b> , Par. <b>36</b>					March 1, 2018
Make a Video Relay Service device available for inmates to access the TIPS line. Page <b>14-15</b> , Par. <b>36</b>					March 1, 2018
Make a Video Relay Service device available for inmate confidential legal calls. Page <b>14-15</b> , Par. <b>36</b>					March 1, 2018
Install light boards and other visual alert systems. Page <b>15</b> , Par. <b>37</b>					March 31, 2019, subject to funding

Make vibrating watches available, or provide them. Page <b>15</b> , Par. <b>38</b>					Within 90 days after the revision of the pertinent HSBs.
Make efforts to locate closed-captioning T.V.s, and place them in dorms with D/HOH inmates. Page <b>15</b> , Par. <b>39</b>					June 30, 2018
Keep on at all times a T.V. that has a captioning chip when T.V.s are being used in dorms. Page <b>15</b> , Par. <b>39</b>	X				
Purchase for education and wellness only T.V.s with closed-captioning. Page <b>15-16</b> , Par. <b>39</b>	X				
Include captioning in any programming produced by FDC that is transmitted over the television or computer, or any videos or DVDs purchased for inmates' use. Page <b>15-16</b> , Par. <b>39</b>	X				
Provide T.V.s with FM transmitters that are turned on when T.V.s are used in dorms with D/HOH inmates. Page <b>16</b> , Par. <b>40</b>					June 30, 2018
Repair or replace broken FM transmitters within 30 days. Page <b>16</b> , Par. <b>40</b>					June 30, 2018
Provide receivers for those inmates using an FM transmitter. Page <b>16</b> , Par. <b>40</b>					June 30, 2018
<b>VISION COMPLIANCE REQUIREMENTS</b>					



House IVDs with access to IIAs. Page 16, Par. 41					June 30, 2018
Provide charging stations in dorms with IVDs. Page 16, Par. 41					June 30, 2018
Provide IVDs housed in open bay dorms accommodation for access to the bathroom. Page 16, Par. 41				X	
House IVDs on the first floor of dorms. Page 16, Par. 41	X				
Make available White Canes. Page 16, Par. 42					Within 30 days after the HSB is revised.
Replace White Canes within 2 weeks. Page 16-17, Par. 42			X		
Use efforts to remind IVDs of necessary events or appointment call outs. Page 17, Par. 43		X			
Make available talking watches. Page 17, Par. 43					Within 90 days of the implementation of the revised pertinent Rules, Policies, and Procedures.
Authorize and make available key locks. Page 17, Par. 44	X				
Make available in the general library and law library plastic hand held magnifying glasses. Page 17, Par. 45				X	

Make available in the dorms plastic magnifying sheets.  Page <b>17</b> , Par. <b>45</b>		X			
Make available in the general library a CCTV video magnifier.  Page <b>17</b> , Par. <b>45</b>					June 30, 2018
Make available in or near the general library a recorder for IVD confidential dictation.  Page <b>17</b> , Par. <b>46</b>					June 30, 2018
Make available in or near the general library a player for IVD confidential listening.  Page <b>17</b> , Par. <b>46</b>					June 30, 2018
Make efforts to offer large print books and other written resources in the general library.  Page <b>18</b> , Par. <b>47</b>					June 30, 2018
Provide a font enlargement feature, and a screen magnifier on any computer located in the general library and the law library.  Page <b>18</b> , Par. <b>47, 48</b>					June 30, 2018
Make available IIAs or clerks in the general library to read out loud.  Page <b>18</b> , Par. <b>47</b>		X			
Provide one law library computer with text-to-speech software (JAWS).  Page <b>18</b> , Par. <b>48</b>					June 30, 2018
Begin to provide training on the use of the text-to-speech software (JAWS).  Page <b>18</b> , Par. <b>48</b>					August 1, 2018

Make available IIAs, law clerks, or clerks to read out loud with confidentiality legal documents from retained counsel or the court in or near the law library.  Page <b>18</b> , Par. <b>48</b>					June 30, 2018
Provide IVDs up to 50% additional time to work with IIAs, law clerks or library clerks in or near the law library.  Page <b>18</b> , Par. <b>49</b>	X				Within 90 days after the completion of the pertinent revised Rule, Policies, and Procedures.
Provide access to the Division of Blind Services' Talking Book Program  Page <b>18</b> , Par. <b>50</b>	X				
Provide assistance with using the Division of Blind Services' Talking Book Program.  Page <b>18</b> , Par. <b>50</b>	X				
Update FDC policies to reflect the policies of the Division of Blind Services' Talking Book Program.  Page <b>18-19</b> , Par. <b>50</b>	X				Within 45 days after receiving DRF's feedback on draft revisions.
Print the Call Out List in 18-22-point font, or, if necessary, provide the information by alternative methods.  Page <b>19</b> , Par. <b>51</b>		X			
Provide the IVDs with the periodic vision examination that their condition requires.  Page <b>19</b> , Par. <b>52</b>					Within 120 days after the completion of the pertinent revised Rules, Policies, and Procedures.

Provide the IVDs with the treatment, medical procedures, or accommodations that are deemed to be medically necessary.  Page <b>19</b> , Par. <b>52</b>					September 2018, subject to any bid protest that may be filed for ITN 15-11.
Provide access to dark tinted glasses or hats.  Page <b>19</b> , Par. <b>52</b>					Within 60 days of the implementation of the revised pertinent Rules, Policies, and Procedures.
Provide access to correspondence courses from Hadley School for the Blind ("Hadley") in accordance with Hadley's policies.  Page <b>19</b> , Par. <b>53</b>	X				
Provide assistance for correspondence courses from Hadley.  Page <b>19</b> , Par. <b>53</b>	X				
Make available IIAs, law clerks, clerks, or, if necessary, a staff member, to prepare write written grievances, grievance appeals, requests using the Reasonable Modification or Accommodation forms, or responses to disciplinary actions.  Page <b>19</b> , Par. <b>54</b>			X		
Begin periodic evaluation of IIAs for fulfillment of established job duties and performance criteria.  Page <b>20</b> , Par. <b>55</b>					Within 180 days after the completion of the impaired inmate training.
Provide access to FM receivers for use with T.V.s that have transmitters.  Page <b>20</b> , Par. <b>56</b>					June 30, 2018

Provide T.V.s with FM transmitters that are turned on when T.V.s are used in dorms with IVDs.  Page <b>20</b> , Par. <b>56</b>					June 30, 2018
Provide ear buds for use with FM receivers.  Page <b>20</b> , Par. <b>56</b>					June 30, 2018
<b>MOBILITY COMPLIANCE REQUIREMENTS – ACCESSIBILITY ITEMS</b>					
Initiate procurement of the services of an Architect to (1) inspect the facilities that Mark Mazz inspected to determine whether FDC remedied the short-term and long-term items listed on Exhibit C, and (2) inspect the facilities listed in the attached Exhibit A that Mark Mazz did not inspect, to identify any items that do not meet ADA accessibility standards.  Pages <b>20-22</b> , Par. <b>57A</b> and Par. <b>57C</b>					Within 30 days after the Settlement Agreement’s effective date.
Name a participant to a two-person selection committee that will consider which Architect to select.  Pages <b>20-22</b> , Par. <b>57A</b> and Par. <b>57C</b>					During the solicitation period.
Receive from DRF the name of a participant to a two-person selection committee that will consider which Architect to select.  Page <b>20-21</b> , Par. <b>57A</b>					During the solicitation period.
Review with the DRF participant the Architect proposals, evaluate them, and score them.  Page <b>20-21</b> , Par. <b>57A</b>					After the bids from the licensed architect candidates.

Attend with the DRF participant the public presentations by the three top-ranked Architect candidates.  Page <b>20-21</b> , Par. <b>57A</b>					After the bids from the licensed architect candidates.
Score the Architect candidates that results in a selection of an Architect.  Page <b>20-21</b> , Par. <b>57A</b>					After the public presentations by the candidates for selection as the Architect.
Make modifications to the facilities that Mark Mazz inspected to remedy the short-term items listed on Exhibit D, which are highlighted in yellow.  Page <b>21-22</b> , Par. <b>57B</b>					By December 31, 2017
Receive a report from the Architect that describes whether FDC has remedied the short-term items listed on Exhibit D.  Page <b>20-22</b> , Par. <b>57B</b>					By April 30, 2018
Make any modifications necessary to the facilities that Mark Mazz inspected to remedy the long-term items listed on Exhibit D, which are highlighted in blue.  Page <b>20-22</b> , Par. <b>57B</b>					June 30, 2020
Receive a report from the Architect that describes whether FDC has remedied the long-terms items listed on Exhibit D.  Page <b>21-22</b> , Par. <b>57B</b>					December 31, 2020

<p>Make modifications necessary to the facilities that Mark Mazz inspected to remedy any short-term items that the Architect described as not having been remedied.</p> <p>Page <b>21-22</b>, Par. <b>57B</b></p>					<p>Within 120 days of receiving the architect's report on the short-term items, but no later than April 1, 2021.</p>
<p>Make modifications to the facilities that Mark Mazz inspected to remedy any long-term items that the Architect described as not having been remedied.</p> <p>Page <b>21-22</b>, Par. <b>57B</b></p>					<p>Within 120 days of receiving the architect's report on the short-term items, but no later than April 1, 2021.</p>
<p>Completion of the inspections by the Architect for the facilities or areas in facilities that are listed in the attached Exhibit A that Mark Mazz did not inspect, to identify any items that do not meet ADA accessibility standards.</p> <p>Page <b>22-23</b>, Par. <b>57C</b></p>					<p>Within 210 days after the Settlement Agreement's effective date.</p>
<p>Receive a report from the Architect for the inspection of the facilities or areas in facilities that are listed in Exhibit A that identifies any items that do not meet ADA accessibility standards.</p> <p>Page <b>22-23</b>, Par. <b>57C</b></p>					<p>After the architect's inspection.</p>
<p>Inform DRF as to which items identified in the Architect in the report as not meeting ADA accessibility standards will be remedied by FDC.</p> <p>Page <b>23</b>, Par. <b>57C</b></p>					<p>Within 60 days of receiving the architect's inspection report for the facilities listed in Exhibit A.</p>

<p>Make modifications to the facilities listed in Exhibit A to remedy the short-term items that the Architect identified as not meeting ADA accessibility standards.</p> <p>Page <b>23</b>, Par. <b>57C</b></p>					<p>Within 240 days of receiving the architect's inspection report for the facilities listed in Exhibit A.</p>
<p>The Architect conducts an inspection of the facilities listed in Exhibit A to determine whether FDC has remedied the short-term items that have been identified as not meeting ADA accessibility standards.</p> <p>Page <b>23</b>, Par. <b>57C</b></p>					<p>Within 60 days of the deadline for FDC's modifications of the short-term items in the facilities listed in Exhibit A.</p>
<p>Receive a report from the Architect that describes whether FDC has remedied the short-term items listed on Exhibit C.</p> <p>Page <b>23</b>, Par. <b>57C</b></p>					<p>Within 60 days of the licensed architect's inspection of the facilities listed in Exhibit A.</p>
<p>Make modifications to the facilities listed in Exhibit A to remedy the long-term items that the Architect identified as not meeting ADA accessibility standards.</p> <p>Page <b>23</b>, Par. <b>57C</b></p>					<p>By June 30, 2020</p>
<p>The Architect conducts an inspection of the facilities listed in Exhibit A to determine whether FDC has remedied the long-term items that have been identified as not meeting ADA accessibility standards.</p> <p>Page <b>23</b>, Par. <b>57C</b></p>					<p>Within 60 days after June 30, 2020.</p>



Receive a report from the Architect that describes whether FDC has remedied the long-term items listed on Exhibit C.  Page <b>23-24</b> , Par. <b>57C</b>					Within 60 days of the licensed architect's inspection of the facilities listed in Exhibit A.
Make modifications to the facilities or areas in facilities that Mark Mazz did not inspect to remedy any short-term or long-term items that the Architect described as not having been remedied.  Page <b>24</b> , Par. <b>57C</b>					By April 1, 2021
<b>MOBILITY COMPLIANCE REQUIREMENTS – OTHER ITEMS</b>					
Do not confiscate wheelchairs of inmates who came into prison with them, absent any compelling security concerns.  Page <b>24</b> , Par. <b>58</b>		X			
Use a professional to determine the size and type of wheelchair.  Page <b>24</b> , Par. <b>58</b>			X		
Begin quarterly inspections of wheelchairs for needed repair or maintenance.  Page <b>24</b> , Par. <b>58</b>		X			
Repair or provide maintenance to wheelchairs within 60 days, or 90 days if necessary, and provide loaner chairs in the interim.  Page <b>24</b> , Par. <b>58</b>			X		
Provide prosthetic devices.  Page <b>24</b> , Par. <b>59</b>	X				

Use a professional to determine the operability and fitting, and demonstrate the use, of prosthetic devices.  Page <b>24-25</b> , Par. <b>59</b>	X				
Begin quarterly inspections of prosthetic devices for needed repair or maintenance.  Page <b>25</b> , Par. <b>59</b>					Within 90 days of completion of the revised pertinent Rules, Policies, and Procedures.
Repair or provide maintenance to prosthetic devices within 60 days, or 90 days if necessary, and provide an alternative in the interim.  Page <b>25</b> , Par. <b>59</b>			X		
Provide other mobility accommodation devices.  Page <b>25</b> , Par. <b>60</b>			X		
Repair or provide maintenance to other mobility accommodations within 60 days, and provide an alternative in the interim.  Page <b>25</b> , Par. <b>60</b>			X		
Provide shower or bathroom accommodations.  Page <b>25</b> , Par. <b>61</b>	X				
Repair or provide maintenance to shower or bathroom accommodations within 60 days, and provide same in another dormitory in the interim.  Page <b>25</b> , Par. <b>61</b>	X				
Provide a privacy screen in the ADA accessible shower.  Page <b>25-26</b> , Par. <b>61</b>				X	

Make available IIAs for a variety of assistance activities. Page <b>26</b> , Par. <b>62</b>		X			
Begin periodic evaluation of IIAs for fulfillment of established job duties and performance criteria. Page <b>26</b> , Par. <b>62</b>					Within 180 days after completion of the impaired inmate training.
Make substitute IIAs available when any assigned IIA is unavailable. Page <b>26</b> , Par. <b>62</b>		X			
House IMDs with IIAs. Page <b>26</b> , Par. <b>62</b>	X				
<b>IMPLEMENTATION OF THE PLAN OF COMPLIANCE</b>					
Initial meeting between representatives of FDC and DRF to provide information and receive feedback. Page <b>27</b> , Par. <b>67</b>					Within 30 days after the Settlement Agreement's effective date.
Meetings at least every twelve (12) weeks between representatives of FDC and DRF to provide information and receive feedback. Page <b>27</b> , Par. <b>67</b>					From July 1, 2018 to April 30, 2021
Receive from DRF a report of any claimed problems or deficiencies. Page <b>27</b> , Par. <b>67</b>					Four (4) weeks before every meeting between representative of FDC and DRF.

Designate a representative for FDC to serve as a liaison to exchange information and concerns with DRF.  Page <b>28</b> , Par. <b>69</b>					Within 30 days of the effective date of the Settlement Agreement.
Receive from DRF a designation of a representative to serve as a liaison to exchange information and concerns with FDC.  Page <b>28</b> , Par. <b>69</b>					Within 30 days of the effective date of the Settlement Agreement.
Begin to provide copies of specified records to DRF.  Page <b>28-29</b> , Par. <b>70</b>					Beginning 120 days after the effective date of the Settlement Agreement.
Provide documentation of sign language interpreter services.  Page <b>29</b> , Par. <b>70D</b>					Beginning six (6) months after the effective date of the Settlement Agreement.
Provide copies of specified records to DRF.  Page <b>28-30</b> , Par. <b>70</b>					After the initial production of records to FDR, every 120 days until the termination of the Settlement Agreement.
Acknowledge DRF's request for additional records.  Page <b>30</b> , Par. <b>70</b>					Promptly.

Respond to DRF's request for additional records.  Page <b>30</b> , Par. <b>70</b>					As soon as practicable.
Receive from DRF information pertaining to any confidential legal visit or telephone call with Covered Inmates.  Page <b>30</b> , Par. <b>71</b>					Within 5 days after the visit or call.
Permit DRF to conduct compliance visits at facilities listed in Exhibit A.  Page <b>31</b> , Par. <b>72</b>					Beginning one (1) year after the effective date of the Settlement Agreement, until the termination of the Settlement Agreement.
<b>VIOLATION OF THE SETTLEMENT AGREEMENT</b>					
Receive from DRF notice of any significant breach of the Settlement Agreement.  Page <b>32</b> , Par. <b>73A</b>					Beginning eighteen (18) months after the Settlement Agreement.
Investigate and remedy any significant breach  Page <b>32</b> , Par. <b>73B</b>					Promptly.
Provide a written response to DRF.  Page <b>32</b> , Par. <b>73B</b>					As soon as practicable after receiving the notice, but not more than 60 days.

<p>Provide a written update to DRF on the status of the results of any corrective action plan if FDC's response included a correction action plan.</p> <p>Page <b>32</b>, Par. <b>73B</b></p>					<p>Every thirty (30) days until either FDC or DRF deems the problem resolved, or until DRF seeks to enforce the Agreement.</p>
<p>Receive from DRF a response regarding whether DRF continues to assert a significant breach.</p> <p>Page <b>33</b>, Par. <b>73C</b></p>					<p>Promptly after DRF receives FDC's response, but no later than 14 days.</p>

# EXHIBIT C

## NOTICE TO PROFESSIONAL CONSULTANTS STATE OF FLORIDA DEPARTMENT OF CORRECTIONS

### PUBLIC ANNOUNCEMENT FOR PROFESSIONAL ARCHITECTURAL SERVICES

The State of Florida, Department of Corrections, Bureau of Procurement, announces that Professional Services are required from architectural firms for the project(s) listed below. Applications from qualified firms are to be sent to the attention of Julyn Hussey, Bureau of Procurement, Florida Department of Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, (850) 717-3699. The selected firm may be required to perform its services on an accelerated schedule.

### INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm's specific abilities respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004, and revised August 2016) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at [http://myflorida.com/apps/vbs/vbs\\_search.criteria\\_form](http://myflorida.com/apps/vbs/vbs_search.criteria_form).
2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF330 for the office(s) that will be performing the work. This form may be found at <http://www.gsa.gov>.
4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe Scope of work to be assigned to any sub-consultant and a complete SF330 for each sub-consultant.
6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
7. Names, addresses and phone numbers of at least five other government agencies for whom similar services have been performed within the last five years and the date, project name, brief project description, firm's project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel) and any other supporting information.

Submit one original letter of interest, five hard copies and one searchable CD of the required data. The required data shall be submitted in the order listed above. **Faxed copies will not be accepted.** Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes (F.S.), "Consultants' Competitive Negotiation Act".

The awarded firm shall not knowingly engage in this project, on a full time, part time or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, F.S.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request For Qualifications (RFQ). Interviews of ranked respondents may or may not be required, at the direction of the Committee. Public presentations will be required and will be scheduled at a later date. Under the authority delegated to the Secretary of the Florida Department of Corrections by Section 287.055 F.S., sitting as the head of the Florida Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting, through the following website address: [http://myflorida.com/apps/vbs/vbs\\_search.criteria\\_form](http://myflorida.com/apps/vbs/vbs_search.criteria_form). It is the firm's responsibility to check the website for updated information.

**Response Date:** TBD by 5:00 P.M., Eastern Time. Late submittals will not be opened or considered.

**PROJECT:** Americans with Disabilities ACT (ADA) Surveys, Design, and Construction Administration.

**EXPERIENCE:** The selected Architect must be knowledgeable with ADA requirements and standards in prisons and jails, be licensed in the State of Florida, and have experience assessing ADA accessibility in institutionalized settings.

**PROJECT LOCATION(S):**

1. Wakulla C.I, 110 Melaleuca Drive Crawfordville, Florida 32327
2. Santa Rosa C.I., 5850 East Milton Road Milton, Florida 32583
3. Northwest Florida Reception Center (NWFRC), 4455 Sam Mitchell Drive Chipley, Florida 32428
4. Gadsden Re-entry Center, 630 Opportunity Lane Havana, Florida 32333
5. Reception and Medical Center (RMC), 7765 S. CR 231, P.O. Box 628 Lake Butler, Florida 32054
6. Union C.I., 25636 NE SR-16 Raiford, Florida 32083; Suwannee C.I., 5964 U.S. Highway 90 Live Oak, Florida 32060
7. Columbia C.I., 216 S.E. Corrections Way Lake City, FL 32025
8. Baker Re-entry Center, 17128 U.S. Highway 90 West Sanderson, Florida 32087
9. Sumter C.I., 9544 County Road 476B Bushnell, Florida 33513
10. Florida Women's Reception Center (FWRC), 3700 NW 111th Place Ocala, Florida 34482
11. Central Florida Reception Center (CFRC) 7000 H C Kelley Rd. Orlando, FL 32831
12. Lowell C.I. 11120 NW Gainesville Rd. Ocala, Florida 34482
13. Zephyrhills C.I., 2739 Gall Boulevard Zephyrhills, Florida 33541
14. Kissimmee Community Release Center (CRC); 2925 Michigan Avenue Kissimmee, Florida 34744
15. Pinellas CRC; 5205 Ulmerton Road Clearwater, Florida 33760
16. South Florida Reception Center (SFRC), 14000 NW 41st Street Doral, Florida 33178
17. Dade C.I., 19000 S.W. 377th Street Florida City, Florida 33034
18. Everglades C.I. and Re-entry Center, 1599 S.W. 187<sup>th</sup> Avenue Miami, Florida 33194

**PROJECT NUMBER:** TBD

**ESTIMATED DESIGN COST:** \$500,000.00

**PROJECT ADMINISTRATOR:** TBD



# EXHIBIT D

Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
1			Construction of this facility began after July 26, 1992 and before March 15, 2012. Therefore, the entire facility must comply with 1991 ADA Standards. The 2010 Standards were used for areas in the facilities where supplemental scoping or technical requirements for detention facilities are provided. (35.151(k)).		
2	<b>Common Use Buildings:</b>				
3	<b>Visitation, Inmates Toilet Room:</b>				
4	215.2, 702	4.1.3(14), 4.28.1	Buildings with visual alarms must have visual alarms in the toilet rooms.	<p>The building has visual alarms. However, there is no visual alarm in this room.</p> <p>FDC: Staff will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009</p>	
5	<b>Chapel:</b>				
6	221,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	<p>There is about 96 linear feet of bench seating. At 24 linear inches per seat, there are about 48 seats. Therefore, 2 wheelchair spaces are required. However, no wheelchair spaces are provided in the seating area.</p> <p>FDC: Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement as long as sufficient space continues to be made available so that safe entry, exit and evacuation is possible.</p>	282, 283
7					

## EXHIBIT D

8	221.4*,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, 1% of the fixed seats must be aisle seats with no armrests on the aisle side, or have removable or folding armrests on the aisle side. These seats must be dispersed among all seating categories. Signage notifying patrons of the availability of such seats must be posted at the ticket office.	<p>There are about 48 fixed assembly seats. Therefore, 1 aisle seat must have no armrest or have a removable armrest. None is provided. These seats are not dispersed among all seating categories. Notification signage is not provided. In that it does not comply with the 1991 ADA Standards, it must be remediated to the 2010 ADA Standards, which requires 5% of the aisle seats to comply. There are 12 aisle seats. Therefore, 1 must comply.</p> <p>FDC: Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.</p>	282, 283
9	219*,	4.1.3(19)(b),	<p>There are fixed seats and an audio amplification system. Therefore, an assistive listening system must be provided.</p>	<p>No signs notify patrons that an assistive listening system is provided. Additionally, no parts of an assistive listening system were seen. Therefore, no assistive listening system is provided.</p> <p>FDC: Assistive listening system will be available for use in the chapel.</p>	
Library:					

# EXHIBIT D

Baker Re-Entry Center - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
10	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	In the Library, all the tables have pedestals with feet that block the wheelchair space under the table.  FDC: At least 5% of tables in library will be replaced with ADA compliant tables.	287, 289
11	Typical Classroom: (Surveyed Room 164)				
12	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is only 23" wide and 24" tall.  FDC: At least 5% of desks will be replaced with ADA compliant desks	291 - 294
13	Classroom with Computers: (Surveyed Room 187)				
14	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is only 23" wide and 24" tall. FDC will replace at least 5% of desks with ADA compliant desks	328, 329
15	Dining:				
16	204.1, 307.4	4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	The underside of the fan is only about 74" above the floor. FDC: Fan will be relocated to ensure fan meets requirement of minimum 80" clearance from floor.	392
17	Holding Cells: (Survey is a composite of Rooms 109 and 110)				
18	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench is 20 1/2" tall, 9 1/2" deep, and 20 1/2" long. FDC: Bench will be removed from Holding Cell 109.	520 - 525
19	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The flush valve stem reduces the clear space to about 3/4" below the rear grab bar.  FDC: The flush valve will be relocated to provide required 1 ½" clearance below grab bar.	537
20	Inmate Toilet Room: (Room 163)				

## EXHIBIT D

21  22	215.2, 702	4.1.3(14), 4.28.1	Buildings with visual alarms must have visual alarms in the toilet rooms.	The building has visual alarms. However, there is no visual alarm in this room.  FDC staff will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009.	
	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a latch-side approach. The door has a closer. Therefore, the maneuvering space must be at least 54" deep and must extend at least 24" from the latch.	The maneuvering space at the door is only 49" deep.  FDC will install automatic door opener (eliminating requirement for maneuvering clearance).	301 - 303

# EXHIBIT D

Baker Re-Entry Center - Accessibility Report					
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23	213.3, 605.3	4.1.3(11), 4.18.2	The clear floor space at the urinal must be at least 30" wide by 48" deep.	The width between the urinal privacy pilasters is only 28".	309, 310
24				FDC will remove partition between urinals to provide clear floor space at compliant urinal.	
	213.2, 604.8.1.2	4.1.3(11), 4.13.6	The pull side of the stall door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The adjacent partition reduces the maneuvering space to the latch side of the stall door to only 0" wide.	313
				FDC will remove one stall/toilet to provide required maneuvering space for accessible toilet.	
25	Exterior:				
26	205, 309.3*	4.1.3(13), 4.27.3	Operable parts must be within reach. A side reach is required. There is no obstruction. Therefore, it must be within 54" of the floor.	The Medical, Request, Grievance, and Book Return boxes are 59" above the floor. In that it does not comply with the 1991 ADA Standards it must comply with the 2010 ADA Standards which has a maximum height of 48".	338, 339
27				FDC will lower Medical, Inmate Request, Grievance & Book Return Boxes (mail slot(s) to be no higher than 48" above floor)	
28	204.1, 307.2	4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the Medical box is 40" above the floor and projects 11" into the circulation path.	338, 341 - 343
				FDC: Medical box will be relocated to ensure no more than 27" clearance from floor to bottom of box (for cane detection)	
	205, 309.3*	4.1.3(13), 4.27.3	Operable parts must be within reach. A side reach is required. There is no obstruction. Therefore, it must be within 54" of the floor.	The water dispenser is about 63" above the floor. In that it does not comply with the 1991 ADA Standards it must comply with the 2010 ADA Standards which has a maximum height of 48".	338
				FDC will relocate plastic water dispenser to another area	

## EXHIBIT D

29			<b>Seating Area near Fitness Equipment:</b>		
30	206.1, 405.2	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot slope more than 8.33%. It cannot slope more than 5% without being constructed as a ramp, which requires handrails and 60" level landings.	The ramp from the main walkway to the pavilion, for about 7 linear feet, the slope is 10.3%. There are no handrails. <b>FDC will install handrails to ramp</b>	399, 400
31			<b>Toilet Facilities:</b>		
32	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside is 33" high and protrudes 12" into the circulation path. <b>FDC will reposition accessible water fountain to be 27" above floor and install cane detection apron on standard water fountain (ensuring bottom of cane detection is no more than 27" above floor).</b>	408 - 411
33					
	206.1, 405.2	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot slope more than 8.33%. It cannot slope more than 5% without being constructed as a ramp, which requires handrails and 60" level landings.	The ramp from the main walkway to the toilet facilities, for about 24 linear feet, the slope ranges between 6% and 6.5%. There are no handrails. <b>FDC will install handrails</b>	430 - 434

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Baker Re-Entry Center - Accessibility Report					
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34	Housing:				
35	232.3, 807.2.3	232.3,	In cells having more than 25 beds, at least 5% of the beds shall have a 30" by 48" clear floor space parallel to the side of the bed.	There are 72 beds in each of 6 dormitories. Each dormitory serves the same purpose. Therefore, each dormitory must have at least 4 beds on an accessible route and have the clear floor space. I reviewed C-Dorm West Side. The other 5 were assumed to be the same.  FDC: This is not an area of non-compliance.	
36	C-Dorm, West Side:				
37	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	At the exterior entrance door, the maneuvering space extends only 15 1/2" beside the latch side of the door.  FDC: Additional concrete will be poured to create the required maneuvering space.	443, 445, 446
38					
39	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	In the Meeting Rooms, the knee space is only 23" wide and 24" tall.  FDC: At least 5% of available desks will be replaced with ADA compliant tables, providing required clearances and width.	447, 448
40	207.1*, 303*	4.1.3(9),	The accessible means of egress includes the exit discharge. That is, there must be an accessible route from the exit door to the public way. In detention centers where it is not possible to access the public way, this expert believes that it may be acceptable to terminate the exit discharge 50' from the building as permitted in NFPA 101-2012, Section 22.2.7.3.	The accessible exit discharge terminates within 5 feet of the building. FDC: ADA inmates will not be using the west side of B Dorm. Instead, the east side of B Dorm will be used by ADA inmates, and exit discharge outside of the fire exit door of the east side of B Dorm will need to be inspected in the future by a licensed architect for ADA compliance.	452, 453
41					
42					

## EXHIBIT D

226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 11".  FDC Will replace at least one pedestal table with ADA compliant table to provide required minimum of 5% accessible seating with required clearances and width.	4456 - 458
221,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There is a seating area with bench seats. However, there are no wheelchair spaces in this seating area.  FDC: Benches will be relocated OR one bench removed to provide wheelchair space in the seating area.	459
211, 602.2	4.1.3(10), 4.15.5	Knee space under the drinking fountain must be at least 27" high for a depth of at least 8".	It is only 26" high.  FDC: Water fountain will be remounted to provide required 27" clearance from bottom of fountain to floor.	466, 467



# EXHIBIT D

Baker Re-Entry Center - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
43	§35.130(g),	§35.130,	A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.	In the detention dormitory, some privacy is offered in the group shower. However, no privacy is provided for the accessible shower.  FDC: Portable shower screen shall be available to inmates using the ADA shower.	468
44					
45	213.3, 606.3	4.1.3(11), 4.19.2	Top of the lavatory and counter cannot be higher than 34".	The top of the lavatory rim in the counter is 34 1/2" above the floor.  FDC: Accessible sink will be relocated (lowered) to provide required height from floor to top of sink.	490, 491
46					
47					
48	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to 3" above the grab bar on the shower control wall.  FDC: The shower wall will be furred out to place the grab bar out from underneath the shower control box.	478, 479
49					
50	213.2, 608.6	4.1.3(11), 4.21.6	Either a fixed showerhead mounted 48" above the floor or a handheld shower unit must be provided.	A handheld showerhead is not provided and the fixed showerhead is 59" above the floor. FDC will replace the showerhead fixture with a mountable shower head and nozzle.	478, 480

## EXHIBIT D

206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain is in the accessible route. The cross slope at the drain is 7.9%.  Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the settlement agreement. DRF would ask FDC to consider whether an inexpensive change can be made if the drain has an adjustable sleeve, or if a collar can be added to the drain along with grout to reduce the slope.	506, 507
213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 18 1/2" from the sidewall.  FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	496, 497
213.3, 604.8*	4.1.3(11), 4.22.4	Where toilet room has at least 6 water closets, one stall must comply with the ambulatory stall requirements.	There are 7 toilets and none of the stalls complies with the ambulatory stall requirements.  FDC will convert one of the toilets to compliant ambulatory stall.	508, 510, 511
227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the service counter is 41" above the floor.  FDC will add a required compliant counter space adjacent to or below the existing counter space.	512, 513

# EXHIBIT D

Everglades Re-Entry Center - Accessibility Report				
Line #	Citation for Remediation (2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards			
1		Construction of this facility began after March 15, 2012. Therefore, the entire facility must comply with 2010 ADA Standards.		
2	<b>Common Use Buildings:</b>			
3	<b>Visitation:</b>			
4	226, 902.2*	There is a common use work surface. Knee and toe space must be at least 30" wide. The knee space must be at least 27" high for a depth of at least 8". The toe space must be at least 9" high and extend 17" underneath.	Under the outside table, the knee and toe space is only 16" deep.  FDC will construct a new bench seat with proper clearances.	2195, 2198
5	<b>Visitation, Inmates Toilet Room:</b>			
6	206.5, 404.2.4	A forward approach to the push side of the door is required. Therefore, the maneuvering space must be 48" deep and the width of the door. If the door has a latch and a closer, the maneuvering space must extend 12" beyond the latch side of the door.	The lavatory partially blocks the maneuvering space. It protrudes 4" into the maneuvering space on the latch side.  FDC will install a smaller profile ADA compliant sink to provide required maneuvering space.	2177 - 2181
7				
8				
9	205, 309.3*	Operable parts must be between 15" and 48" above the floor.	The light switch is 51" above the floor. FDC will lower light switch to no higher than 48" above the floor.	2182, 2183
10	213.2, 604.3	Clear floor space at the toilet must be at least 60" wide. The lavatory may not overhang the toilet clear floor space.	The lavatory overhangs the toilet clear floor space by 4".  FDC: See note above in line 6.	2164, 2167

## EXHIBIT D

	213.2, 604.8.1.5	The rear grab bar must be at least 36" long. It must extend from the toilet centerline toward the sidewall at least 12" and at least 24" toward the open side.	The rear grab bar extends only 10" to the wall side of the toilet. FDC will reposition rear grab bar (with 12" from centerline to side wall and 24" from centerline to open side of toilet).	2164
	213.2, 604.2	Centerline of toilet must be 16" to 18" from sidewall.	The toilet centerline is 19 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	2162, 2163
11	<b>Chapel:</b>			
12	219*,	This is an assembly space where audible communications are integral to the use of the space. An audio-amplification system is provided. Therefore, an assistive listening system must be provided.	In the Chapel, a permanent assistive listening system is not installed and a portable system is not available.  FDC will provide an assistive listening system.	
13	<b>Library:</b>			

# EXHIBIT D

Everglades Re-Entry Center - Accessibility Report				
Line #	Citation for Remediation (2010 ADA Std)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards			
14	226.1, 902.2	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	In the Library, all the tables have pedestals with feet that block the wheelchair space under the table. FDC will replace at least 5% of current seating with ADA compliant tables.	2220
15	226, 902.2*	There is a common use work surface. Knee and toe space must be at least 30" wide. The knee space must be at least 27" high for a depth of at least 8". The toe space must be at least 9" high and extend 17" underneath.	In the Puzzle Room, the knee space is only 24". FDC will replace current table with ADA compliant table (folding table).	2223, 2224
16	<b>Typical Classroom: (Surveyed Rooms 185, 187)</b>			
17	226.1, 902.2	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is only about 22" wide and about 25 1/2" tall. FDC will replace at least 5% of desks with ADA compliant desks or tables for wheelchair use.	2263, 2264, 2266 - 2270
18	<b>Dining Toilet Room:</b>			
19	206.5, 404.2.4	The pull side of the door requires a latch-side approach. The door has a closer. Therefore, the maneuvering space must be at least 54" deep and must extend at least 24" from the latch.	The maneuvering space at the door is only 38 1/2" deep. FDC: This restroom will be designated for staff use only; no inmates would be authorized to use this restroom. No action required.	2294, 2295
20	<b>Inmate Toilet Room: (Room 163)</b>			
21	206.5, 404.2.4	The pull side of the door requires a latch-side approach. The door has a closer. Therefore, the maneuvering space must be at least 54" deep and must extend at least 24" from the latch.	The maneuvering space at the door is only 48" deep. FDC will install automatic door opener (eliminating requirement for maneuvering clearance).	2228, 2229
22	205, 309.3*	Operable parts must be between 15" and 48" above the floor.	The operable parts on the paper towel dispenser are 49" above the floor. FDC will remount paper towel dispenser to compliant height	2236, 2237
23				

# EXHIBIT D

24	213.3, 605.3	The clear floor space at the urinal must be at least 30" wide by 48" deep.	The width between the urinal privacy pilasters is only 28". FDC will remove one urinal.	2241, 2242
	213.2, 604.8.1.5	The rear grab bar must be at least 36" long. It must extend from the toilet centerline toward the sidewall at least 12" and at least 24" toward the open side.	The rear grab bar extends only 10 1/2" to the wall side of the toilet. FDC will reposition rear grab bar to meet standards (12" from centerline of toilet to side wall and 24" minimum on open side at compliant height (33"-36" to top of gripping surface))	2248
25	213.2, 604.2	Centerline of toilet must be 16" to 18" from sidewall.	The toilet centerline is 19" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	2246, 2247
	26 Exterior:			

# EXHIBIT D

Everglades Re-Entry Center - Accessibility Report				
Line #	Citation for Remediation (2010 ADA Std)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards			
27	205, 309.3*	Operable parts must be between 15" and 48" above the floor.	The operable parts on the music kiosk are about 53" above the floor.	2452, 2453
28			FDC is in negotiations with new vendor; kiosks will be installed to meet ADA standards	
29	206.1, 403.3	Accessible route cannot have a cross slope that is more than 2%.	At the canteen window, the accessible route has a cross slope 3.4%. FDC will add a thin layer of concrete to correct sloping problem.	2454, 2455
	204.1, 307.2	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the canteen counter is 31 1/2" above the floor and projects 8" into the circulation path. FDC will make canteen counter cane detectable although the protrusion issue is not an issue for mobility impaired inmates.	2454, 2456, 2457
30	<b>Seating Area:</b>			
31	226, 902.2*	There is a common use work surface. Knee and toe space must be at least 30" wide. The knee space must be at least 27" high for a depth of at least 8". The toe space must be at least 9" high and extend 17" underneath.	Under the pavilion table, the knee and toe space is 16" deep. FDC will replace at least 5% of table seating with ADA compliant tables	2449
32	<b>Toilet Facilities:</b>			
33	204.1, 307.2	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside is 33 3/4" high and protrudes 12" into the circulation path. FDC will relocate accessible water fountain to provide maximum 27" clearance from bottom of fountain to floor and make standard water fountain cane detectable	2438, 2440
34				
35	213.3, 606.5	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install appropriate steel covering (tapered to comply with the toe and knee clearances).	2415
36	213.3, 605.2	The rim of the accessible urinal must be within 17" of the floor.	The rim of the urinal is 18" above the floor. Refer to line 38 (urinal to be removed)	2417, 2418

## EXHIBIT D

37	213.2, 604.3*	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The urinal reduces the toilet clear floor space to only 51" wide. FDC will remove the urinal to provide required clear floor space for toilet (60" wide x 56" deep)	2424, 2425
38				
	213.2, 604.8.1.5	The rear grab bar must be at least 36" long. It must extend from the toilet centerline toward the sidewall at least 12" and at least 24" toward the open side.	The rear grab bar extends only 2 1/2" to the open side of the toilet. FDC will reposition rear grab bar to meet standards (12" from centerline of toilet to side wall and 24" minimum on open side at compliant height (33"-36" to top of gripping surface)	2423, 2424
	213.2, 604.6	The toilet flush control must be on the open side of the toilet.	The toilet flush control is on the wall side. FDC will replace flush valve to open side of toilet)	2413
39	<b>Housing:</b>			



# EXHIBIT D

Everglades Re-Entry Center - Accessibility Report				
Line #	Citation for Remediation (2010 ADA Std)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards			
40	232.3, 807.2.3	In cells having more than 25 beds, at least 5% of the beds shall have a 30" by 48" clear floor space parallel to the side of the bed.	There are 75 beds in each of 6 dormitories. Each dormitory serves the same purpose. Therefore, each dormitory must have at least 4 beds on an accessible route and have the clear floor space. I reviewed B-Dorm. The other 5 were assumed to be the same. <b>FDC: This is not an area of non-compliance.</b>	
41	<b>B-Dorm: (Surveyed 115) B-Dorm will not be used for ADA inmates</b>			
42	205, 309.3*	Operable parts must be between 15" and 48" above the floor.	At the exterior door, the operable part on the intercom is 50" above the floor. <b>FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.</b>	2321, 2322
43	206.5, 404.2.4.4	Maneuvering space at the door cannot slope more than 2%.	The maneuvering space at the exterior door has a slope of 6.7% for about 8". <b>FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.</b>	2334, 2335
44	226.1, 902.2	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	In the Meeting Rooms, the knee space is only 23" wide and 24" tall. <b>FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.</b>	2339
45	226, 902.2*	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 11". <b>FDC: ADA inmates will not be using B Dorm.</b>	2357, 2361 - 2363, 2365

# EXHIBIT D

46	212.3, 606.3	Except for mop/service sinks, where provided, 5% of the sinks must be accessible. The top of the common use sink must be within 34" of the floor.	It is 34 1/2" tall. FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.	2366, 2367
47	212.3, 606.2	Except for mop/service sinks, where provided, 5% of the sinks must be accessible. Knee and toe space must extend at least 17" under the sink. The clear space must be at least 30" wide. The knee space must be at least 27" tall and at least 8" deep. The toe space must be at least 9" tall and extend 6" into the clear floor space.	In the day room, the knee space is 27" high and only 7 1/2" deep. FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.	2368
48	205, 309.3	Operable parts must be operable with one hand and without tight grasping, tight pinching, or twisting of the wrist. It must be operable with no more than 5-pounds force.	The faucet on the day room sink has short levers that requires tight grasping and twisting to operate. FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.	2368
49	213.3, 606.2*	Lavatory knee space must extend at least 8" under the lavatory for a height of at least 27".	The knee space is only 7 1/2" deep at a height of 27". FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.	2377

# EXHIBIT D

Everglades Re-Entry Center - Accessibility Report				
Line #	Citation for Remediation (2010 ADA Std)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards			
50	§35.130(g),	A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.	In the detention dormitory, some privacy is offered in the group shower. However, no privacy is provided for the accessible shower. FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.	2398
51	§35.133,	Accessible features must be maintained and operable.	The shower seat is broken. FDC will repair or replace the shower seat.	2398
52	213.2, 609.3	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 2" above the grab bar on the shower control wall. FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.	2403, 2407
53	213.3, 605.2	The rim of the accessible urinal must be within 17" of the floor.	The rim of the urinal is 18" above the floor. FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.	2384, 2385
54	213.2, 604.3	Clear floor space at the toilet must be at least 60" wide. The lavatory may not overhang the toilet clear floor space.	The lavatory overhangs the toilet clear floor space by 9 1/2". FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.	2392, 2393
55	213.2, 604.5.1	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 49 1/2" from the rear wall. FDC: ADA inmates will not be using B Dorm. For any dorm that will be used by ADA inmates, it will need to be inspected in the future by a licensed architect for ADA compliance.	2389
56	213.2, 604.2	Centerline of toilet must be 16" to 18" from sidewall.	The toilet centerline is 14 1/2" from the sidewall. FDC: ADA inmates will not be using B Dorm.	2390, 2391

## EXHIBIT D

57	213.3, 604.8*	Where toilet room has at least 6 water closets, one stall must comply with the ambulatory stall requirements.	There are 6 toilets and none of the stalls complies with the ambulatory stall requirements. FDC will add a required complaint ambulatory toilet stall.	2383
58				

# EXHIBIT D

Lowell Correctional Institution Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
1			Construction of this facility began after July 26, 1992 and before March 15, 2012. Therefore, the entire facility must comply with 1991 ADA Standards. The 2010 Standards were used for areas in the facilities where supplemental scoping or technical requirements for detention facilities are provided. (35.151(k)).		
2	Common Use Buildings:				
3	Processing:				
4	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	On the waiting area side, there is only one spout. It is mounted 35" above the floor. FDC will replace the single water fountain with a high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	3539, 3540
5	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	On the processing side, there is only one spout. It is mounted 35" above the floor. FDC will replace the single water fountain with a high/low combination water fountain installed at compliant heights and cane detection on high fountain.	3545, 3546
6	213.2, 604.8.1.2	4.1.3(11), 4.17.3	Toilet stall must be at least 60" wide and the door must be within 4" of the corner that is farthest from the toilet. If the stall is wider than 60", then the door may be that much farther from the corner.	The doorway is in front of the toilet. FDC will remove the block partition doorway in front of the toilet.	3526
7	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 20 1/4" from the sidewall. FDC will make adjustment(s) to ensure toilet is required distance from wall.	3528, 3529
8					

## EXHIBIT D

227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	At the exterior Property window, the entire counter is 39" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not. FDC: No changes – this window has been closed off and is not used.	3514, 3515
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# EXHIBIT D

Lowell Correctional Institution Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
	1991 ADA Standards citations begin with "4.".				
9	<b>Processing: Toilet Room:</b>				
10	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory faucet must be operable without tight grasping, tight pinching, or twisting of the wrist.	The faucet has knobs that require twisting of the wrist to operate.	3550
11				FDC: Inmates in wheelchairs will be directed to use accessible restroom in bus bay.	
12	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. FDC: Inmates in wheelchairs will be directed to use accessible restroom in bus bay.	3548
13	213.2, 604.8.1.5*	4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 24" long. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. FDC: Inmates in wheelchairs will be directed to use accessible restroom in bus bay.	3553
14					
	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	It is only 36" long. The front end of the grab bar is only 43 1/2" from the rear wall. FDC: Inmates in wheelchairs will be directed to use accessible restroom in bus bay.	3558, 3559
	213.2, 604.3*	4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The lavatory reduces the toilet clear floor space to only 34" wide. FDC: Inmates in wheelchairs will be directed to use accessible restroom in bus bay.	3553, 3554
15	<b>Visitation:</b>				

## EXHIBIT D

16	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 33 1/2" high and protrudes 8" into the circulation path. FDC will replace the existing water fountain with high/low combination unit (with apron detection on standard fountain).	3944, 3945
17					
18	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the accessible drinking fountain is 28" high and protrudes 8" into the circulation path. See Line 16-17	3946, 3947
19					
	204.1, 307.2	4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the Canteen shelf is about 36" above the floor and projects 10 1/2" into the circulation path. FDC will add compliant counter space adjacent or below the existing counter space.	3940, 3941
	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 12". FDC will provide compliant accessible seating for at least 5% of seating capacity for outside visitation area.	3953, 3955 - 3957
20	Visitation, Smaller Room:				



# EXHIBIT D

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		1991 ADA Standards citations begin with "4.".			
21	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	No wheelchair space is provided at the tables. FDC will remove (one) existing table and provide compliant accessible table	3963, 3964
22	Non-Contact Visitation, Inmates Side:				
23	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Knee and toe space must be at least 30" wide. The knee space must be at least 27" high for a depth of at least 8". The toe space must be at least 9" high and extend 17" underneath.	The knee space is only 25" high at a depth of 8". FDC will modify existing counter to provide required clearance and depth.	3982, 3983
24	Visitation, Inmates Toilet Room:				
25	213.3.5, 603.3	4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	The reflective surface of the mirror is mounted 41" above the floor. Refer to Line 26 – Alternate accessible restroom will be made available.	3932, 3933
26	213.2, 604.8.1.5*	4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 30" long. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. FDC will find an alternate accessible inmate restroom.	3936
27	Chapel:				
28	219*	4.1.3(19)(b),	There are fixed seats and an audio amplification system. Therefore, an assistive listening system must be provided.	There are no signs notify patrons that an assistive listening system is provided. Additionally, no parts of an assistive listening system were seen. Therefore, no assistive listening system is provided. FDC will provide an assistive listening system.	
29	Chapel: Toilet Room:				

## EXHIBIT D

30	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter.  FDC will replace the stainless-steel guard with a tapered shield that provides required toe and knee clearances.	3907
31	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shelf and bracket reduces the clear space to 4" above part of the sidewall grab bar.  FDC will remove the shelf/bracket above the side wall grab bar.	3912 - 3914
32	Library:				

# EXHIBIT D

Lowell Correctional Institution Annex - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
33	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	At the computer tables, the knee space is only 24" high. FDC will replace at least 5% of available tables with compliant tables for wheelchair accessibility.	3576, 3578
34	Library: Toilet Room:				
35	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain is in the accessible route. The cross slope is 6%.  FDC: Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the settlement agreement. DRF would ask FDC to consider whether an inexpensive change can be made if the drain has an adjustable sleeve, or if a collar can be added to the drain along with grout to reduce the slope.	3585, 3586
36	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter.  FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	3583
37	Classroom: (coming from the Library, the 1st classroom on the right)			(Second classroom on the right is similar.)	
38	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is only about 26" tall.  FDC will replace at least 5% of current seating with ADA compliant tables.	3596 - 3598
39	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 36" above the floor.  FDC will remove water fountain(s) from classrooms and install high/low water fountain in main hall area.	3599, 3600
40	Classroom: (coming from the Library, the 1st classroom on the left)				

## EXHIBIT D

41	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 35" above the floor.  See Line 39 – water fountains to be removed from classroom and high/low water fountain to be installed in main hall area.	3621, 3622
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# EXHIBIT D

Lowell Correctional Institution Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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		1991 ADA Standards citations begin with "4.".			
42	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the accessible drinking fountain is 28" high and protrudes 8" into the circulation path. Refer to Line 39 - water fountain to be removed and high/low water fountain to be installed in main hall area.	3621, 3622
43	Classroom: Toilet Room: (coming from the Library, the 1st classroom on the left)				
44	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated.  FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	3629
45	Classroom: (coming from the Library, the 2nd classroom on the left)				
46	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is only about 22" wide.  FDC will replace at least 5% of current desks with ADA compliant desks and high/low water fountain to be installed in main hall area.	3648
47	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted about 35" above the floor. See Line 39 – water fountain to be removed from classroom and high/low water fountain to be installed in main hall area.	3649, 3650
48	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the accessible drinking fountain is about 28" high and protrudes 8" into the circulation path.  See Line 39 – water fountain to be removed from classroom and high/low water fountain to be installed in main hall area.	3649, 3650
49	Classroom: Toilet Room: (coming from the Library, the 2nd classroom on the left)				

## EXHIBIT D

50	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter.  FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	3651
51	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19" from the sidewall. FDC will relocate toilet to ensure centerline of toilet is 16"-18" from side wall.	

# EXHIBIT D

Lowell Correctional Institution Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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		1991 ADA Standards citations begin with "4.".			
52	Classroom with Computers: (coming from the Library, the 3rd classroom on the left)				
53	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is only 26" wide and 25" tall.  FDC will replace at least 5% of current desks with ADA compliant desks.	3665 – 3668
54	Classroom: (coming from the Library, the 3rd classroom on the right)				
55	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 36" above the floor. See Line 39 – water fountain to be removed from classroom and high/low water fountain to be installed in main hall area.	3670
56	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the accessible drinking fountain is about 28" high and protrudes 8" into the circulation path.  See Line 39 – water fountain to be removed from classroom and high/low water fountain to be installed in main hall area.	3670
57	Classroom: Toilet Room: (coming from the Library, the 3rd classroom on the right)				
58	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated.  FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	3673
59	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 3/4" from the sidewall. Move the toilet or build out the wall so that the centerline is compliant.	3675, 3676
60	Sewing Classroom:				

## EXHIBIT D

61	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is less than 27" tall and less than 30" wide. FDC will replace at least 5% of current desks with ADA compliant desks.	
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# EXHIBIT D

Lowell Correctional Institution Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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		1991 ADA Standards citations begin with "4.".			
62	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 34" above the floor. See Line 39 – water fountain to be removed from classroom and high/low water fountain to be installed in main hall area.	3689, 3690
63	Sewing Classroom: Toilet Room:				
64	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain is in the accessible route. The cross slope at the drain is about 45%. FDC: Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the settlement agreement. DRF would ask FDC to consider whether an inexpensive change can be made if the drain has an adjustable sleeve, or if a collar can be added to the drain along with grout to reduce the slope.	3693, 3695
65					
66	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	3692
67					
	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 48" from the rear wall. FDC will reposition 42" side grab to meet standards (12" from rear wall for overall total length of 54").	3696, 3697
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 21 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	3699, 3700
68	HVAC Classroom:				

## EXHIBIT D

69	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is 26" tall. FDC will replace at least 5% of current desks with ADA compliant desks.	3705, 3706
70	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	At the computer station, the knee space is 26" tall and 27 1/2" wide. FDC will replace at least 5% of current computer stations with ADA compliant computer stations.	3709 - 3712

# EXHIBIT D

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		1991 ADA Standards citations begin with "4.".			
71	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted about 34" above the floor. See Line 39 – water fountain to be removed from classroom and high/low water fountain to be installed in main hall area.	3713, 3714
72	HVAC Classroom: Toilet Room:				
73	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain is in the accessible route. The cross slope at the drain is 6.3% to about 45%. FDC: Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the settlement agreement. DRF would ask FDC to consider whether an inexpensive change can be made if the drain has an adjustable sleeve, or if a collar can be added to the drain along	3723, 3724
74					
75	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter.  FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	3715
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 21 1/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	3716, 3717
76	Wellness Classroom:				
77	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 33" above the floor. See Line 39 – water fountain to be removed from classroom and high/low water fountain to be installed in main hall area.	3733, 3734
78	Wellness Classroom: Toilet Room:				

## EXHIBIT D

79	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain is in the accessible route. The cross slope at the drain is about 45%. FDC: Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the settlement agreement. DRF would ask FDC to consider whether an inexpensive change can be made if the drain has an adjustable sleeve, or if a collar can be added to the drain along with grout to reduce the slope.	3726, 3727
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# EXHIBIT D

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		1991 ADA Standards citations begin with "4.".			
80	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	3726
81	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 48" from the rear wall. FDC will reposition 42" side grab to meet standards (12" from rear wall for overall total length of 54").	3730, 3731
82	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 22" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	3728, 3729
83	<b>Dining:</b>				
84	227.3, 904.4	7.2(1),	A food or beverage service counter has a cash register. This counter is provided for the sales or distribution of goods. A 36"-wide portion of this counter must be no higher than 36".	The food distribution counter is 37 1/2" tall.  Although FDC and DRf disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.	3496, 3497
85	<b>Medical: Holding Cell (Toilet Room):</b>				
86	232, 226, 902.3	4.1.3(18), 7.2(2)	The food pass/cuff port is a service counter. It must be no higher than 36" above the floor.	The food pass/cuff port is 37" high.  Although FDC and DRf disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.	4014, 4015
87					
88	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench has a non-conforming shape. Although FDC and DRf disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.	4012
89					

# EXHIBIT D

213.3, 606.3	4.1.3(11), 4.19.2	Top of the lavatory and counter cannot be higher than 34".	The top of the lavatory rim in the counter is 35" above the floor.  FDC will lower lavatory to ensure rim is maximum 34" above the floor and there is 27" clearance from floor to bottom of lavatory.	4001, 4002
213.2, 604.8.1.5*	4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 30" long. If that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. FDC will install a 36-inch rear grab bar and will either relocate or replace the adjacent sink to make the new grab bar fit.	4006
90	Infirmary: Bathroom:			

# EXHIBIT D

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91	206.5, 404.2.2	4.1.3(7)&(8), 4.13.4	Where there is a pair of doors, a minimum clear opening of 32" through a single door must be provided.	The clear opening of a single door is 21 3/4". FDC will remove the "saloon" type swinging doors.	4028, 4029
92	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated.  FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	4061
93					
94	213.2, 608.2.1	4.1.3(11), 4.21.2	Measured at the center points, the transfer shower must be 36" by 36", exactly.	It is 40 1/4" wide by 48" deep. FDC will renovate the shower to the required 36" x 36" transfer shower stall	4035 - 4038
95	213.2, 608.4	4.1.3(11), 4.21.3	A seat is provided in the shower. It must extend the full length of the seat wall to within 1 1/2" of the back wall and to within 3" of the compartment entry.	The shower seat is 5 1/2" from the back wall and about 5" from the entry. FDC will adjust/reposition shower seat to comply with required dimensions.	4038, 4040
96					
97	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 4 3/4" above the control wall grab bar.	4044, 4046
98				FDC: The shower wall will be furred out to place the grab bar out from underneath the shower control box.	
	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The flush valve stem reduces the clear space to 1/2". FDC will replace/lower the flush valve to ensure there is at least 1 1/2" of clear space below the grab bar.	4052
	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	It is 13 1/2" from the rear wall.  FDC will reposition 42" side grab to meet standards (12" from rear wall for overall total length of 54").	4056
	213.2, 604.3*	4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The adjacent toilet reduces the toilet clear floor space to only about 56" wide. FDC will relocate the adjacent toilet (or remove the second toilet) to provide required clearance for accessible toilet.	4058, 4060

## EXHIBIT D

99	<b>Infirmery: Isolation Cell (A-147A):</b>				
100	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to 3 1/2" above the control wall grab bar.	4089
101				FDC: The shower wall will be furred out to place the grab bar out from underneath the shower control box.	
102	213.2, 608.2.1	4.1.3(11), 4.21.2	Measured at the center points, the transfer shower must be 36" by 36", exactly.	It is 40 1/4" wide by 48" deep.	4082 - 4084
				FDC will renovate the shower to the required 36" x 36" transfer shower stall	
	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	It is only 18" long. The front end of the grab bar is only 21" from the rear wall.	4078, 4079
				FDC will renovate toilet/sink area to provide adequate wall space to mount 42" grab bar with 12" clearance.	
103	<b>Classification: Waiting Room:</b>				



# EXHIBIT D

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104	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 35 1/2" above the floor. FDC will remove existing water fountain.	3850, 3851
105	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 29 1/2" high and protrudes 8" into the circulation path. Refer to Line 104 – water fountain to be removed.	3850, 3851
106	<b>Classification: Waiting Room Toilet Room:</b>				
107	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The maneuvering space extends only about 11" beside the latch side of the door. Refer to Line 104 – water fountain to be removed.	3850
108	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space is only 47" wide. FDC will close this restroom.	3867 - 3870
109	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 1/2" from the sidewall. Refer to Line 109 – restroom will not be available for use by inmates.	3860, 3861
110	<b>Exterior:</b>				
111	<b>Beauty Shop:</b>				
112	206.5, 404.2.5	4.1.3(7)&(8), 4.13.8	The top of the threshold cannot be more than 1/2" above the landing on both sides. If it is taller than 1/4", it must be beveled 1:2.	At the entrance, the top is 1" above the landing. FDC will bevel the stone threshold to compliant height.	3483, 3484
113	<b>Toilet Facilities:</b>				
114	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	Along the walkway to the accessible fixtures, the accessible route has a cross slope that ranges between 3% and 3.4%. FDC will add concrete to create a level surface that complies with a 2% slope max.	3363 - 3366
115					

## EXHIBIT D

	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The undersides of both drinking fountains are more than 27" high and protrude about 6" into the circulation path.  FDC will install cane detection aprons to the standard water fountain.	3386, 3388 - 3392
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# EXHIBIT D

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116	211, 602.2	4.1.3(10), 4.15.5	Knee and toe space under the drinking fountain must be at least 17" deep.	The knee space under the drinking fountain is only 12" deep.	3388
117				FDC will replace one (1) existing water fountain with accessible water fountain that provides knee/toe clearances	
118	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	3374
119	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	It is 13" from the rear wall. FDC will reposition 42" side grab to meet standards (12" from rear wall for overall total length of 54").	3379
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 21 1/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	3382, 3383
120	<b>Housing:</b>				
121	232.3, 807.2.3	232.3,	In cells having more than 25 beds, at least 5% of the beds shall have a 30" by 48" clear floor space parallel to the side of the bed.	There are 87 beds in each of 10 dormitories. Each dormitory serves the same purpose. Therefore, each dormitory must have at least 5 beds on an accessible route and have the clear floor space. I reviewed N-Dorm. The other 9 were assumed to be the same.	
122				FDC: This is not an area of non-compliance.	
123	232.3,	232.3,	Housing cells are provided in this area. Therefore, at least 3% serving each purpose must be accessible.	I surveyed a cell block in T-Dorm. It has 120 cells, 4 of which are accessible. I assume the other 2 cell block buildings are the same.	

## EXHIBIT D

	232.2,	232.2,	Housing cells are provided in this area. Therefore, at least 2% serving each purpose must be cells with communication features.	I surveyed a cell block in T-Dorm. It has 120 cells, none of which have communications features. I assume the other 2 cell block buildings are the same.  This suit is focusing only on mobility issues and features. A TDD is available at every guard station for inmate use.	
124	<b>N-Dorm:</b>				
125	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The entire pass-thru counter from the security station is 50 1/4" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not.  FDC staff will alternatively deliver the services by having a dorm officer leave the officer's station to receive or issue items to inmates in wheelchairs.	3470, 3471

# EXHIBIT D

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126	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 35" above the floor. FDC will adjust water fountain with spout mounted between 38" and 43" above the floor (with cane detection apron) and install a water fountain with spout mounted no higher than 36" above the floor.	3420, 3421
127	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside is accessible drinking fountain is 28 1/2" high and protrudes 8" into the circulation path. Refer to Line 126 – cane detection apron to be installed to standard fountain.	3420, 3421
128	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory faucet must be operable without tight grasping, tight pinching, or twisting of the wrist.	The faucet has levers that are only about 3/4" long. The levers may require tight grasping or more than 5-pounds force to operate. FDC will replace faucet lever handles with ADA compliant faucet lever handles	3431
129	213.2, 608.4, 610.3	4.1.3(11), 4.21.3	Shower seat may be rectangular or L-shaped. The side of the seat must be within 3" of the compartment entry. The front edge of rectangular seats must be 15" to 16" from the seat wall. For L-shaped seats, the front edge of the narrow side must be 15" to 16" from the seat wall and the wider side must be 22" to 23" from the seat wall and along the back wall.	The wider side is only 20" and the narrower side is only 11". FDC will replace the shower seat with ADA compliant shower seat mounted to ADA specifications.	3460 - 3463
130	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to 0" above the grab bar on the back wall. FDC: The shower wall will be furred out to place the grab bar out from underneath the shower control box.	3457

# EXHIBIT D

131	213.2, 604.8.2.3	4.1.3(11), 4.22.4	In an ambulatory stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The grab bar is only 36" long. The front end is 37 1/2" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at 54" from the rear wall. FDC will renovate ambulatory stall to provide adequate wall area to mount 42" grab bar (with 12" clearance to side wall) on both sides of stall.	3449, 3450
132	213.3, 604.4	4.1.3(11), 4.22.4	In the ambulatory stall, the toilet seat must be 17" to 19" above the floor.	The toilet seat in the ambulatory stall is only 16" high. FDC will replace toilet with ADA compliant toilet with top of seat 17" – 19" above floor.	3447, 3448
133	213.2, 604.8.1.5*	4.1.3(11), 4.17.6	In a stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The grab bar is only 36" long. The front end is 38" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at least 54" from the rear wall. FDC - Refer to Line 131 – ambulatory stall to be renovated.	3441, 3442

# EXHIBIT D

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134	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 1/2" from the sidewall. FDC will make adjustment(s) to relocate wheelchair accessible toilet to the proper distance (centerline of toilet 16" – 18" from wall).	3437, 3438
135	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the towel counter is 38 1/4" above the floor. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.	3466, 3467
136	<b>T Dorm: Holding Cell:</b>				
137	232.3, 807.2.4	§35.151(k),	Accessible holding cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	Clear space is only 41 1/2" wide by 41" deep. FDC staff will not use the confinement holding cell for wheelchair users. Instead, FDC will alternatively deliver any need for a secured environment by keeping a wheelchair user in either the administrative or disciplinary confinement cell the inmate was being housed in. If the inmate was not already assigned to a confinement cell, she would remain in the main area under supervision until she can be placed in a compliant confinement cell.	3774 - 3777
138					
139	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench is only 12" deep. FDC: Refer to Line 137-138 – Holding cell will not be used for wheelchair user.	3775
	232.3, 807.2.4, 903.2	§35.151(k),	A 30" by 48" clear floor space must be positioned at the end of the bench, parallel to the short side.	No clear floor space is positioned to the side of the bench. FDC: Refer to Line 137-138 – Holding cell will not be used for wheelchair user.	3776

# EXHIBIT D

140	<b>Cell Block T-4:</b>				
141	204.1, 307.4	4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	FDC will paint the underside of the stairs and add textured tape with raised bumps under the stair outline to serve as a warning to inmates with low vision or who are blind.	3809
142					
	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 36" above the floor. FDC will raise existing water fountain (spout between 38" – 43" above floor) with cane detection and install new water fountain with spout mounted no higher than 36" above the floor.	3784
143	<b>Cell Block T-4: Shower:</b>				
144	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space in the shower room is only 36" by 56 1/4". Plaintiff will not require these changes as part of the Settlement Agreement.	3790 - 3795
145					
146					
	213.2, 608.2.1	4.1.3(11), 4.21.2	Measured at the center points, the transfer shower must be 36" by 36", exactly.	It is 37" wide. Plaintiff will not require these changes as part of the Settlement Agreement.	3794, 3795
	213.2, 608.4	4.1.3(11), 4.21.3	A seat is provided in the shower. It must extend the full length of the seat wall to within 1 1/2" of the back wall and to within 3" of the compartment entry.	The shower seat is 2 1/2". FDC will adjust the shower seat to comply with dimensions.	3800



# EXHIBIT D

Lowell Correctional Institution Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
147	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	FDC: The shower wall will be furred out to place the grab bar out from underneath the shower control box.	3803
148					
149	213.2, 608.3	4.1.3(11), 4.21.4	In showers, the grab bars must extend the entire length of the wall. At corners, grab bars must be within 6" of the corners.	The control wall grab bar is about 12" from the corner. FDC will replace the shower grab bar.	3801
	213.2, 608.5.1*	4.1.3(11), 4.21.5	In a transfer shower, the controls must be on the wall opposite the seat and mounted within 18" of the clear floor space.	The controls are mounted between the centerline and the back wall. In that it does not comply with the 1991 ADA Standards it must be remediated to the 2010 ADA Standards, which requires the controls to be within 15" of the centerline to the open side of the shower. Plaintiff will not require these changes as part of the Settlement Agreement.	3801
150	Housing Cells: (T-1102 surveyed)			Cell T-1101 appears to have the same issues.	
151	232.3, 807.2.4	§35.151(k),	Accessible housing cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space is only 57" wide. FDC will construct a 3" narrower bunk in order to provide the 60" turning space.	3816 - 3819
152					
	213.2, 609.3	4.1.3(11), 4.26.2	Clear space between the grab bars and the walls must be 1 1/2", exactly.	There is about 2" clear space between the rear grab bar and the wall. FDC will adjust or replace the grab bars to have the proper clearance dimensions.	3826
153					

# EXHIBIT D

Lowell Correctional Institution - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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		1991 ADA Standards citations begin with "4.".			
1			Most of Lowell Correctional Institution appears to have been constructed before March 7, 1988. The parts of the facility that were altered since July 26, 1992 and the parts that are used to provide programs, services, and activities to persons with disabilities must comply with alterations provisions of 1991 ADA Standards. The 2010 Standards were used for areas in the facilities where supplemental scoping or technical requirements for detention facilities are provided. (35.151(k)).		
2				I was told by the Department of Corrections that only portions of the facility are used by inmates with disabilities. Those areas Education, Chapel, Wellness, Visitation, Infirmary, and I-Dorm.	
3	<b>Common Use Buildings:</b>				
4	<b>Visitation:</b>				
5	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 33" high and protrudes 8" into the circulation path. FDC will install cane detection apron on standard water fountain.	3310, 3311
6	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the fire extinguisher cabinet is about 36" above the floor and projects about 6" into the circulation path. FDC will confer with Fire Marshal to find appropriate location for fire extinguisher that will meet ADA standards.	3340
7	<b>Visitation, Inmates Toilet Room:</b>				

## EXHIBIT D

8  9  10	206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain is in the accessible route. The cross slope is 4.7%.  FDC: Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the settlement agreement. DRF would ask FDC to consider whether an inexpensive change can be made if the drain has an adjustable sleeve, or if a collar can be added to the drain along with grout to reduce the slope.	3336, 3337
	213.3.5, 603.3	4.1.6,(1), 4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	The reflective surface of the mirror is mounted 41" above the floor.  FDC will lower the mirror down an inch.	3324, 3325
	213.3, 606.5	4.1.6,(1), 4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	3322

# EXHIBIT D

Lowell Correctional Institution - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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	1991 ADA Standards citations begin with "4.".				
11	<b>Chapel:</b>				
12	221,	4.1.6,(1), 4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There are about 60 seats. Therefore, 4 wheelchair spaces are required. However, no wheelchair spaces appear to be provided in the seating area.	
13				Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement as long as sufficient space continues to be made available so that safe entry, exit and evacuation are made possible.	
	221.4*,	4.1.6,(1), 4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, 1% of the fixed seats must be aisle seats with no armrests on the aisle side, or have removable or folding armrests on the aisle side. These seats must be dispersed among all seating categories. Signage notifying patrons of the availability of such seats must be posted at the ticket office.	There are about 60 fixed assembly seats. Therefore, 2 aisle seats must have no armrest or have a removable armrest. None is provided. These seats are not dispersed among all seating categories. Notification signage is not provided. In that it does not comply with the 1991 ADA Standards, it must be remediated to the 2010 ADA Standards, which requires 5% of the aisle seats to comply. There are about 12 aisle seats. Therefore, 1 must comply. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.	3071
14	<b>Chaplain's Office:</b>				

## EXHIBIT D

15	206.5, 404.2.3	4.1.6,(1), 4.1.3(7)&(8), 4.13.5	Doors that are part of the accessible route must have a minimum clear opening of 32" when the door is open 90 degrees.	The clear opening of the office door is 27 1/2". As an alternative deliver, FDC will utilize an accessible space outside the chaplain's office, but within the chapel, for meeting with wheelchair users that will afford the same degree of privacy as would occur during a meeting in the chaplain's office.	2975, 2976
16	<b>Chapel Library:</b>				
17	226.1, 902.2	4.1.6,(1), 4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	The knee space is only about 28" wide and about 26 1/4" tall. ADA inmates will not be using the chapel since ADA inmates will only be housed in the palliative care section of Lowell Main Unit and all chapel services/programs will be provided in the dorm to wheelchair users as well as all other ADA inmates.	2978 - 2981
18	<b>Chapel Library: Toilet Room:</b>				
19	213.2,	4.1.6,(1), 4.1.3(11),	Each public and common use toilet room must be accessible.	It does not have any accessible features. ADA inmates will not be using the chapel since ADA inmates will only be housed in the palliative care section of Lowell Main Unit and all chapel services/programs will be provided in the dorm to wheelchair users as well as all other ADA inmates.	2982 - 2985
20	<b>Library:</b>				
21	226.1, 902.2	4.1.6,(1), 4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	In the Library, all the tables have pedestals with feet that block the wheelchair space under the table. FDC will replace at least 5% of current seating with ADA compliant tables.	2968
22	<b>Education:</b>				

# EXHIBIT D

Lowell Correctional Institution - Accessibility Report					
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23	206.1, 403.3	4.1.6,(1), 4.1.3(1), 4.3.7	Accessible route cannot slope more than 8.33% and cannot slope more than 5% without having ramp features.	The accessible route to the north entrance of the Education Building has a slope of that ranges between 6.1% and 8.3% and does not have handrails or landings at the top, bottom, and every 30" of rise.	2950, 2951, 2953, 2954
24				ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	
25					
26	206.5, 404.2.2	4.1.6,(1), 4.1.3(7)&(8), 4.13.4	Where there is a pair of doors, a minimum clear opening of 32" through a single door must be provided.	At the north entrance, the clear opening of a single door is 30".	2956, 2957
27				ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	
28	206.5, 404.2.4.4	4.1.6,(1), 4.1.3(7)&(8), 4.13.6	Maneuvering space at the door cannot slope more than 2%.	The maneuvering space at the south entrance has a slope of 4.3%.	3061, 3062
				ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	
	206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	Between the south entrance and the intersecting sidewalk, the accessible route has a cross slope of 3.7%.	3063, 3064
				ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	

## EXHIBIT D

	206.5, 404.2.2	4.1.6,(1), 4.1.3(7)&(8), 4.13.4	Where there is a pair of doors, a minimum clear opening of 32" through a single door must be provided.	The clear opening of a single door is 30". ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	2956, 2957
	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted about 41" above the floor. FDC will replace the existing water fountain with an ADA compliant high/low water fountain (with cane detection on standard height fountain).	2997
29	<b>Classroom with Computers: (Surveyed Room 7)</b>				
30	226.1, 902.2	4.1.6,(1), 4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	At the computer station, the knee space is only 23" wide. ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	3046 - 3050
31	<b>Classroom with Computers: (Surveyed Room 10)</b>				
32	226.1, 902.2	4.1.6,(1), 4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	At the computer station, the knee space is only 24" tall. ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	2959, 2960

# EXHIBIT D

Lowell Correctional Institution - Accessibility Report					
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33	226.1, 902.2	4.1.6,(1), 4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	The tables have pedestals with feet that block the wheelchair space under the table. ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	2964
34	<b>Pearson Test Room:</b>				
35	226.1, 902.2	4.1.6,(1), 4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	At the computer station, the knee space is only 24 1/4" tall and 26 1/2" wide. ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	2992 - 2995
36	<b>Education: Toilet Room:</b>				
37	206.5, 404.2.3	4.1.6,(1), 4.1.3(7)&(8), 4.13.5	Doors that are part of the accessible route must have a minimum clear opening of 32" when the door is open 90 degrees.	The clear opening of the entry door is 30 1/2". ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	3004, 3005
38					
39	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 7 1/2" from the front edge of the counter. ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	3019 - 3026



## EXHIBIT D

	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The adjacent toilet reduces the toilet clear floor space to only 46 3/4" wide. ADA inmates will not be accessing the education building since ADA wheelchair inmates will only be housed in the palliative care section of Lowell Main Unit and any education/services will be provided in the dorm.	3013, 3014
40	Wellness Center:				
41	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 36 1/2" above the floor. FDC will install high/low water fountain with cane detection apron on standard water fountain.	3346, 3347

# EXHIBIT D

Lowell Correctional Institution - Accessibility Report					
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42	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 30 1/2" high and protrudes 8" into the circulation path. Refer to Line 42 – cane detection apron to be installed on standard height water fountain	3346, 3347
43					
	226.1, 902.2	4.1.6,(1), 4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	All the tables have pedestals with feet or braces that block the wheelchair space under the table. FDC will replace at least 5% of current seating with ADA compliant tables.	3344, 3349, 3350
44	<b>Wellness: Toilet Room:</b>				
45	213.2,	4.1.6,(1), 4.1.3(11),	Each public and common use toilet room must be accessible.	It does not have any accessible features. FDC will determine accessible restroom closest to Wellness Center and post directional signage.	3351 - 3358
46	<b>Infirmery Exam Area:</b>				
47	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	Outside the Infirmery entrance, the pass-thru window is 40 1/2" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	3202, 3204
48					
	§35.151,	, §35.151,	An eyewash is provided. Knee space must be provided underneath the eyewash that is at least 30" wide, 27" tall, and 17" deep.	No knee space is provided under the eyewash. FDC will contact vendor to replace with compliant model.	3236
49	<b>Infirmery: Waiting Room Toilet Room:</b>				

# EXHIBIT D

50	206.5, 404.2.7	4.1.6,(1), 4.1.3(7)&(8), 4.13.9	The door hardware must be operable without tight grasping, tight pinching, or twisting of the wrist.	The entry door has a knob that requires tight grasping and twisting to operate. FDC will replace entry door handle with ADA compliant door lever handle.	3208
51					
52	213.3, 606.5	4.1.6,(1), 4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	3209
53	213.3, 606.4	4.1.6,(1), 4.1.3(11), 4.19.5	The lavatory faucet must be operable without tight grasping, tight pinching, or twisting of the wrist.	The faucet has levers that are only 1" long. The levers may require tight grasping or more than 5-pounds force to operate. FDC will replace faucet handles with ADA compliant faucet lever handles on lavatory outside stall area.	3209
	213.2, 604.8.1.2	4.1.6,(1), 4.1.3(11), 4.17.5	The door hardware on the toilet stall must be operable without tight grasping, tight pinching, or twisting of the wrist.	The stall door is not self-closing and does not have a handle on the pull side. FDC will install an ADA compliant pull handle to assist in closing the stall door.	3224

# Lowell Correctional Institution - Accessibility Report

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54	213.2, 604.8.1.5*	4.1.6,(1), 4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 30" long. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. FDC will remove lavatory and replace existing grab bar with compliant 36" grab bar, mounting to required specifications.	3218
55					
56	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep. The lavatory may overhang the toilet clear floor space to a point within 18" of the centerline of the toilet.	The lavatory overhangs the toilet clear floor space. The side of the lavatory is only 16 1/2" from the centerline of the toilet. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which does not permit the lavatory within the 60" by 56" clear floor space. Refer to Line 54 – lavatory to be removed from accessible toilet stall	3218, 3219
	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	3221
57	<b>Infirmery: Bathroom:</b>				
58	213.3.5, 603.3	4.1.6,(1), 4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	The reflective surface of the mirror is mounted 54" above the floor. FDC will lower the mirror to the ADA compliant measurements or remove mirror.	3262, 3264
59					
60	213.3, 606.4	4.1.6,(1), 4.1.3(11), 4.19.5	The lavatory faucet must be operable without tight grasping, tight pinching, or twisting of the wrist.	The faucet has knobs that require twisting of the wrist to operate. Refer to Line 54 – lavatory to be removed from accessible toilet stall; new HC lavatory will have compliant lever handles	3262
61	213.3, 606.5	4.1.6,(1), 4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install tapered shield to HC lavatory located outside of stall	3262

# EXHIBIT D

62 63	213.2, 608.2.1	4.1.6,(1), 4.1.3(11), 4.21.2	Measured at the center points, the transfer shower must be 36" by 36", exactly.	It is 41 1/2" wide by 48" deep. FDC will renovate transfer shower area to compliant size.	3250 - 3253
	§35.133,	, §35.133,	Accessible features must be maintained and operable.	The shower seat is broken. FDC will repair or replace the shower seat.	3248
	213.2, 609.3	4.1.6,(1), 4.1.3(11), 4.26.2	Clear space between the grab bars and the walls must be 1 1/2", exactly.	There is 1 3/4" to 2" clear space between the rear grab bar and the wall. FDC will replace the grab bar that will comply with the spacing requirements.	3278, 3279

# EXHIBIT D

Lowell Correctional Institution - Accessibility Report					
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64	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 22" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	3283, 3284
65	<b>Infirmery: Holding Cell:</b>				
66	232.3,	4.1.6,(1), §35.151(k),	Holding cells are provided in this area. Therefore, at least one serving each purpose must be accessible.	There are several holding cells, all serving the same purpose. None has accessible features. FDC will renovate holding cell for accessibility.	3285 - 3297
67	<b>Housing:</b>				
68	<b>I-Dorm: (Palliative Care)</b>				
69	232.3,	4.1.6,(1), 232.3,	Housing cells are provided in this area. Therefore, at least 3% serving each purpose must be accessible.	There are 34 cells in the I-Dorm. All appear the same. Two must be accessible. FDC: This is not an area of non-compliance.	
70					
71	206.1, 403.3	4.1.6,(1), 4.1.3(1), 4.3.7	Accessible route cannot slope more than 8.33% and cannot slope more than 5% without having ramp features.	Portions of the accessible route from the Education Building to the I-Dorm have a slope of 6.4% and does not have handrails or landings at the top, bottom, and every 30" of rise. FDC will make renovations to the accessible route if wheelchair users are allowed to navigate the area without assistance.	3076 – 3080
72					
73					

# EXHIBIT D

74  75	206.1, 403.3	4.1.6.(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	Near the I-Dorm, between the two intersecting walkways, the accessible route has a cross slope that ranges between 4.9% and 3%.  FDC will make renovations to the accessible route if wheelchair users are allowed to navigate the area without assistance.	3081, 3082, 3085, 3086
	206.1, 403.3	4.1.6.(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%. Where the accessible route turns the cross slope is measured in two directions.	Under the canopy, where the accessible route turns from the Education Building toward the I-Dorm, the cross slope is 4.7%.  FDC will make renovations to the accessible route if wheelchair users are allowed to navigate the area without assistance.	3087, 3089
	206.5, 404.2.4.4	4.1.6.(1), 4.1.3(7)&(8), 4.13.6	Maneuvering space at the door cannot slope more than 2%.	The maneuvering space at the entrance has a slope of 6.9%.  FDC will make renovations to the accessible route if wheelchair users are allowed to navigate the area	3194, 3195
	226, 902.2*	4.1.6.(1), 4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The knee space is 26" high. FDC will replace at least 5% of current tables seating with ADA compliant tables.	3123, 3124
	211, 602.2	4.1.6.(1), 4.1.3(10), 4.15.5	Knee space under the drinking fountain must be at least 27" high for a depth of at least 8".	It is only 24 1/2" high. FDC will replace existing water fountain with ADA compliant accessible water fountain.	3099, 3101

# EXHIBIT D

Lowell Correctional Institution - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Std)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Std)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
76	213.3, 606.5	4.1.6,(1), 4.1.3(11), 4.19.4	Pipes under the lavatory must be insulated to protect a person from burns and from sharp or abrasive edges.	In both the shower room and toilet room, part of the drain pipe is not covered. FDC will cover drain pipe(s).	3137, 3156, 3157
77					
78	213.2, 609.3	4.1.6,(1), 4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control reduces the clear space to about 3/4" above the grab bar on the shower control wall. FDC: The shower wall will be furred out to place the grab bar out from underneath the shower control box.	3144
79	213.2, 609.4*	4.1.6,(1), 4.1.3(11), 4.26.2	The centerline of the grab bars must be between 33" and 36" above the floor.	The centerline of the grab bars at the shower are 31" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which require the top of the grab bars to be between 33" and 36" above the floor. FDC will reposition grab bars to compliant height (33" – 36" to top of gripping surface).	3143, 3144
80					
	206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain in the shower are part of the accessible route. The cross slope at the drain is 12.7% and the cross slope elsewhere in the shower is 3.8%. FDC: Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the settlement agreement. DRF would ask FDC to consider whether an inexpensive change can be made if the drain has an adjustable sleeve, or if a collar can be added to the drain along with grout to reduce the slope.	3149 - 3152



# EXHIBIT D

	213.2, 604.8.1.5*	4.1.6,(1), 4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar extends only 10" to the wall side of the toilet. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. FDC will reposition rear grab bar to meet standards (12" from centerline of toilet to side wall and 24" minimum on open side at compliant height (33"-36" to top of gripping surface)	3187
81	Cell: (Surveyed 1101)				
82	232.3, 807.2.4	§35.150, §35.151(k),	Accessible housing cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space is only 44" wide. FDC will renovate the affected cell as needed to provide the required turning space.	3106, 3108, 3109, 3115
83	205, 309*	4.1.6,(1), 4.1.3(13), 4.27.2	Operable parts in public and common use areas, including employee common use areas, must be on an accessible route, must have a level 30" by 48" clear floor space, must be within reach, and must be operable with one hand and without tight grasping, tight pinching, or twisting of the wrist.	The clear floor space for the window is blocked by the storage locker and bed. FDC will mount locker on wall to provide clear floor space.	3102

# EXHIBIT D

Lowell Correctional Institution - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
84	205, 309.3*	4.1.6,(1), 4.1.3(13), 4.27.3	Operable parts must be within reach. A side reach over an obstruction is required. If the obstruction is no more than 34" tall and no more than 24" deep, then the operable part must be within 46" of the floor. If the obstruction is more than 34" tall, then the operable part must be within 10" of the front edge and must be within 48" of the floor.	The window control is about 70" above the floor. Inmates are not authorized to open/close windows and therefore this should not be accessible to an inmate.	3102, 3110
85					

# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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		1991 ADA Standards citations begin with "4.".			
1			Most of RMC appears to have been constructed before July 26, 1992. The parts of the facility that were altered since July 26, 1992 and the parts that are used to provide programs, services, and activities to persons with disabilities must comply with alterations provisions of 1991 ADA Standards. The 2010 Standards were used for areas in the facilities where supplemental scoping or technical requirements for detention facilities are provided. (35.151(k)).		
2				I was told by the Department of Corrections that the portions of the facility used exclusively for long-term inmates are not used by inmates with disabilities. Those areas include buildings A, B, and I.	
3	<b>Common Use Buildings:</b>				
4	<b>Sallyport:</b>				
5	206.1, 406.1	4.1.6,(1), 4.1.2(1) & (2), 4.7.2	Slope of curb ramp cannot exceed 8.33%.	The curb ramp has a slope of 21.1% at the bottom and 12.3% at the top. FDC will re-design curb ramp to meet ADA standards.	8003, 8004, 8006, 8007
6	<b>Processing:</b>				
7	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The intake counter is 41 1/2" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not.	8028, 8029
8				This counter is not for inmate use and therefore no changes are required.	

## EXHIBIT D

	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The property counter is 40 3/4" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not. FDC will modify existing counter or add a required compliant counter space adjacent to existing counter space.	8073, 8074
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# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
9	205, 309.3*	4.1.6,(1), 4.1.3(13), 4.27.3	Operable parts must be within reach. A side reach over an obstruction is required. If the obstruction is no more than 34" tall and no more than 24" deep, then the operable part must be within 46" of the floor. If the obstruction is more than 34" tall, then the operable part must be within 10" of the front edge and must be within 48" of the floor.	The bench is 19" tall and the telephone is 15 3/4" from the front edge and 48 3/4" above the floor. Therefore, the telephone is out of reach.  FDC will remove bench below phone farthest from barber chair to provide reach range for wheelchair user.	8077 - 8082
10	<b>Processing: Bathroom:</b>				
11	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 9" from the front edge of the counter.  FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	8033, 8035
12	213.3.6, 608.2	4.1.6,(1), 4.1.3(11), 4.21.2	Clear floor space outside the shower must be at least 36" wide. For roll-in showers it must extend the length of the shower. For transfer showers, it must be at least 48" long. The clear floor space must be adjacent to and perpendicular to the seat wall.	There is no clear floor space adjacent to and perpendicular to the seat wall.  FDC will remove bench and use as roll-in shower.	8064
13	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The urinal reduces the toilet clear floor space to only 55 1/2" wide.  FDC will remove urinal from this toilet area.	8045, 8047
14	<b>Visitation:</b>				
15	206.5, 404.2.4.4	4.1.6,(1), 4.1.3(7)&(8), 4.13.6	Maneuvering space at the door cannot slope more than 2%.	The maneuvering space at the door to the outside visiting area has a slope of 4%.  FDC will re-pour concrete to make compliant.	8159, 8160

## EXHIBIT D

16	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes 8" into the circulation path. FDC will install cane detection apron on standard height water fountain.	8099, 8101
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# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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17	226, 902.2*	4.1.6,(1), 4.1.3(18), 4.32.3	There are common use tables. Knee space underneath must be at least 27" high.	The knee space under the visiting table is only 26" high. FDC will replace tables with ADA compliant tables.	8094, 8095
18	<b>Visitation, Inmates Toilet Room:</b>				
19	206.5, 404.2.4.4	4.1.6,(1), 4.1.3(7)&(8), 4.13.6	Maneuvering space at the door cannot slope more than 2%.	The threshold ramp extends into the maneuvering space and creates a slope of 9.5%. FDC will re-construct threshold approach to make compliant.	8124, 8125
20	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the	The front of the toe space is only 8 1/2" from the front edge of the counter. FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	8132, 8134, 8135
21	213.2, 604.8.1.2	4.1.6,(1), 4.1.3(11), 4.13.6	The pull side of the stall door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The lavatory reduces the maneuvering space to the latch side of the stall door to only 6 1/2" wide. FDC will remove the urinal and relocate lavatory (to original location of urinal) to provide required maneuvering space.	8135, 8137, 8141, 8142
22	213.2, 604.8.1.5*	4.1.6,(1), 4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar extends only 10 1/2" to the wall side of the toilet. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. FDC will install 36" grab bar mounted 12" from centerline of toilet to side wall and 24" minimum on open side at compliant height (33"-36" to top of gripping surface)	8145, 8146

# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
23	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 20" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	8143, 8144
24			Chapel:		
25	206.5, 404.2.7	4.1.6,(1), 4.1.3(7)&(8), 4.13.9	The door hardware must be operable without tight grasping, tight pinching, or twisting of the wrist.	The sanctuary door has a knob to pull open the door. It requires tight grasping to operate. FDC will install lever handle on sanctuary door.	8198
26	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the left drinking fountain is 30 1/4" high and protrudes 8" into the circulation path. FDC will reposition standard height water fountain (spout mounted 38" – 43" above the floor) and install cane detection apron on standard height water fountain.	8169, 8170
27					
28	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	Both spouts are mounted no higher than 36" above the floor. FDC will reposition accessible fountain (spout no higher than 36" from floor).	8169 - 8172
29	219*,	4.1.6,(1), 4.1.3(19)(b),	There are fixed seats and an audio amplification system. Therefore, an assistive listening system must be provided.	No signs notify patrons that an assistive listening system is provided. Additionally, no parts of an assistive listening system were seen. Therefore, no assistive listening system is provided. FDC will provide an assistive listening system.	
30	221,	4.1.6,(1), 4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There are about 160 seats. Therefore, 5 wheelchair spaces are required. However, no wheelchair spaces appear to be provided in the seating area. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement as long as sufficient space continues to be made available so that safe entry, exit and evacuation are made possible.	8199 - 8203



## EXHIBIT D

221.4*,	4.1.6.(1), 4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, 1% of the fixed seats must be aisle seats with no armrests on the aisle side, or have removable or folding armrests on the aisle side. These seats must be dispersed among all seating categories. Signage notifying patrons of the availability of such seats must be posted at the ticket office.	There are about 160 fixed assembly seats. Therefore, 2 aisle seats must have no armrest or have a removable armrest. None is provided. These seats are not dispersed among all seating categories. Notification signage is not provided. In that it does not comply with the 1991 ADA Standards, it must be remediated to the 2010 ADA Standards, which requires 5% of the aisle seats to comply. There are 12 aisle seats. Therefore, 1 must comply. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.	8199 - 8203
31	Chapel: Toilet Room:			

# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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32	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8 1/2" from the front edge of the counter. FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	8190, 8195 - 8197
	213.2, 604.5, 609.3	4.1.6,(1), 4.1.3(11), 4.16.4	There space in front of the grab bar must be unobstructed.	The flush valve stem partially blocks access to the rear grab bar. FDC will relocate flush valve stem to provide clear access to rear grab bar.	8174
33	<b>Law Library:</b>				
34					
35	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The entire counter is 38" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not. FDC will modify the counter space to meet ADA standards.	8499, 8500
36	<b>Classification:</b>				
37	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	In the waiting area, there is only one spout. It is mounted about 36" above the floor. FDC will remove the existing water fountain.	8634
38	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	In the office area, there is only one spout. It is mounted about 36" above the floor. FDC will high/low combination water fountain (with cane detection).	8659
39	<b>Classification: Waiting Room Toilet Room:</b>				

# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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40	206.5, 404.2.4	4.1.6.(1), 4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The maneuvering space extends only about 1/2" beside the latch side of the door. FDC will close the bathroom to all inmates until renovations can be completed. In the meantime, all inmates will be required to use the accessible restroom near the hospital clinic inmate waiting area.	8656 - 8658
41	213.2, 603.2.1	4.1.6.(1), 4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	Neither a 60" diameter circle or T-turn fit. Refer to Line 40 – will be compliant upon completion of renovation.	8636, 8645, 8648
42	205, 309.3	4.1.6.(1), 4.1.3(13), 4.27.3	Operable parts over an obstruction must be within reach. Operable parts cannot be beyond the front edge of the clear floor space. The obstruction must be no more than 34" tall and no more than 25" deep. Therefore, the operable part must be within 44" of the floor. If the obstruction is less than 20" deep, the operable part must be within 48" of the floor.	The paper towel dispenser is less than 20" from the front edge of the lavatory and is 54" above the floor. Refer to Line 40. Upon renovation, paper towel dispenser will be repositioned to compliant height.	8643, 8644
43	213.3, 606.5	4.1.6.(1), 4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. Refer to Line 40. Upon renovation, tapered stainless-steel shield will be installed.	8638
44	213.2, 604.8.1.5*	4.1.6.(1), 4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 21" long. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. Refer to Line 40. Upon renovation, 36" rear grab bar will be mounted to meet standards (12" from centerline of toilet to side wall and 24" minimum on open side at compliant height (33"-36" to top of gripping surface)	8653

## EXHIBIT D

45	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The urinal reduces the toilet clear floor space to only 35 1/2" wide. Refer to Line 40. Urinal will be removed during renovation.	8653, 8655
46	213.2, 604.4	4.1.6,(1), 4.1.3(11), 4.16.3	Toilet seat must be 17" to 19" above the floor.	The toilet seat is only 16" high. Refer to Line 40 – During renovation, toilet will be replaced	8639, 8640
47	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19" from the sidewall. Refer to Line 40 – Upon renovation, toilet will be moved to compliant distance from side wall.	8651, 8652

# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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48	213.2, 604.6	4.1.6,(1), 4.1.3(11), 4.16.5	The toilet flush control must be on the open side of the toilet.	The toilet flush control is on the wall side. Refer to Line 40 – flush valve will be installed on open side of toilet during renovation.	8637
49	<b>Dining:</b>				
50	227.3, 904.4	4.1.6,(1), 7.2(1),	A food or beverage service counter has a cash register. This counter is provided for the sales or distribution of goods. A 36"-wide portion of this counter must be no higher than 36".	The tray collection counter is 40" tall. Although FDC and DRF disagree about whether FDC is in non-compliance, as an alternative delivery, FDC will provide a cart for the placement of trays and dirty dishes by wheelchair inmates.	8270, 8271
51	§35.130(d), 226.1,	4.1.6,(1), §35.130(d),	No qualified individual with a disability shall, on the basis of disability, be excluded from participation in a service, program, or activity in the most integrated setting appropriate. Therefore, the accessible seating must be integrated with the inaccessible seating.	There are 361 seats at dining tables. Therefore, at least 6 must be accessible. All the accessible seating is separated from the inaccessible seating. FDC will install additional tables at the end of the regular tables.	8254 - 8258
52	<b>Medical:</b>				
53	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 32" above the floor. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	8274, 8275
54	211, 602.2	4.1.6,(1), 4.1.3(10), 4.15.5	Knee space under the drinking fountain must be at least 27" high for a depth of at least 8".	It is only 26 1/4" high. Refer to Line 53.	8274, 8275
55	<b>Medical: Waiting Room Toilet Room:</b>				

## EXHIBIT D

56	206.1, 405.2	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.8.2	Ramp slope cannot exceed 8.33%.	The ramp to the toilet room has a slope of 14.8%. FDC will reconstruct approach and threshold of toilet area.	8276, 8277
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# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
57	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only about 8" from the front edge of the counter. FDC will install stainless-steel shield tapered to comply with the toe and knee clearances.	8279
	213.2, 604.5.1	4.1.6,(1), 4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	It is 13" from the rear wall. FDC will re-position side grab bar to meet standards.	8287, 8290
58	213.2, 604.5, 609.3	4.1.6,(1), 4.1.3(11), 4.16.4	There space in front of the grab bar must be unobstructed.	The flush valve stem partially blocks access to the rear grab bar. FDC will replace/adjust flush valve to provide clear access to rear grab bar.	8283
59	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The urinal reduces the toilet clear floor space to only 42 1/2" wide. FDC will remove urinal to provide clear floor space.	8283, 8284
60					
61	Ambulatory Surgical Center:			(Constructed after July 26, 1992)	
62	206.1, 405.2	4.1.2(1) & (2), 4.1.3(1), 4.8.2	Ramp slope cannot exceed 8.33%.	The bottom 18" of the ramp has a slope of 14.3%. FDC will re-construct ramp to meet standards.	8300, 8301
63	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 29 1/4" high and protrudes 8" into the circulation path. FDC will install cane detection apron on standard height water fountain.	8308, 8310
64	Ambulatory Surgical Center: Toilet Room:			(Constructed after July 26, 1992)	

## EXHIBIT D

65	213.2, 604.8.1.5*	4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 30" long. FDC will mount 36" rear grab bar to meet standards (12" from centerline of toilet to side wall and 24" minimum on open side at compliant height (33"-36" to top of gripping surface)	8332
	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The toilet seat cover dispenser reduces the clear space to about 6" above the rear grab bar. FDC will relocate toilet seat cover dispenser to opposite wall.	8332



# EXHIBIT D

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67	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 51" from the rear wall.	8325, 8327
68				FDC will install 42" side grab bar at compliant height and 12" from rear wall (for overall length of 54" from wall to end of grab bar).	
	213.2, 604.3*	4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The trash receptacle reduces the toilet clear floor space to only 40" wide. FDC will relocate trash receptacle or recess into wall.	8332, 8333
69	Infirmery (22091-22098):				
70	215.2, 702	4.1.6,(1), 4.1.3(14), 4.28.1	Buildings with visual alarms must have visual alarms in the toilet rooms.	The building has visual alarms. However, there is no visual alarm in this room.	
71				FDC will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009.	
	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	In the corridor, there is only one spout. It is mounted about 42" above the floor. FDC will remove existing water fountain and install high/low combination water fountain installed at compliant heights.	8371
72	Infirmery (22091-22098): Toilet Room:				

## EXHIBIT D

73	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 9" from the front edge of the counter.  FDC will install tapered stainless-steel shield to comply with the toe and knee clearances.	8349, 8351
74	<b>Infirmary (22051-22052):</b>				
75	215.2, 702	4.1.6,(1), 4.1.3(14), 4.28.1	Buildings with visual alarms must have visual alarms in the toilet rooms.	The building has visual alarms. However, there is no visual alarm in this room.  FDC will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009.	
76	<b>Infirmary (22051-22052): Toilet Room:</b>				

# EXHIBIT D

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77	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 9" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	8379
	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 24" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	8385, 8386
79	<b>Infirmery Shower:</b>				
80	213.3.6, 608.2.2	4.1.6,(1), 4.1.3(11), 4.21.2	The minimum dimensions of a roll-in shower are 30" deep by 60" wide at the midpoints.	The shower is only 58" wide. FDC will convert this to a transfer-type shower.	8400, 8402
81					
	213.2, 608.5	4.1.6,(1), 4.1.3(11), 4.21.5	Shower controls must be mounted above the grab bar between 38" and 48".	The shower controls, in the highest position, are mounted 52" above the floor when the lever is in the up position. FDC will relocate shower controls at time of renovation.	8408, 8410
82	<b>Cancer Center: Holding Cell:</b>				
83	232.3, 807.2.4	4.1.6,(1), §35.151(k).	Accessible holding cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	Clear space is only 48" wide by 52" deep. FDC will enlarge the existing holding cell or will create a compliant holding cell where benches are currently located.	8453 - 8456
84					
	232.3, 807.2.4, 903.2	4.1.6,(1), §35.151(k).	A 30" by 48" clear floor space must be positioned at the end of the bench, parallel to the short side.	No clear floor space is positioned to the side of the bench. FDC will enlarge the existing holding cell or will create a compliant holding cell where benches are currently located.	8450
85	<b>Dialysis Center: Toilet Room:</b>				

# EXHIBIT D

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86	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 9" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	8520
87	213.2, 609.3	4.1.6,(1), 4.1.3(11), 4.26.2	Clear space between the grab bars and the walls must be 1 1/2", exactly.	There is 2 1/4" clear space between the sidewall grab bar and the wall. FDC will replace the existing grab bars with compliant grab bars.	8529, 8531
88	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 18 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to the proper distance (centerline of toilet 16" – 18" from wall).	8524, 8525
89	<b>Dental Clinic Waiting Room: Toilet Room:</b>				
90	206.5, 404.2.4	4.1.6,(1), 4.1.3(7)&(8), 4.13.6	A forward approach to the push side of the door is required. The door has both a latch and a closer. Therefore, the maneuvering space must extend 12" to the latch side of the door.	The maneuvering space is only about 42" deep and extends only 7 1/2" to the latch side. FDC will move the front wall out (approximately 6"-12") toward the waiting area and will remove the door closer.	8432 - 8435, 8442
91	213.2, 603.2.1	4.1.6,(1), 4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	Neither a 60" diameter circle or T-turn fit. FDC will move the front wall out (approximately 6"-12") toward the waiting area and will remove the door closer.	8423

# EXHIBIT D

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92	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. FDC will install appropriate tapered stainless-steel shield.	8437, 8439
	213.2, 604.8.1.5*	4.1.6,(1), 4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 24" long. FDC will renovate area to provide adequate space for 36" rear grab bar.	8429
93					
94	Out Patient Medical Clinic:				
95	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	Near the waiting area, the underside of the standard height drinking fountain is about 32" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	8661, 8663
96					
	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	In the exam room corridor, there is only one spout. It is mounted about 36" above the floor. FDC will remove the single water fountain.	8667
97	In Patient Medical Clinic:				

# EXHIBIT D

98				There are no Crisis Cells or Transitional Care Cells that are accessible.	
99				This is not an area of non-compliance.	
100	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	In the corridor, there is only one spout. It is mounted about 40" above the floor. FDC will install high/low combination water fountain.	8679
	213.3.5, 603.3	4.1.6,(1), 4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	In the room with beds 21012 - 21017, the reflective surface of the mirror is mounted 59" above the floor. FDC will lower the mirrors to the compliant height.	8676, 8677

# EXHIBIT D

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101	213.3, 606.5	4.1.6,(1), 4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	In the room with beds 21012 - 21017, the pipes under the accessible lavatory are not insulated. FDC will install a tapered stainless-steel shield.	8674
102	<b>Medical Clinic: Bathroom:</b>				
103	206.5, 404.2.5	4.1.6,(3)(d)(ii),	In existing facilities, threshold cannot be taller than 3/4". Changes in level that are more than 1/4" must be beveled.	The threshold is 3/4" tall and is not beveled 1:2. FDC will modify threshold to meet standards.	8681, 8682
104	213.3.5, 603.3	4.1.6,(1), 4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	The reflective surface of the mirror is mounted 41" above the floor. FDC will lower the mirrors to the compliant height.	8695, 8696
105	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only about 8" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	8693
106	213.2, 608.2	4.1.6,(1), 4.1.3(11), 4.23.8	The accessible shower must be a transfer-type that is exactly 36" by 36", roll-in type that is at least 30" deep by at least 60" wide, or an alternate roll-in type that is exactly 36" deep by at least 60" wide.	The shower is 34" wide by 48" deep. FDC will combine the shower with the shower to the right in order to create one larger shower.	8714 - 8716
107	213.2, 604..1.5*	4.1.6,(1), 4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 24" long. FDC will re-mount 36" rear grab bar to meet standards.	8685

## EXHIBIT D

108	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The adjacent toilet reduces the toilet clear floor space to only 39" wide. FDC will remove the adjacent toilet.	8685, 8688
109	Mental				

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110	206.1, 302.1	4.1.6,(1), 4.1.2(1) & (2), 4.5.1	Accessible route must be firm, stable, and slip resistant.	The accessible route to the Mental Health recreation yard individual areas is not paved. FDC will construct a concrete path to the recreation yard.	8446
111					
112	215.2, 702	4.1.6,(1), 4.1.3(14), 4.28.1	Buildings with visual alarms must have visual alarms in the toilet rooms.	The building has visual alarms. However, most rooms do not have visual alarms. FDC will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009.	



# EXHIBIT D

113	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	Near Group Therapy, there is only one spout. It is mounted about 36" above the floor. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	8561
	<b>Mental Health: Toilet Room:</b>				
	215.2, 702	4.1.6,(1), 4.1.3(14), 4.28.1	Buildings with visual alarms must have visual alarms in the toilet rooms.	The building has visual alarms. However, there is no visual alarm in this room. FDC will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009.	
	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	8558
	213.2, 604.8.1.5*	4.1.6,(1), 4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar extends only 10" to the wall side of the toilet. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. FDC will reposition the rear grab bar to meet standards.	8548
117	213.2, 604.5.1	4.1.6,(1), 4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 48 1/2" from the rear wall. FDC will reposition side grab bar to meet standards.	8543, 8544

# EXHIBIT D

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118	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 23" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	8546, 8547
119			<b>Mental Health Wing 1 &amp; 2:</b>		
120	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is about 32" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	8569
121	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 9" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	8585
122	213.3.6, 608.2	4.1.6,(1), 4.1.3(11), 4.21.2	Clear floor space outside the shower must be at least 36" wide. For roll-in showers it must extend the length of the shower. For transfer showers, it must be at least 48" long. The clear floor space must be adjacent to and perpendicular to the seat wall.	There is no clear floor space adjacent to and perpendicular to the seat wall. FDC will narrow wing wall and possibly move it out as well, to create 36 inches of width and length, and put the bench on the new wing wall. FDC may discontinue using the adjacent shower since it does not have a water drain	8591
123	213.2, 608.4	4.1.6,(1), 4.1.3(11), 4.21.3	The fixed seat in a shower must be 17" to 19" above the floor.	The shower seat is 16" above the floor. FDC will adjust shower seat to required height.	8593, 8594
124	213.2, 604.5.1	4.1.6,(1), 4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 44" from the rear wall. FDC will renovate toilet area to provide adequate wall to mount grab bar with total length of 54" from corner of rear wall.	8572, 8573
125	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	8574, 8575

# EXHIBIT D

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126	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The adjacent toilet grab bar reduces the toilet clear floor space to only 49" wide. FDC will remove or relocate adjacent toilet to provide required clear floor space for accessible toilet.	8576, 8577
127					
	213.2, 604.6	4.1.6,(1), 4.1.3(11), 4.16.5	The toilet flush control must be on the open side of the toilet.	The toilet flush control is on the wall side. FDC will replace flush valve to open side of toilet.	8571
128	Mental Health Wing 3 & 4:			(There was no opportunity to survey the toilets. I assumed the issues were the same as in Wing 1 & 2.)	
129	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is about 32" high and protrudes 8" into the circulation path. FDC will install cane detection apron to standard height water fountain.	8611
130					
	205, 309.3	4.1.6,(1), 4.1.3(13), 4.27.3	Operable parts over an obstruction must be within reach. Operable parts cannot be beyond the front edge of the clear floor space. The obstruction must be no more than 34" tall and no more than 25" deep. Therefore, the operable part must be within 44" of the floor. If the obstruction is less than 20" deep, the operable part must be within 48" of the floor.	The paper towel dispenser is less than 20" from the front edge of the lavatory and is 50" above the floor. FDC will relocate paper towel dispenser.	8614, 8616
131					
	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 9" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	8612

# EXHIBIT D

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132	213.3.6, 608.2	4.1.6,(1), 4.1.3(11), 4.21.2	Clear floor space outside the shower must be at least 36" wide. For roll-in showers it must extend the length of the shower. For transfer showers, it must be at least 48" long. The clear floor space must be adjacent to and perpendicular to the seat wall.	There is no clear floor space adjacent to and perpendicular to the seat wall. FDC will construct new wing wall to create a 36 inch by 36 inch transfer shower in the space in accordance with Darren Fancher's drawing.	8619
133					
134	213.2, 608.5	4.1.6,(1), 4.1.3(11), 4.21.5	Shower controls must be mounted above the grab bar between 38" and 48".	The shower controls, in the highest position, are mounted 50" above the floor. FDC will relocate shower controls to compliant height.	8626, 8627, 8630
135	213.2, 604.5.1	4.1.6,(1), 4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 44" from the rear wall. FDC will reposition side grab bar to provide required clearance.	
136	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	
137	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The adjacent toilet grab bar reduces the toilet clear floor space to only 49" wide. FDC will remove or relocate adjacent toilet.	
	213.2, 604.6	4.1.6,(1), 4.1.3(11), 4.16.5	The toilet flush control must be on the open side of the toilet.	The toilet flush control is on the wall side. FDC will replace flush valve to open side of toilet.	
138	<b>Exterior:</b>				
139	206.1, 303.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.5.2	Changes in level that are more than 1/4" must be beveled.	In several locations, the broken and settled concrete and asphalt creates changes in level of more than 1/4" that are not beveled. FDC will repair concrete on path of travel.	8208 - 8211, 8244
140					

## EXHIBIT D

141	206.1, 302.1	4.1.6,(1), 4.1.2(1) & (2), 4.5.1	Accessible route must be firm, stable, and slip resistant.	The accessible route to the fitness equipment and ball field is not paved. FDC will construct path of travel to recreation equipment on rec yard.	8245 - 8247
	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the Canteen service counter is 46 1/2" above the floor. FDC will install a compliant counter space adjacent or below the existing counter space.	8206, 8207
142	Seating Area:				

# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
143	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There are two drinking fountains, both no more than 36" above the floor. Neither has accessible features. FDC will replace existing water fountains with one high/low combination water fountain (with cane detection on standard fountain).	8222, 8237
144	<b>Toilet Facilities:</b>				
145	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	8237, 8239
	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The adjacent toilet reduces the toilet clear floor space to only about 40 1/2" wide. FDC will remove the adjacent toilet.	8225 - 8227
147	<b>Housing:</b>				
148	§35.151(k), 232.3, 807.2.3	, §35.151(k), 232.3, 807.2.3	In cells having more than 25 beds, at least 5% of the beds shall have a 30" by 48" clear floor space parallel to the side of the bed.	There are 72 beds in each of 8 dormitories in Buildings C, D, E, and F. Each dormitory serves the same purpose. Therefore, each dormitory must have at least 4 beds on an accessible route and have the clear floor space. I reviewed C-Dorm. The other 7 were assumed to be the same. This is not an area of non-compliance but is Mark Mazz's interpretation of the necessary access requirements for these locations.	
149	<b>C-Dorm and D-Dorm:</b>			(Issues are assumed to be the same except where noted individually.)	
150	206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%. Where the accessible route turns the cross slope is measured in two directions.	Near the entrance to C-Dorm, where the accessible route turns toward the entrance, the cross slope is 5.5%. FDC will reconstruct accessible route to Dorm C.	8723, 8724

# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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151	206.1, 405.2	4.1.6.(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot slope more than 8.33%. It cannot slope more than 5% without being constructed as a ramp.	At the entrance to C-Dorm, for about 7 linear feet, the slope is 6.6%. There are no landings at the bottom and there are no handrails. FDC will install handrails on slopes as appropriate.	8725, 8726
152	206.1, 403.3	4.1.6.(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%. Where the accessible route turns the cross slope is measured in two directions.	Near the entrance to D-Dorm, where the accessible route turns toward the entrance, the cross slope is 6.2%. FDC will reconstruct accessible route to Dorm D.	8747, 8748
153	227.3, 904.4*	4.1.6.(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The entire pass-thru counter from the security station is 37 1/4" above the floor. FDC will modify existing counter space to be compliant with standards.	8760, 8762
154	217.2, 704.2.4	4.1.6.(1), 4.1.3(17)(a), 4.31.8	At least one telephone must have a cord that is at least 29" long.	In D-Dorm, the telephone cord is only 16" long. FDC will have vendor replace one (1) of existing two (2) phones with minimum 29" long phone cord.	8756, 8757
155	211, 602.7	4.1.6.(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted about 36" above the floor. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	8735
156	213.2, 609.4*	4.1.6.(1), 4.1.3(11), 4.26.2	The centerline of the grab bars must be between 33" and 36" above the floor.	The centerline of the grab bars at the toilet are 31 1/2" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which require the top of the grab bars to be between 33" and 36" above the floor. FDC will reposition grab bars to meet standards.	8793 - 8795
157	213.2, 604.8.1.5*	4.1.6.(1), 4.1.3(11), 4.17.6	In a stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The rear end is 14" from the corner. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at least 54" from the rear wall. FDC will reposition side grab bar to meet standards.	8790

## EXHIBIT D

158	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The adjacent toilet reduces the toilet clear floor space to only 55 3/4" wide. FDC will remove or relocate the adjacent toilet.	8786, 8787
159	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 22 1/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	8784, 8785



# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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160	213.3, 604.8*	4.1.6,(3)(e), 4.1.3(11), 4.22.4	Where toilet room has at least 6 water closets, one stall must comply with the ambulatory stall requirements.	There are 6 toilets and none of the stalls complies with the ambulatory stall requirements. FDC will renovate to provide one (1) ambulatory toilet.	8775, 8776
161	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the service counter is about 38" above the floor. FDC will modify existing counter space to be compliant with standards.	8815
162	<b>L-Dorm (Inmates who use Chemotherapy or Dialysis, and inmates who may be preyed upon): L-Dorm will not be used for ADA inmates</b>				
163	206.1, 403.5	4.1.6,(1), 4.1.3(1), 4.3.3	Housing cells are provided in this area. An accessible route must be provided to each type of element inside the cell. The accessible route must be that is at least 36" wide when longer than 24".	The accessible route to the accessible beds narrows to than 36" wide for a distance of more than 24". ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8824 – 8827
164					
165	226, 902.2*	4.1.6,(1), 4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 11". ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8828, 8832 - 8835
166					
	206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	Drains are in the accessible route in the bathroom. The cross slope is 14.1%. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8850, 8851, 8857, 8858, 8872

## EXHIBIT D

167	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only about 9" from the front edge of the counter.  ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8852
	213.2, 609.3	4.1.6,(1), 4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to 2" above the control wall grab bar.  ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8883

# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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168	213.2, 608.4	4.1.6,(1), 4.1.3(11), 4.21.3	A seat is provided in the shower. It must extend the full length of the seat wall to within 1 1/2" of the back wall and to within 3" of the compartment entry.	The shower seat is 3" from the back wall. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8874, 8878
169					
170	213.2, 608.4, 903.4	4.1.6,(1), 4.1.3(11), 4.21.3	A seat is provided in the shower. Back support must be provided to a point at least 18" above the seat.	There is a grab bar on the seat wall that interferes with the back support. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8874
171					
172	213, 604.8.2	4.1.6,(1), 4.1.3(11), 4.22.4	The ambulatory stall must have grab bars on both sidewalls.	The ambulatory stall does not have a grab bar on the left sidewall. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8859
173	213.3, 604.2	4.1.6,(1), 4.1.3(11), 4.22.4	Centerline of toilet in an ambulatory stall must be 18" from sidewall.	The toilet centerline in ambulatory stall is 18 3/4" from the sidewall. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8862, 8863
174	213.2, 604.8.2.3	4.1.6,(1), 4.1.3(11), 4.22.4	In an ambulatory stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The front end is 49 1/2" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at 54" from the rear wall. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8864, 8865

## EXHIBIT D

213.3, 604.4	4.1.6,(1), 4.1.3(11), 4.22.4	In the ambulatory stall, the toilet seat must be 17" to 19" above the floor.	The toilet seat in the ambulatory stall is only 16" high. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8866, 8867
213.2, 609.4*	4.1.6,(1), 4.1.3(11), 4.26.2	The centerline of the grab bars must be between 33" and 36" above the floor.	The centerline of the grab bars at the accessible toilet are about 31" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which require the top of the grab bars to be between 33" and 36" above the floor. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8847
175	Cell Block K-2: (Confinement) K-dorm will not be used for ADA inmates			

# EXHIBIT D

Reception and Medical Center (RMC) - Accessibility Report					
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176	204.1, 307.4	4.1.6,(1), 4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	The underside of the stairs, which are within a circulation path, are not enclosed. Therefore, the undersides of the stairs reduce the headroom to less than 80". ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8892
177	Cell Block K-3: Shower:				
178	213.2, 603.2.1	4.1.6,(1), 4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	(Same as shower in K-2) The turning space in the shower room is only 47" wide. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8923, 8924
179					
180	213.2, 609.3	4.1.6,(1), 4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 0" above the control wall grab bar. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8929, 8930  IS CELL BLOCK K THE SAME AS DORM K?
	213.2, 608.5.1*	4.1.6,(1), 4.1.3(11), 4.21.5	In a transfer shower, the controls must be on the wall opposite the seat and mounted within 18" of the clear floor space.	The controls are mounted between the centerline and the back wall. In that it does not comply with the 1991 ADA Standards it must be remediated to the 2010 ADA Standards, which requires the controls to be within 15" of the centerline to the open side of the shower. ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8929
181	Housing Cells: (K-2 101 surveyed)				

## EXHIBIT D

182	205, 309*	4.1.6,(1), 4.1.3(13), 4.27.2	Operable parts in public and common use areas, including employee common use areas, must be on an accessible route, must have a level 30" by 48" clear floor space, must be within reach, and must be operable with one hand and without tight grasping, tight pinching, or twisting of the wrist.	There is a control on the window. However, accessible routes are blocked by the bed, operable parts are out of reach, and operable parts require tight grasping.  ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8893
183	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The sidewall is angled 45 degrees away from the toilet.  ADA inmates will not be using Dorms K or L. Instead, Dorms C, D, E, F, H and J will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	8900
184					

# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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1			Construction of this facility began after July 26, 1992 and before March 15, 2012. Therefore, the entire facility must comply with 1991 ADA Standards. The 2010 Standards were used for areas in the facilities where supplemental scoping or technical requirements for detention facilities are provided. (35.151(k)).		
2	Common Use Buildings:				
3	Processing:				
4	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 32" above the floor. Water fountain in bus bay area will be removed.	9105, 9106
5	211, 602.2	4.1.3(10), 4.15.5	Knee space under the drinking fountain must be at least 27" high for a depth of at least 8".	It is only 26" high. Water fountain in bus bay area will be removed.	9105, 9106
6	213.2, 604.8.1.5*	4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 24" long and extends only 11" to the wall side of the toilet. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. Lavatory will be removed to provide space to mount required 36" grab bar per standard.	9117
7	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 1/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	9115, 9116
8	Processing: Holding Cell:				
9	232.3, 807.2.4	§35.151(k),	Accessible holding cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The bench and toilet restrict the turning space to less than 60". FDC will remove bench from one (1) holding cell.	9134 - 9144

## EXHIBIT D

10	232.3, 807.2.4,	§35.151(k),	A bench is provided. It must be 17" - 19" above the	The bench is 18" deep and 28" long.	9136, 9137,
	903		floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	Refer to Line 8-9 – bench to be removed.	9140, 9141



# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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11			<b>Visitation:</b>		
12	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	9419, 9420
13			<b>Non-Contact Visitation, Inmates Toilet Room:</b>		
14	215.2, 702	4.1.3(14), 4.28.1	Buildings with visual alarms must have visual alarms in the toilet rooms.	The building has visual alarms. However, there is no visual alarm in this room.	
15				FDC staff will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009	
	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 52" from the rear wall. FDC will reposition side grab bar to meet standards.	9407, 9408
16			<b>Chapel:</b>		
17	221,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There are 24 3-seat benches, totaling 72 seats. Therefore, 4 wheelchair spaces are required. However, no wheelchair spaces appear to be provided in the seating area.	9358, 9359
18				See next comment	

## EXHIBIT D

	221.4*,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, 1% of the fixed seats must be aisle seats with no armrests on the aisle side, or have removable or folding armrests on the aisle side. These seats must be dispersed among all seating categories. Signage notifying patrons of the availability of such seats must be posted at the ticket office.	There are about 72 fixed assembly seats. Therefore, 2 aisle seats must have no armrest or have a removable armrest. None is provided. These seats are not dispersed among all seating categories. Notification signage is not provided. In that it does not comply with the 1991 ADA Standards, it must be remediated to the 2010 ADA Standards, which requires 5% of the aisle seats to comply. There are 12 aisle seats. Therefore, 1 must comply. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement as long as sufficient space continues to be made available so that safe entry, exit and evacuation are made possible. As to the armrests, although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.	9358, 9359
19			<b>Chapel: Toilet Room:</b>		
20	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a latch-side approach. The door does not have a closer. Therefore, the maneuvering space must be at least 48" deep and must extend at least 24" from the latch.	On the corridor side, the maneuvering space at the door is only 46 1/2" deep. FDC will install an automatic door opener.	9361, 9363
21			<b>Library:</b>		

# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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22	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 33" above the floor. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	9177, 9178
23	<b>Library: Toilet Room:</b>				
24	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain is in the accessible route. The cross slope is 5.4%.	9186, 9187
25				Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement. DRF would ask FDC to consider whether an inexpensive change can be made if the drain has an adjustable sleeve or if a collar can be added to the drain along with grout to reduce the slope.	
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 18 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	9194, 9195
26	<b>Typical Classroom: (Surveyed Room D12A)</b>				
27	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is only about 22" wide and about 24" tall. FDC will replace at least 5% of current desks with ADA compliant desks.	9201, 9204, 9205
28	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	9202, 9203
29	<b>Typical Classroom: Toilet Room: (Surveyed Room D12A)</b>				

## EXHIBIT D

30	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain is in the accessible route. The cross slope is 3.9%.	9209, 9210
31				Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement. DRF would ask FDC to consider whether an inexpensive change can be made if the drain has an adjustable sleeve or if a collar can be added to the drain along with grout to reduce the slope.	
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	9220, 9221
32	<b>Dining:</b>				
33	227.3, 904.4	7.2(1),	A food or beverage service counter has a cash register. This counter is provided for the sales or distribution of goods. A 36"-wide portion of this counter must be no higher than 36".	The food distribution counter is 37 1/2" tall. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.	9086, 9087

# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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34	<b>Medical:</b>				
35	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	9313, 9314
36	<b>Medical: Waiting Room Toilet Room:</b>				
37	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	A drinking fountain reduces the maneuvering space to 8 1/4" beside the latch side of the door. FDC will re-locate the high-low combo water fountain if possible or remove.	9452
38	<b>Medical: Holding Cell (Toilet Room):</b>				
39	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench is only 13" deep and 27" long. FDC will remove the bench.	9472 - 9474
40	213.2, 604.3*	4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The bench reduces the toilet clear floor space to only 53 1/2" deep. Refer to Line 39 – Bench to be removed.	9483, 9484
41	<b>Infirmery: Bathroom:</b>				
42	213.2, 608.2.1	4.1.3(11), 4.21.2	Measured at the center points, the transfer shower must be 36" by 36", exactly.	It is 39" wide by 48 1/4" deep. FDC will fur out the walls and close the dimensions to create a 36 inch by 36 inch space for the shower.	9510 - 9513
43					
44					

# EXHIBIT D

45 46 47 48	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 1/2" above the control wall grab bar. The shower wall will be furred out to place the grab bar out from underneath the shower control box.	9518, 9519
	213.2, 604.3*	4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The adjacent toilet reduces the toilet clear floor space to only about 50" wide. FDC will relocate or remove the adjacent toilet.	9505, 9506
	<b>Infirmery: Isolation Cell (A-147B):</b>				
	§35.133,	§35.133,	Accessible features must be maintained and operable.	The shower seat is broken. FDC will replace shower seat.	9541
	213.2, 609.4*	4.1.3(11), 4.26.2	The centerline of the grab bars must be between 33" and 36" above the floor.	The centerline of the grab bars at the shower are 31 1/4" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which require the top of the grab bars to be between 33" and 36" above the floor. Upon completion of renovation, FDC will mount grab bars as per standards.	9548, 9549
	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to 1 1/2" above the control wall grab bar. The shower wall will be furred out to place the grab bar out from underneath the shower control box.	9548, 9549

# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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49	213.2, 608.2.1	4.1.3(11), 4.21.2	Measured at the center points, the transfer shower must be 36" by 36", exactly.	It is 40" wide by 40 1/2" deep. FDC will fur out the walls and close the dimensions to create a 36 inch by 36 inch space for the shower.	9544 - 9547
50					
51	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	It is only about 14" long. The front end of the grab bar is only about 14" from the rear wall. FDC will renovate the toilet area to provide adequate wall space for compliant grab bar.	9534, 9543
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 3/4" from the sidewall. Upon renovation, toilet will be installed at correct distance from side wall.	9537, 9538
52	<b>Mental Health:</b>				
53	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32" high and protrudes 8" into the circulation path. If the combination water fountain can be relocated to provide adequate clearance for restroom, cane detection apron will be installed on standard height fountain. If adequate clearance is not possible, combination water fountain will be removed.	9450, 9451
54					
	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	In Group Room J-111A, the knee space is only about 22" wide and about 24" tall. FDC will replace at least 5% of current desks with ADA compliant tables.	9332, 9333
55	<b>Classification: Waiting Room Toilet Room:</b>				

## EXHIBIT D

56	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The maneuvering space extends only about 3" beside the latch side of the door. FDC will remove combination water fountain.	9340
57	<b>Exterior:</b>				
58	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the Canteen service counter is 39" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	9226, 9227
59					
	206.1, 303.4	4.1.2(1) & (2), 4.1.3(1), 4.3.8	Changes in level of more than 1/2" must be ramped at no more than 8.33% or otherwise made accessible.	The transition between the walkway and the fitness equipment is more than 1/2" and is not ramped. Use Quickset or asphalt and correct floor slopes. \$	8977
60	<b>Seating Area:</b>				
61	226, 902.2*	4.1.3(18), 4.32.3	There are common use tables. Knee space underneath must be at least 27" high.	The knee space under the pavilion table is only 26 1/2" high. FDC will modify or replace existing accessible tables with compliant table(s).	8940, 8941
62	<b>Toilet Facilities:</b>				



# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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63	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the accessible drinking fountain is 29" high and protrudes about 17" into the circulation path. FDC will reposition accessible water fountain to meet required standards for cane detection.	8970, 8972
64					
65					
66	211, 602.4, 602.7	4.1.3(10), 4.15.2	The accessible drinking fountain spout outlet must be within 36" of the floor.	It is 37 1/2". Refer to Line 63 – accessible water fountain will be repositioned (spout no more than 36" above floor).	8970, 8972, 8973
	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside is 31" high and protrudes 12" into the circulation path. FDC will add cane detection apron to standard height water fountain.	8974 - 8976
	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	8952, 8954 - 8957
67	Housing:				

## EXHIBIT D

68	232.3, 807.2.3	232.3,	In cells having more than 25 beds, at least 5% of the beds shall have a 30" by 48" clear floor space parallel to the side of the bed.	There are 86 beds in each of 6 dormitories. Each dormitory serves the same purpose. Therefore, each dormitory must have at least 5 beds on an accessible route and have the clear floor space. I reviewed L-Dorm. The other 5 were assumed to be the same. <b>This is not an area of non-compliance.</b>	
	232.3,	232.3,	Housing cells are provided in this area. Therefore, at least 3% serving each purpose must be accessible.	I understand the housing cells to be distributed as follows: There are 120 housing cells for general population (O Dorm). Four are designated accessible. There are 90 housing cells for confinement (P Dorm) of which 2 are designated accessible. There are 30 for mental health (P Dorm) of which 2 are designated accessible. <b>This is not an area of non-compliance.</b>	
69					

# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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70	232.2,	232.2,	Housing cells are provided in this area. Therefore, at least 2% serving each purpose must be cells with communication features.	I understand the housing cells to be distributed as follows: There are 120 housing cells for general population (O Dorm). There are 90 housing cells for confinement (P Dorm). There are 30 for mental health (P Dorm). None have communication features. <b>This is not an area of non-compliance.</b>	
71	<b>L-Dorm:</b>				
72	204.1, 307.2	4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the accessible table is 29" above the floor and projects about 24" into the circulation path. <b>FDC will weld a skirt to the bottom of the table that is no lower than 27 inches from the floor. Also, two (2) or three (3) of the long benches will either be shortened or removed/replaced with shorter benches.</b>	9058, 9059
73					
74					
75	221,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There is a seating area with bench seats. However, there are no wheelchair spaces in this seating area. <b>Two (2) or three (3) of the long benches will either be shortened or removed/replaced with shorter benches</b>	9060 - 9064
76	217.5, 704.5	4.1.3(17)(d), 4.31.9(2)	There are at least 3 telephones at this interior location. Therefore, a shelf and an outlet must be provided to facilitate the use of a TTY. The handset shall be capable of being placed flush on the surface of the shelf.	The shelf is about 60" away which is too far from the handset. <b>FDC will relocate the TTY shelf closer to the phone.</b>	9070 - 9072
77					

# EXHIBIT D

78	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside is accessible drinking fountain is 28" high and protrudes 8" into the circulation path. FDC will lower the accessible water fountain (no more than 27" from floor to bottom of protruding edge).	8997, 8998
	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	8997, 8999
	§35.130(g),	§35.130,	A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.	In the detention dormitory, some privacy is offered in the group shower. However, no privacy is provided for the accessible shower. FDC will provide privacy screen for accessible shower.	9044
	213.3.5, 603.3	4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	The reflective surface of the mirror is mounted 41" above the floor. FDC will lower mirror to required height.	9050, 9051

# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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79	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain is in the accessible route to the shower. The cross slope at the drain is 7.5%. FDC will reconstruct drain slope.	9042, 9043
80					
81	213.2, 608.2.1	4.1.3(11), 4.21.2	Measured at the center points, the transfer shower must be 36" by 36", exactly.	It is 36" wide by 40 3/4" deep. FDC will close in the dimensions to 36 inches by 36 inches by moving the wing wall and fix the slope on the floor, which appear to be near the water drain.	9036, 9037
82					
83	§35.133,	§35.133,	Accessible features must be maintained and operable.	The shower seat is broken. FDC will repair/replace the shower seat.	9026, 9027
84	213.2, 608.4	4.1.3(11), 4.21.3	A seat is provided in the shower. It must extend the full length of the seat wall to within 1 1/2" of the back wall and to within 3" of the compartment entry.	The shower seat is 8" from the back wall. FDC will reposition the shower seat to meet compliance.	9032, 9033
85	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 2" above the grab bar on the shower control wall. FDC will fur out the walls and close the dimensions to create a 36 inch by 36 inch space for the shower.	9039
86	213.2, 604.8.1.5*	4.1.3(11), 4.17.6	In a stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The grab bar is only 36" long. The front end is 38 1/2" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at least 54" from the rear wall. FDC will modify existing wall to provide adequate space.	9013, 9014
87					

# EXHIBIT D

88	213.2, 604.8.1.5*	4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar extends only 9 3/4" to the wall side of the toilet. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. FDC will mount compliant rear grab bar.	9017, 9018
	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The toilet tank reduces the clear space to 0" below the rear grab bar. FDC will replace existing toilet with toilet that provides required clearance beneath rear grab bar.	9008 - 9010
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	9015, 9016
	213.3, 604.8*	4.1.3(11), 4.22.4	Where toilet room has at least 6 water closets, one stall must comply with the ambulatory stall requirements.	There are 6 toilets and none of the stalls complies with the ambulatory stall requirements. FDC will make renovations to provide ambulatory stall as required.	9003, 9005
89	Cell Block O-1: (General Population) O-dorm will not be used for ADA inmates				

# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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90	204.1, 307.4	4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	The underside of the stairs, which are within a circulation path, are not enclosed. Therefore, the undersides of the stairs reduce the headroom to less than 80". ADA inmates will not be using Dorm O. Instead, A-1 will be used in the Main Unit and Dorms H, I, J, K, K, L, M, N and P will be used in the Annex by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	9259
91					
92					
	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 11". ADA inmates will not be using Dorm O. Instead, A-1 will be used in the Main Unit and Dorms H, I, J, K, K, L, M, N and P will be used in the Annex by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	9262, 9263
	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 31 1/2" high and protrudes 8" into the circulation path. ADA inmates will not be using Dorm O. Instead, A-1 will be used in the Main Unit and Dorms H, I, J, K, K, L, M, N and P will be used in the Annex by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	9292, 9295
93	<b>Cell Block O-1: Shower:</b>				
94	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space in the shower room is only 47" wide. ADA inmates will not be using Dorm O. Instead, A-1 will be used in the Main Unit and Dorms H, I, J, K, K, L, M, N and P will be used in the Annex by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	9271, 9272
95					

# EXHIBIT D

96	213.2, 608.2.1	4.1.3(11), 4.21.2	The clear floor space for the transfer shower must be 36" by 48". It must extend 12" beyond the seat wall.	The clear floor space for the transfer shower is only 35 1/2" wide and extends only 11" beyond the seat wall. ADA inmates will not be using Dorm O. Instead, A-1 will be used in the Main Unit and Dorms H, I, J, K, K, L, M, N and P will be used in the Annex by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	9273 – 9275
	213.2, 608.4, 610.3	4.1.3(11), 4.21.3	Shower seat may be rectangular or L-shaped. The side of the seat must be within 3" of the compartment entry. The front edge of rectangular seats must be 15" to 16" from the seat wall. For L-shaped seats, the front edge of the narrow side must be 15" to 16" from the seat wall and the wider side must be 22" to 23" from the seat wall and along the back wall.	The wider side of the seat is not along the back wall. ADA inmates will not be using Dorm O. Instead, A-1 will be used in the Main Unit and Dorms H, I, J, K, K, L, M, N and P will be used in the Annex by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	9276
	213.2, 608.3	4.1.3(11), 4.21.4	In showers, the grab bars must extend the entire length of the wall. At corners, grab bars must be within 6" of the corners.	The control wall grab bar is 13" from the corner. The back wall grab bar is 11" from the corner. ADA inmates will not be using Dorm O. Instead, A-1 will be used in the Main Unit and Dorms H, I, J, K, K, L, M, N and P will be used in the Annex by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	9281, 9284 - 9286
	213.2, 608.5.1*	4.1.3(11), 4.21.5	In a transfer shower, the controls must be on the wall opposite the seat and mounted within 18" of the clear floor space.	The controls are mounted between the centerline and the back wall. In that is does not comply with the 1991 ADA Standards it must be remediated to the 2010 ADA Standards, which requires the controls to be within 15" of the centerline to the open side of the shower. ADA inmates will not be using Dorm O. Instead, A-1 will be used in the Main Unit and Dorms H, I, J, K, K, L, M, N and P will be used in the Annex by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	9281



# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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99	Housing Cells: (O-1 101 surveyed)			Cell O-1 102 appears to have the same issues.	
100	213.3, 606	4.1.3(11), 4.19	The accessible lavatory must have a 30" by 48" clear floor space that extends at least 17" underneath the lavatory.	The clear floor space is blocked by the storage locker. ADA inmates will not be using Dorm O. Instead, A-1 will be used in the Main Unit and Dorms H, I, J, K, K, L, M, N and P will be used in the Annex by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	9248
101	P Dorm: Holding Cell:				
102	232.3, 807.2.4	§35.151(k),	Accessible holding cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	Clear space is only 40" wide by 42" deep. FDC will use alternative delivery. It will not use the holding cell for ADA inmates; instead the ADA inmate will be taken to his/her confinement cell.	9299 - 9302
103					
104	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench is only 12" deep. FDC will use alternative delivery. It will not use the holding cell for ADA inmates; instead the ADA inmate will be taken to his/her confinement cell.	9303
	232.3, 807.2.4, 903.2	§35.151(k),	A 30" by 48" clear floor space must be positioned at the end of the bench, parallel to the short side.	No clear floor space is positioned to the side of the bench. FDC will use alternative delivery. It will not use the holding cell for ADA inmates; instead the ADA inmate will be taken to his/her confinement cell.	9303, 9304
105	Cell Block P-4: (Mental Health)				

# EXHIBIT D

106	204.1, 307.4	4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	The underside of the stairs, which are within a circulation path, are not enclosed. Therefore, the undersides of the stairs reduces the headroom to less than 80". FDC will paint the underside of the stairs and add textured tape with raised bumps under the stair outline to serve as a warning to inmates with low vision or who are blind.	9307
107					
108	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 11". FDC will replace at least 5% of current seating with ADA compliant tables.	9308
	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32" high and protrudes 8" into the circulation path. FDC will install cane detection apron to standard fountain.	9309
109	Cell Block P-4: Shower:				
110	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space in the shower room is only 47" wide. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9310

# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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		1991 ADA Standards citations begin with "4.".			
111	213.2, 608.2.1	4.1.3(11), 4.21.2	The clear floor space for the transfer shower must be 36" by 48". It must extend 12" beyond the seat wall.	The clear floor space for the transfer shower is only 35 1/2" wide and extends only 11" beyond the seat wall. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9310
112					
113	213.2, 608.4, 610.3	4.1.3(11), 4.21.3	Shower seat may be rectangular or L-shaped. The side of the seat must be within 3" of the compartment entry. The front edge of rectangular seats must be 15" to 16" from the seat wall. For L-shaped seats, the front edge of the narrow side must be 15" to 16" from the seat wall and the wider side must be 22" to 23" from the seat wall and along the back wall.	The wider side of the seat is not along the back wall. FDC will install compliant shower bench or seat.	9310
114	213.2, 608.3	4.1.3(11), 4.21.4	In showers, the grab bars must extend the entire length of the wall. At corners, grab bars must be within 6" of the corners.	The control wall grab bar is 13" from the corner. The back wall grab bar is 11" from the corner. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9310
	213.2, 608.5.1*	4.1.3(11), 4.21.5	In a transfer shower, the controls must be on the wall opposite the seat and mounted within 18" of the clear floor space.	The controls are mounted between the centerline and the back wall. In that it does not comply with the 1991 ADA Standards it must be remediated to the 2010 ADA Standards, which requires the controls to be within 15" of the centerline to the open side of the shower. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9310

## EXHIBIT D

115	<b>Housing Cells (C1 101):</b>			Cells C1 102, P4 113, P4 114, G 4113, G 4114, H 4113, and H 4114 appear to have the same issues as C1 101.	
116	213.3, 606	4.1.3(11), 4.19	The accessible lavatory must have a 30" by 48" clear floor space that extends at least 17" underneath the lavatory.	The clear floor space is blocked by the storage locker. FDC will mount a storage locker on the wall no higher than 27" above the floor. This alteration will be accomplished if this will permit a sufficient turning radius inside the cell.	
117	<b>Cell Block G-4: (Closed Management)</b>				

# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
118	204.1, 307.4	4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	The underside of the stairs, which are within a circulation path, are not enclosed. Therefore, the undersides of the stairs reduces the headroom to less than 80". FDC will paint the underside of the stairs and add textured tape with raised bumps under the stair outline to serve as a warning to inmates with low vision or who are blind.	9555
119					
120					
121	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table in the open area has supports that reduce the depth to only 11". FDC will replace at least 5% of current tables seating with ADA compliant tables	9557
	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table in the interview room has supports that reduce the depth to only 11". FDC will the existing table with ADA compliant table.	9559
	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted about 32" above the floor. FDC will remove the existing water fountain and install a high/low combination water fountain.	
122	Cell Block G-4: Shower:				

# EXHIBIT D

123	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space in the shower room is only 47" wide. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9562 - 9564
124					
125	213.2, 608.2.1	4.1.3(11), 4.21.2	The clear floor space for the transfer shower must be 36" by 48". It must extend 12" beyond the seat wall.	The clear floor space for the transfer shower is only 35 1/2" wide and extends only 11" beyond the seat wall. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9562 - 9564
126	213.2, 608.4, 610.3	4.1.3(11), 4.21.3	Shower seat may be rectangular or L-shaped. The side of the seat must be within 3" of the compartment entry. The front edge of rectangular seats must be 15" to 16" from the seat wall. For L-shaped seats, the front edge of the narrow side must be 15" to 16" from the seat wall and the wider side must be 22" to 23" from the seat wall and along the back wall.	The wider side of the seat is not along the back wall. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9562 - 9564
	213.2, 608.3	4.1.3(11), 4.21.4	In showers, the grab bars must extend the entire length of the wall. At corners, grab bars must be within 6" of the corners.	The control wall grab bar is 13" from the corner. The back wall grab bar is 11" from the corner. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9562 - 9564

# EXHIBIT D

Suwannee Correctional Institution Main & Annex - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
127	213.2, 608.5.1*	4.1.3(11), 4.21.5	In a transfer shower, the controls must be on the wall opposite the seat and mounted within 18" of the clear floor space.	The controls are mounted between the centerline and the back wall. In that it does not comply with the 1991 ADA Standards it must be remediated to the 2010 ADA Standards, which requires the controls to be within 15" of the centerline to the open side of the shower. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9562 - 9564
128	Cell Block H-4: (Closed Management)				
129	204.1, 307.4	4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	The underside of the stairs, which are within a circulation path, are not enclosed. Therefore, the undersides of the stairs reduces the headroom to less than 80". FDC will paint the underside of the stairs and add textured tape with raised bumps under the stair outline to serve as a warning to inmates with low vision or who are blind.	9571
130					
131					
132					

# EXHIBIT D

133 134 135	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table in the open area has supports that reduce the depth to only 11". FDC will replace at least 5% of current tables seating with ADA compliant tables	9571
	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table in the interview room has supports that reduce the depth to only 11". FDC will replace the existing table with ADA compliant tables	9573
	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted about 32" above the floor. FDC will remove the existing water fountain and install a high/low combination water fountain.	9579
	Cell Block H-4: Shower:				
	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space in the shower room is only 47" wide. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9580, 9580
	213.2, 608.2.1	4.1.3(11), 4.21.2	The clear floor space for the transfer shower must be 36" by 48". It must extend 12" beyond the seat wall.	The clear floor space for the transfer shower is only 35 1/2" wide and extends only 11" beyond the seat wall. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9580, 9580



# EXHIBIT D

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	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
136	213.2, 608.4, 610.3	4.1.3(11), 4.21.3	Shower seat may be rectangular or L-shaped. The side of the seat must be within 3" of the compartment entry. The front edge of rectangular seats must be 15" to 16" from the seat wall. For L-shaped seats, the front edge of the narrow side must be 15" to 16" from the seat wall and the wider side must be 22" to 23" from the seat wall and along the back wall.	The wider side of the seat is not along the back wall. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9580, 9580
137	213.2, 608.3	4.1.3(11), 4.21.4	In showers, the grab bars must extend the entire length of the wall. At corners, grab bars must be within 6" of the corners.	The control wall grab bar is 13" from the corner. The back wall grab bar is 11" from the corner. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9580, 9580
138	213.2, 608.5.1*	4.1.3(11), 4.21.5	In a transfer shower, the controls must be on the wall opposite the seat and mounted within 18" of the clear floor space.	The controls are mounted between the centerline and the back wall. In that is does not comply with the 1991 ADA Standards it must be remediated to the 2010 ADA Standards, which requires the controls to be within 15" of the centerline to the open side of the shower. FDC will make renovations after consultation with architect(s) and the U.S. Access Board.	9580, 9580
139					

# EXHIBIT D

Florida Women's Reception Center - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
1			Construction of this facility began after July 26, 1992 and before March 15, 2012. Therefore, the entire facility must comply with 1991 ADA Standards. The 2010 Standards were used for areas in the facilities where supplemental scoping or technical requirements for detention facilities are provided. (35.151(k)).		
2	Common Use Buildings:				
3	Processing:				
4	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The tank reduces the clear space to 1" below the rear grab bar. FDC will replace the toilet to provide required clear space below grab bar.	4708
5	Processing: Property Side Holding Cell: (C118)				
6	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench is about 12" deep. FDC will remove the bench.	4688
7	Processing: Processing Side Small Holding Cell: (C110)				
8	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side. The back support must be within 2 1/2" of the seat.	The bench is 14 1/2" deep and the back support is 3" from the seat. FDC will remove the bench.	4715, 4716
9	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 45" from the rear wall. FDC will renovate toilet area to make compliant.	4728, 4729
10	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 1/4" from the sidewall. FDC will renovate toilet area to make compliant.	4726, 4727
11	Processing: Processing Side Large Holding Cell: (C112)				

## EXHIBIT D

12	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side. The back support must be within 2 1/2" of the seat.	The back support is 3" from the seat. Although FDC and DRF disagree about whether FDC is in non-compliance, Plaintiff will not require changes as part of the Settlement Agreement.	4738, 4740
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# EXHIBIT D

Florida Women's Reception Center - Accessibility Report					
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13	<b>Processing: Waiting Cage: (C135A)</b>				
14	221,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There are about 48 fixed assembly seats. Therefore, 2 wheelchair spaces are required. However, no area for wheelchair spaces is provided. FDC will remove one (1) bench from first row to make room for wheelchair(s).	4760
15	<b>Processing: Bathroom:</b>				
16	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side. The back support must be within 2 1/2" of the seat.	The back support is 3" from the seat. FDC will reposition existing bench to provide seating area for wheelchair.	4772 - 4775
17	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is about 32" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	4777
18					
19					
20	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 2" above the control wall grab bar. The shower wall will be furred out to place the grab bar out from underneath the shower control box.	4788
	213.2, 604.8.1.5*	4.1.3(11), 4.17.6	In a stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The grab bar is only 36" long. The front end is 48" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at least 54" from the rear wall. FDC will extend the side wall to provide adequate space to mount grab bar with required clearance.	4807, 4808

# EXHIBIT D

	232, 226, 902.3	4.1.3(18), 7.2(2)	A service counter must be no higher than 36".	The Clothing Issue pass-through counter is 40 3/4" high. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement	4813, 4814
21	<b>Orientation:</b>				
22	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is about 32" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	4817
23	<b>Orientation: Toilet Room:</b>				
24	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The tank reduces the clear space to 3/4" below the rear grab bar. FDC will replace existing flush valve plumbing to provide required clearance for grab bar.	4821
25	<b>Visitation:</b>				
26	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	4387, 4388

# EXHIBIT D

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27	226,	4.1.3(18),	There are common use tables or work surfaces. At least 5% of the seats must be accessible.	There are 8 tables outside, seating about 32. Therefore, 2 wheelchairs spaces are required. However, none are provided. FDC will replace at least 5% of current seating with ADA compliant tables.	4390
28	Visitation, Inmates Toilet Room:				
29	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 18 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	4379, 4380
30	Non-Contact Visitation, Inmates Toilet Room:				
31	215.2, 702	4.1.3(14), 4.28.1	Buildings with visual alarms must have visual alarms in the toilet rooms.	The building has visual alarms. However, there is no visual alarm in this room. FDC staff will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009	
32					
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 1/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	4408, 4409
33	Chapel:				

# EXHIBIT D

34	221,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There are 28 5-seat benches, totaling 140 seats. Therefore, 4 wheelchair spaces are required. However, no wheelchair spaces appear to be provided in the seating area. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement as long as sufficient space continues to be made available so that safe entry, exit and evacuation are made possible.	4426
35					
36	221.4*,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, 1% of the fixed seats must be aisle seats with no armrests on the aisle side, or have removable or folding armrests on the aisle side. These seats must be dispersed among all seating categories. Signage notifying patrons of the availability of such seats must be posted at the ticket office.	There are about 140 fixed assembly seats. Therefore, 2 aisle seats must have no armrest or have a removable armrest. None is provided. These seats are not dispersed among all seating categories. Notification signage is not provided. In that it does not comply with the 1991 ADA Standards, it must be remediated to the 2010 ADA Standards, which requires 5% of the aisle seats to comply. There are 42 aisle seats. Therefore, 3 must comply. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.	4426
37	219*,	4.1.3(19)(b),	There are fixed seats and an audio amplification system. Therefore, an assistive listening system must be provided.	No signs notify patrons that an assistive listening system is provided. Additionally, no parts of an assistive listening system were seen. Therefore, no assistive listening system is provided. FDC will provide assistive listening system.	
Chapel: Library:					

# EXHIBIT D

Florida Women's Reception Center - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
38	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space at the desk with the video screen is only 24" tall. FDC will replace 5% of current desk seating with compliant desks.	4452, 4453
39			<b>Chapel: Toilet Room:</b>		
40	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a latch-side approach. The door does not have a closer. Therefore, the maneuvering space must be at least 48" deep and must extend at least 24" from the latch.	On the corridor side, the maneuvering space at the door is only 47" deep. FDC will install an automatic opener for the door.	4432 - 4434
41			<b>Library:</b>		
42	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	In the Library, all the tables have pedestals with feet that block the wheelchair space under the table. FDC will replace at least 5% of current seating with ADA compliant tables	4659, 4661
43			<b>Library: Toilet Room:</b>		
44	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The tank reduces the clear space to 1" below the rear grab bar. FDC will replace existing toilet with lower profile toilet tank.	4679
45			<b>Test Room with Computers: (Room H100)</b>		
46	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes 8" into the circulation path. See Line 47-48	4461, 4462
47			<b>Test Room with Computers: Toilet Room:</b>		



## EXHIBIT D

48	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The maneuvering space extends only 7" beside the latch side of the door. Water fountains to be removed from classrooms; high/low combination fountain to be installed in main hall (with cane detection installed on standard height fountain).	4463, 4464
49	<b>Test Room: (Room H107)</b>				
50	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes 8" into the circulation path. See Line 48	4496, 4497
51	<b>Test Room: Toilet Room:</b>				

# EXHIBIT D

Florida Women's Reception Center - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
52	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The maneuvering space extends only 10" beside the latch side of the door. See Line 48	4496, 4498
53					
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	4501, 4502
54	Beauty Shops:				
55	206.1, 403.5	4.1.2(1) & (2), 4.3.3	Accessible route must be at least 36" wide when longer than 24".	The accessible route to the appointment box narrows to 24" at the bench. FDC will relocate bench to provide required clearance.	4132, 4135, 4537
56					
	205, 309.3*	4.1.3(13), 4.27.3	Operable parts must be within reach. A side reach is required. There is no obstruction. Therefore, it must be within 54" of the floor.	The appointment box is 57" above the floor. In that is does not comply with the 1991 ADA Standards it must comply with the 2010 ADA Standards which has a maximum height of 48". FDC will lower "appointment" mail box with opening no higher than 48" above the floor.	4130, 4131, 4537
57	Medical:				
58	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 33" high and protrudes 8" into the circulation path. Water fountain to be removed or relocated. If relocated, cane detection apron to be installed on standard height fountain.	4329, 4330
59	Medical: Waiting Room Toilet Room:				

# EXHIBIT D

60	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	A drinking fountain reduces the maneuvering space to about 8" beside the latch side of the door. FDC will relocate or remove water fountain.	4331
61	<b>Medical: Holding Cell (Toilet Room):</b>				
62	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench is only about 12" deep and about 24" long. FDC will remove bench.	4325
63	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 1/2" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	4315, 4316
64	<b>Infirmary: Bathroom:</b>				
65	213.2, 608.2.1	4.1.3(11), 4.21.2	Measured at the center points, the transfer shower must be 36" by 36", exactly.	It is 40 1/2" wide by 36" deep. FDC will fur out wall under shower control box to reduce dimensions to 36 inches by 36 inches.	4262 - 4265

# EXHIBIT D

Florida Women's Reception Center - Accessibility Report					
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			* means the remediation Standard differs from the 1991 ADA Standards		
			1991 ADA Standards citations begin with "4.".		
66	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 2" above the control wall grab bar. Upon completion of wall being furred, grab bar will be mounted to required height/length.	4271
67	Infirmery: Isolation Cell 2: (Other isolation cells are the same)				
68	213.2, 608.4	4.1.3(11), 4.21.3	Transfer showers must have a fixed seat.	There is no fixed shower seat is provided. FDC will install ADA compliant shower seat.	4258
69	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 3" above the control wall grab bar. FDC will install a mountable showerhead and nozzle no higher than 48" above the floor and 12 inches above the grab bar.	4258
70					
	213.2, 608.2.1	4.1.3(11), 4.21.2	Measured at the center points, the transfer shower must be 36" by 36", exactly.	It is about 40" wide by about 40" deep. FDC will fur out the walls and reduce the dimensions to create a 36 inch by 36 inch space for the shower.	4258
71	Classification: Waiting Room:				
72	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	4509, 4510
73	Classification: Holding Cell: (Toilet Room):				

## EXHIBIT D

74	215.2, 702	4.1.3(14), 4.28.1	Buildings with visual alarms must have visual alarms in the toilet rooms.	The building has visual alarms. However, there is no visual alarm in this room.	
75				FDC staff will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009	
	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench is about 12" deep and about 24" long. FDC will remove the bench.	4530
76	<b>Exterior:</b>				
77	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the Canteen service counter is 39 1/2" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	4144 - 4146, 4148
78	<b>Toilet Facilities:</b>				
79	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the accessible drinking fountain is 28" high and protrudes about 17" into the circulation path. FDC will add cane detection apron to standard height water fountain.	4123, 4124
80	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside is 30 1/2" high and protrudes 12" into the circulation path. FDC will add cane detection apron to standard height water fountain.	4127, 4128
81	<b>Housing:</b>				

# EXHIBIT D

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		1991 ADA Standards citations begin with "4.".			
82	232.3, 807.2.3	232.3,	In cells having more than 25 beds, at least 5% of the beds shall have a 30" by 48" clear floor space parallel to the side of the bed.	There are 76 beds in each of 5 dormitories. Each dormitory serves the same purpose. Therefore, each dormitory must have at least 4 beds on an accessible route and have the clear floor space. I reviewed G-Dorm. The other 4 were assumed to be the same. <b>This is not an area of non-compliance.</b>	
83					
	232.2,	232.2,	Housing cells are provided in this area. Therefore, at least 2% serving each purpose must be cells with communication features.	There are about 224 housing cells. None have communication features. <b>This is not an area of non-compliance.</b>	
84	<b>H Dorm: (Faith Dorm):</b>				
85	232.3, 807.2.3	232.3,	In cells having more than 25 beds, at least 5% of the beds shall have a 30" by 48" clear floor space parallel to the side of the bed.	There are 68 beds in this dormitory. Therefore, at least 4 beds on an accessible route and have the clear floor space. Only two are set up with storage lockers. <b>FDC will install elevated lockers for all designated ADA wheelchair accessible beds.</b>	
86					
87	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the security office is 48 1/4" above the floor. <b>FDC staff will alternatively deliver the services by having a dorm officer use the laundry pass-through to receive from or issue to a wheelchair user, items such as forms, over-the-counter medications, personal hygiene items, etc.</b>	4606, 4607
88					
89	204.1, 307.2	4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the shelf near the drinking fountains is about 44 1/2" above the floor and projects 10" into the circulation path. <b>FDC will remove the shelf.</b>	4586, 4587
90					

# EXHIBIT D

91	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 2 3/4" above the grab bar on the shower control wall. The shower wall will be furred out to place the grab bar out from underneath the shower control box.	4566
	213.2, 604.8.2.3	4.1.3(11), 4.22.4	In an ambulatory stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The grab bar is only 36" long. The front end is 38 1/2" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at 54" from the rear wall. FDC will renovate the ambulatory toilet area to provide adequate wall space to mount grab bar with required clearance.	4543, 4544
	213.2, 604.8.1.5*	4.1.3(11), 4.17.6	In a stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The grab bar is only 36" long. The front end is 38" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at least 54" from the rear wall. FDC will renovate the ADA toilet area to provide adequate wall space to mount grab bar with required clearance.	4580, 4581
	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The toilet tank reduces the clear space to 1/4" below the rear grab bar. FDC will replace the existing toilet with lower profile toilet tank to provide required clearance.	4576

# EXHIBIT D

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92	<b>H Dorm: Audio Room:</b>				
93	206.5, 404.2.5	4.1.3(7)&(8), 4.13.8	Threshold cannot be taller than 1/2".	The threshold at the entry door is 1 1/4" tall. FDC will modify door threshold.	4597, 4598
94	226, 902.3	4.1.3(18), 4.32.4	The clear space under the common use work surface must be at least 30" wide.	It is only 22" wide. FDC will replace at least 5% of current work area with ADA compliant tables.	4602, 4603
95	<b>G Dorm:</b>				
96	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the security office is about 48" above the floor. FDC staff will alternatively deliver the services by having a dorm officer receive items from, or provide items to, inmates on the dorm floor.	
97					
98					
99	204.1, 307.2	4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the TTY shelf is about 31 1/4" above the floor and projects 12" into the circulation path. FDC will lower the TTY shelf.	4613, 4614
100	204.1, 307.2	4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the shelf near the drinking fountains is about 44 1/2" above the floor and projects 10" into the circulation path. FDC will remove shelf.	4624, 4625
101	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 2 3/4" above the grab bar on the shower control wall. The shower wall will be furred out to place the grab bar out from underneath the shower control box.	4650



# EXHIBIT D

102	213.2, 604.8.2.3	4.1.3(11), 4.22.4	In an ambulatory stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The grab bar is only 36" long. The front end is 38 1/2" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at 54" from the rear wall. FDC will renovate the ambulatory stall to provide adequate space to mount the side grab bar with required clearance.	4628
	213.2, 604.8.1.5*	4.1.3(11), 4.17.6	In a stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The grab bar is only 36" long. The front end is 38" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at least 54" from the rear wall. FDC will renovate the ADA stall to provide adequate space to mount the side grab bar with required clearance.	4636
	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The toilet tank reduces the clear space to 1/2" below the rear grab bar. FDC will replace with lower profile toilet tank to provide required clearance.	4633
103	B-Dorm: B-dorm will not be used for ADA inmates (A-Dorm is the same)				

## EXHIBIT D

104	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The entire Clothing Issue pass-thru counter is 41 1/4" above the floor. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4150, 4151
105	Cell Block B-1:				

# EXHIBIT D

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106	204.1, 307.4	4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	The underside of the stairs, which are within a circulation path, are not enclosed. Therefore, the undersides of the stairs reduce the headroom to less than 80". ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4231
107					
108					
109	204.1, 307.2	4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the TTY shelf is about 30" above the floor and projects 12" into the circulation path. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4206
110					
	204.1, 307.2	4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the shelf near the drinking fountains is about 44 1/2" above the floor and projects 10" into the circulation path. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4228 - 4230
	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 11". ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4197 - 4199

## EXHIBIT D

	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes 8" into the circulation path. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4225, 4227
111	<b>Cell Block B-1: Shower:</b>				
112	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space in the shower room is only 47 1/2" wide. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4211, 4212
113					
114	213.2, 608.2.1	4.1.3(11), 4.21.2	The clear floor space for the transfer shower must be 36" by 48". It must extend 12" beyond the seat wall.	The clear floor space for the transfer shower extends only 11 1/2" beyond the seat wall. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4210
115	213.2, 608.4, 610.3	4.1.3(11), 4.21.3	Shower seat may be rectangular or L-shaped. The side of the seat must be within 3" of the compartment entry. The front edge of rectangular seats must be 15" to 16" from the seat wall. For L-shaped seats, the front edge of the narrow side must be 15" to 16" from the seat wall and the wider side must be 22" to 23" from the seat wall and along the back wall.	The seat rectangular in shape and is 18" deep. The edge is 9" from the entry. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4215 - 4217
	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 1 1/2" above the control wall grab bar. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4221

# EXHIBIT D

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116	213.2, 608.5.1*	4.1.3(11), 4.21.5	In a transfer shower, the controls must be on the wall opposite the seat and mounted within 18" of the clear floor space.	The controls are mounted between the centerline and the back wall. In that it does not comply with the 1991 ADA Standards it must be remediated to the 2010 ADA Standards, which requires the controls to be within 15" of the centerline to the open side of the shower. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4220
117	<b>B Dorm: Holding Cell:</b>				
118	232.3, 807.2.4	§35.151(k),	Accessible holding cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	Clear space is only 40" wide by 36" deep. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4160 - 4163
119					
120	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench is only 12" deep. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates.	4164
	232.3, 807.2.4, 903.2	§35.151(k),	A 30" by 48" clear floor space must be positioned at the end of the bench, parallel to the short side.	No clear floor space is positioned to the side of the bench. ADA inmates will not be using Dorm B. Instead, Dorms A, C, D, E, F, G, H and I will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	4159
121					

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1			Most of South Florida Reception Center appears to have been constructed before July 26, 1992. The parts of the facility that were altered since July 26, 1992 and the parts that are used to provide programs, services, and activities to persons with disabilities must comply with alterations provisions of 1991 ADA Standards. The 2010 Standards were used for areas in the facilities where supplemental scoping or technical requirements for detention facilities are provided. (35.151(k)).		
2				I was told by the Department of Corrections that the portions of the facility used exclusively for permanent inmates, TCU, and Mental Health are not used by inmates with disabilities.	
3	Common Use Buildings:				
4	Processing:				
5	206.1, 303.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.5.2	Changes in level that are more than 1/4" must be beveled.	At the entrance to the Property Area from the yard, there is a change in level is more than 1/4" that are not beveled. FDC will repair threshold to Property.	2563, 2564
6	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	On the initial waiting side, there is only one spout. It is mounted 36 1/2" above the floor. FDC will remove the existing water fountain.	2574, 2575
7	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	On the initial waiting side, the underside of the standard height drinking fountain is 30" high and protrudes 8" into the circulation path. See Line 6 – water fountain to be removed.	2574, 2576
8					

## EXHIBIT D

	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	On the processing side, there is only one spout. It is mounted 35" above the floor.  FDC will remove existing water fountain and install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	2611, 2612
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# EXHIBIT D

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9	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	On the processing side, the underside of the standard height drinking fountain is 28 1/4" high and protrudes 8" into the circulation path. <b>See Line 8 – combo unit to be installed with cane detection apron</b>	2611, 2612
10					
11	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	In the property area, there is only one spout. It is mounted 39" above the floor. <b>FDC will remove the existing water fountain.</b>	2618, 2619
12	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	In the property area, the underside of the standard height drinking fountain is 32 3/4" high and protrudes 8" into the circulation path. <b>See Line 12 – existing water fountain to be removed.</b>	2618, 2619
13	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The interior property counter is 42 1/2" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not. <b>FDC will modify existing counter to compliant height if accessed by inmates.</b>	2620, 2621
14	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The entire exterior property counter is 43 1/2" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not. <b>FDC will modify existing counter to compliant height if accessed by inmates.</b>	2561, 2562



# EXHIBIT D

	213.2,	4.1.6,(1), 4.1.3(11),	Each public and common use toilet room must be accessible.	The initial waiting area has toilets and lavatories. It does not have any accessible features. FDC will assess need for toilet facilities to be available to inmates in bus bay. If required, FDC will provide accessible toilet; if not required, toilet(s) to be removed.	2568
15	<b>Processing: Single-User Holding Cell near initial waiting area:</b>				
16	206.5, 404.2.3	4.1.6,(1), 4.1.3(7)&(8), 4.13.5	Doors that are part of the accessible route must have a minimum clear opening of 32" when the door is open 90 degrees.	The clear opening of the door is 29". FDC staff will alternatively deliver the services by holding the wheelchair user in the receiving area rather than utilizing the holding cell.	2572, 2573
17					
	232.3, 807.2.4	4.1.6,(1), §35.151(k),	Accessible holding cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The bench and toilet restrict the turning space to less than 60". FDC staff will alternatively deliver the services by holding the wheelchair user in the receiving area rather than utilizing the holding cell.	2571

# EXHIBIT D

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		1991 ADA Standards citations begin with "4.".			
18	232.3, 807.2.4, 903	4.1.6,(1), §35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench is less than 20" deep and less than 42" long. FDC staff will alternatively deliver the services by holding the wheelchair user in the receiving area rather than utilizing the holding cell.	
19					
	213.2,	4.1.6,(1), 4.1.3(11),	Each public and common use toilet room must be accessible.	The initial waiting area has toilets and lavatories. It does not have any accessible features. The photo pertains to the holding cell - FDC staff will alternatively deliver the services by holding the wheelchair user in the receiving area rather than utilizing the holding cell.	2571
20	<b>Processing: Bathroom:</b>				
21	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The entire towel pass-thru counter is 42 1/4" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not. FDC will add a required compliant counter space adjacent or below the existing counter space.	2578, 2579
22					
23	213.3, 606.3	4.1.6,(1), 4.1.3(11), 4.19.2	Top of the lavatory and counter cannot be higher than 34".	The top of the lavatory rim in the counter is 35" above the floor. FDC will lower the lavatory to ensure top of rim is no more than 34" above the floor.	2596, 2597
24	213.3, 606.2*	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee space must extend at least 8" under the lavatory for a height of at least 27".	The lavatory knee space is only 26" high at the apron. FDC will modify the lavatory to provide the required 27" clearance from bottom of lavatory to floor.	2596, 2598

# EXHIBIT D

25	213.3, 606.5	4.1.6,(1), 4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install a tapered stainless-steel shield.	2598
26	213.3.6, 608.2.2	4.1.6,(1), 4.1.3(11), 4.21.2	The minimum dimensions of a roll-in shower are 30" deep by 60" wide at the midpoints.	The shower is only 55" wide. FDC will either expand the shower to 60" width or modify to make it compliant transfer type shower (36 inches by 36 inches).	2605, 2606
27	213.2, 608.6*	4.1.6,(1), 4.1.3(11), 4.21.6	The handheld shower unit must have a 60" long hose. The 2010 ADA Standards permit the hose to be 59" long.	The hose is only about 42" long. FDC will provide the required 59" long hose.	2607
	213.2, 608.5	4.1.6,(1), 4.1.3(11), 4.21.5	Shower controls must be mounted above the grab bar between 38" and 48".	The shower controls, in the highest position, are mounted about 53" above the floor. FDC will lower the shower controls to meet standards.	2607

# EXHIBIT D

South Florida Reception Center - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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		1991 ADA Standards citations begin with "4.".			
28	213.2, 608.6	4.1.6,(1), 4.1.3(11), 4.21.6	The hand-held shower spray must be usable as a fixed showerhead or as a handheld. When fixed it must be within reach. A forward reach is required. Therefore, the gripping surface must be within 48" of the floor.	The lowest position is about 52". FDC will provide compliant shower hose (59" in length).	2607
29	<b>Toilet Room at the Property Counter:</b>				
30	206.5, 404.2.3	4.1.6,(1)&(d), 4.1.3(7)&(8), 4.13.5	Doorways must have a minimum clear opening of 32".	At the entrance, the clear opening of the doorway is 30 3/4". FDC will enlarge doorway/door that meet standards.	2616, 2617
31	213.2,	4.1.6,(1), 4.1.3(11),	Each public and common use toilet room must be accessible. Where there are several single user toilet rooms clustered together, the 2010 ADA Standards only requires at least 50% to be accessible.	It does not have any accessible features. FDC will make property room toilet ADA accessible.	2614 - 2617
32	<b>Holding Cell near Interview Phones:</b>				
33	232, 226, 902.3	4.1.6,(1), 4.1.3(18), 7.2(2)	The food pass/cuff port is a service counter. It must be no higher than 36" above the floor.	The food pass/cuff port is 50 3/4" high. FDC staff will alternatively deliver the services at this temporary holding cell by opening the cell door to give to, or take items from, an inmate in a wheelchair, such as paperwork, clothes, etc.	2647, 2648
34					
	§35.149,	, §35.149,	There must be access to services, programs, and activities. Benches are provided in the comparable holding cells that serve the same function. Therefore, the accessible holding cell must have a compliant bench.	There is no bench in the accessible holding cell. A bench would impede on required 60" turning radius. FDC has removed the bench to make it accessible for a wheelchair user.	2633

## EXHIBIT D

35	Visitation:				
36	226, 902.2*	4.1.6,(1), 4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 6 1/2". FDC will replace at least 5% of current seating with ADA compliant tables.	2936 - 2939, 2941
37	Visitation, Inmates Toilet Room:				

# EXHIBIT D

South Florida Reception Center - Accessibility Report					
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38	§35.149,	§35.149,	There must be access to services, programs, and activities in the most integrated setting. Although a public entity is not required to take actions that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens, it nevertheless must take any other steps necessary to ensure that individuals with disabilities receive the benefits or services provided by the public entity.	In the visitation room, there is an inaccessible toilet room with a sign directing the inmate to the toilet room in the Infirmary. The inmate requires an escort to and from the Infirmary and is subject to additional screening. This process takes a significant amount of time. Therefore, the use of toilet facilities is not in the most integrated setting. Modifying this inaccessible toilet room does not fundamentally alter the nature of the facility or cause an undue financial and administrative burden. Therefore, this toilet room is required to be made accessible. FDC will alter the bathroom to make it compliant.	2931, 2932
39	<b>Chapel:</b>				
40	206.1, 405.8	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.8.5	Ramps, which slope between 5% and 8.33%, that have a vertical rise of more than 6" between landings must have handrails on both sides. The tops of the handrails must be 34" to 38" above the ramp. The gripping surface may not be interrupted by supports.	At the ramp near the Chaplain Office, there are 42" tall guards, which protect against falls. However, there are no handrails. FDC will install handrails.	2673, 2675, 2676
41	206.1, 405.8	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.8.5	Ramps, which slope between 5% and 8.33%, that have a vertical rise of more than 6" between landings must have handrails on both sides. The tops of the handrails must be 34" to 38" above the ramp. The gripping surface may not be interrupted by supports.	At the ramp near the Chapel, the are 42" tall guards, which protect against falls. However, there are no handrails. FDC will install handrails.	2683
42	206.5, 404.2.5	4.1.6,(3)(d)(ii),	For exterior sliding doors, the top of the threshold cannot be more than 3/4" above the landing on both sides. If it is taller than 1/4", it must be beveled 1:2.	At exterior entrance to the Chapel, the top is about 1" above the landing. It is not beveled. FDC will replace with beveled threshold.	2685, 2686
43	<b>Library:</b>				

## EXHIBIT D

44	226.1, 902.2	4.1.6,(1), 4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	In the Library, the knee space at the computer station is only 24 1/2" high.  FDC will replace at least 5% of current seating with ADA compliant tables.	2667, 2668
45	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	Outside the Library, the underside of the standard height drinking fountain is 31" high and protrudes about 7" into the circulation path.  FDC will add cane detection apron to standard height water fountain.	2658, 2659

# EXHIBIT D

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46	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	Outside the Library, there is only one spout. It is mounted 42" above the floor. FDC will remove the existing water fountain.	2658, 2659
47	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	In the Library, the underside of the standard height drinking fountain is 32 3/4" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	2669, 2670
48	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	In the Library, the underside of the accessible drinking fountain is 29 3/4" high and protrudes 8" into the circulation path. FDC will lower the accessible fountain to provide 27" clearance from bottom edge of fountain and spout at required height.	2671, 2672
49	<b>Dining:</b>				
50	226, 902.2*	4.1.6,(1), 4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 11". FDC will replace at least 5% of current seating with ADA compliant tables.	2690, 2692 - 2694
51	<b>Medical:</b>				
52	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 43" above the floor. FDC will remove the existing water fountain.	2487, 2488
53					



## EXHIBIT D

	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 34 1/2" high and protrudes 8" into the circulation path. <b>See Line 52 – water fountain to be removed.</b>	2487, 2488
54	<b>Infirmery: Bathroom: (with a shower)</b>				
55	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. <b>FDC will install a tapered stainless-steel shield.</b>	2527, 2529

# EXHIBIT D

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56	213.2, 608.2	4.1.6,(1), 4.1.3(11), 4.23.8	The accessible shower must be a transfer-type that is exactly 36" by 36", roll-in type that is at least 30" deep by at least 60" wide, or an alternate roll-in type that is exactly 36" deep by at least 60" wide.	The shower area is blocked by a sitz bath. FDC will remove the sitz bath to provide required clearances.	2538
57	213.2, 608.5	4.1.6,(1), 4.1.3(11), 4.21.5	Shower controls must be mounted above the grab bar between 38" and 48".	The shower controls, in the highest position, are mounted 60" above the floor. FDC will lower shower controls to compliant height.	2538, 2539
58	213.2, 608.3	4.1.6,(1), 4.1.3(11), 4.21.4	Shower must have grab bars.	There no grab bars are provided. FDC will install required grab bars.	2538
59	Infirmary: Isolation Cell (M1107):				
60				This cell is used for medical isolation. Differences from other cells is not apparent. There are no accessible features. The medical isolation cells need to be renovated to be fully ADA compliant, especially being located in the Medical Unit.	
61	Infirmary: Cell (M1104):				
62	213.3, 606	4.1.6,(1), 4.1.3(11), 4.19	The accessible lavatory must have a 30" by 48" clear floor space that extends at least 17" underneath the lavatory.	The clear floor space is partially blocked by the bed. FDC will make the necessary alterations so that it is compliant.	2544
63					
64	§35.133,	, §35.133,	Accessible features must be maintained and operable.	The shower seat is broken. FDC will replace shower seat.	
65	213.2, 604.3*	4.1.6,(1), 4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The bed partially blocks the clear width. FDC will make the necessary alterations so that it is compliant.	2546

## EXHIBIT D

	213.2, 604.5.1	4.1.6,(1), 4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	There is no sidewall grab bar. FDC will install required grab bars.	2552
66			<b>Exterior:</b>		
67	206.1, 302.1	4.1.6,(1), 4.1.2(1) & (2), 4.5.1	Accessible route must be firm, stable, and slip resistant.	The accessible route to the fitness equipment is not paved. FDC will construct concrete path to equipment.	2846 - 2851

# EXHIBIT D

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68	206.1, 303.4	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.8	Changes in level of more than 1/2" must be ramped at no more than 8.33% or otherwise made accessible.	Where the accessible route connects to the volleyball court, there is an abrupt change in level of about 4". FDC will level the route and make the pathway firm and stable using asphalt or concrete.	2852, 2854
69					
	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the Canteen service counter is 42" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	2653, 2654
70	<b>Housing:</b>				
71	<b>F-Dorm: Right Side:</b>				
72	217, 704.2	4.1.6,(1), 4.1.3(17), 4.31.3	There is a bank of 4 or more telephones. There is more than one bank on this floor. At least one telephone must be accessible. The operable parts must be reachable by a forward approach and be within 48" of the floor. It must have a shelf and electrical outlet. The accessible telephone and 25% of the other telephones must have volume controls.	There are 4 telephones. The highest operable part is 51" above the ground. No shelf or outlet is provided. FDC will install TTY shelf at required height and depth.	2710 - 2712
73	217.2, 704.2.4	4.1.6,(1), 4.1.3(17)(a), 4.31.8	At least one telephone must have a cord that is at least 29" long.	The telephone cord is only 16" long. FDC will contact vendor to provide minimum 29" phone cord.	2713, 2714
74	226, 902.2*	4.1.6,(1), 4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 3". FDC will replace at least 5% of current seating with ADA compliant tables.	2791 - 2795
75					
76	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the accessible drinking fountain is 29 3/4" high and protrudes 8" into the circulation path. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	2789, 2790

# EXHIBIT D

77	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	2744
	206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	A drain is in the accessible route to the shower. The cross slope at the drain ranges between 7.5% to 10.4%. FDC will re-do drain slope to make compliant.	2759 - 2761

# EXHIBIT D

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78	213.3.6, 608.2	4.1.6.(1), 4.1.3(11), 4.21.2	Clear floor space outside the shower must be at least 36" wide. For roll-in showers it must extend the length of the Shower. For transfer showers, it must be at least 48" long. The clear floor space must be adjacent to and perpendicular to the seat wall.	The privacy wall partially blocks the clear floor space. FDC will renovate the accessible shower area to provide required clear floor space.	2750, 2756, 2762, 2764
79	213.2, 608.4, 903.4	4.1.6.(1), 4.1.3(11), 4.21.3	A seat is provided in the shower. Back support must be provided to a point at least 18" above the seat.	There is a grab bar on the seat wall that interferes with the back support. FDC will remove grab bar mounted behind shower seat and install compliant grab bars upon completion of renovation.	2757
80	213.2, 608.4	4.1.6.(1), 4.1.3(11), 4.21.3	A seat is provided in the shower. It must extend the full length of the seat wall to within 1 1/2" of the back wall and to within 3" of the compartment entry.	The shower seat is 5 1/4" from the back wall. FDC will adjust the shower seat to comply with dimensions.	2768, 2769
81	213.3, 608.5.2	4.1.6.(1), 4.1.3(11), 4.21.3	The roll-in shower has a seat. Therefore, the controls including the showerhead must be mounted on the back wall within 27" of the seat wall.	The showerhead is about 31" from the seat wall. FDC will provide a hand held shower head with hose on a cord to meet reach requirements.	2757
82	213.2, 608.6	4.1.6.(1), 4.1.3(11), 4.21.6	Either a fixed showerhead mounted 48" above the floor or a handheld shower unit must be provided.	The showerhead is missing. FDC will repair and replace the shower head.	2757
83	213.2, 605.2*	4.1.6.(1), 4.1.3(11), 4.18.2	Urinal must be an elongated model.	The urinal is not an elongated model. FDC will replace the urinal with an elongated model.	2739, 2743
84	213.3, 604.8.2*	4.1.6.(1), 4.1.3(11), 4.22.4	The ambulatory stall must be 36" wide. The 2010 ADA Standards permit the stall to be 35" to 37" wide.	In the ambulatory stall is 40" wide. FDC will fur out the walls and reduce the dimensions to create a 36 inch wide stall.	2724, 2725
85	213.2, 604.8.2.3	4.1.6.(1), 4.1.3(11), 4.22.4	In an ambulatory stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The front end is 46" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at 54" from the rear wall. FDC will make modifications to the wall to provide adequate space to mount grab bar and provide required clearance to side walls.	2726, 2727

## EXHIBIT D

86	213.3, 604.2	4.1.6,(1), 4.1.3(11), 4.22.4	Centerline of toilet in an ambulatory stall must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 17" to 19" from the sidewalls.	The toilet centerline in ambulatory stall is 20 1/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	2728
87	213.3, 604.4	4.1.6,(1), 4.1.3(11), 4.22.4	In the ambulatory stall, the toilet seat must be 17" to 19" above the floor.	The toilet seat in the ambulatory stall is only 16 1/4" high. FDC will replace existing toilet with ADA compliant toilet.	2729, 2730

# EXHIBIT D

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88	213.2, 604.8.1.5*	4.1.6,(1), 4.1.3(11), 4.17.6	In a stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The front end is 46" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at least 54" from the rear wall. FDC will make modifications to the wall to provide adequate space to mount grab bar and provide required clearance to side wall.	2737, 2738
89					
90	213.2, 604.8.1.5*	4.1.6,(1), 4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	It is 33" long. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. FDC will mount required 36" rear grab bar.	2735, 2736
	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the service counter is 41 1/2" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	
91	<b>F-Dorm: Left Side:</b>				
92	213.3, 606.2	4.1.6,(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	2803
93					
94					



# EXHIBIT D

95	206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	There is a ramp shower clear floor space that creates a cross slope that ranges between 12.9% to 16.9%. FDC will re-do drain slope to make compliant.	2816, 2818
	213.3.6, 608.2	4.1.6,(1), 4.1.3(11), 4.21.2	Clear floor space outside the shower must be at least 36" wide. For roll-in showers it must extend the length of the shower. For transfer showers, it must be at least 48" long. The clear floor space must be adjacent to and perpendicular to the seat wall.	The privacy wall partially blocks the clear floor space. FDC will renovate the accessible shower area to provide required clear floor space.	2816, 2824 - 2826
	213.2, 608.4, 903.4	4.1.6,(1), 4.1.3(11), 4.21.3	A seat is provided in the shower. Back support must be provided to a point at least 18" above the seat.	There is a grab bar on the seat wall that interferes with the back support. FDC will remove grab bar mounted behind shower seat and install compliant grab bars upon completion of renovation.	2816
	213.2, 609.3	4.1.6,(1), 4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to 3 1/2" above the back wall grab bar. The shower wall will be furred out to place the grab bar out from underneath the shower control box.	2820 - 2822

# EXHIBIT D

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97	213.3, 608.5.2	4.1.6,(1), 4.1.3(11), 4.21.3	The roll-in shower has a seat. Therefore, the controls including the showerhead must be mounted on the back wall within 27" of the seat wall.	The shower spray is about 35" from the seat wall. Add a shower head on a cord.	2820
98	213.3, 604.8.2*	4.1.6,(1), 4.1.3(11), 4.22.4	The ambulatory stall must be 36" wide. The 2010 ADA Standards permit the stall to be 35" to 37" wide.	In the ambulatory stall is about 39" wide. FDC will fur out the walls and reduce the dimensions to create a 36 inch wide stall.	2802
99					
100	213.2, 604.8.2.3	4.1.6,(1), 4.1.3(11), 4.22.4	In an ambulatory stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The front end is about 46" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at 54" from the rear wall. FDC will make modifications to the wall to provide adequate space to mount grab bar and provide required clearance to side wall.	2802
101	213.3, 604.2	4.1.6,(1), 4.1.3(11), 4.22.4	Centerline of toilet in an ambulatory stall must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 17" to 19" from the sidewalls.	The toilet centerline in ambulatory stall is about 19 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	2802
102	213.3, 604.4	4.1.6,(1), 4.1.3(11), 4.22.4	In the ambulatory stall, the toilet seat must be 17" to 19" above the floor.	The toilet seat in the ambulatory stall is only about 16" high. FDC will replace with compliant toilet.	2802
103	213.2, 604.8.1.5*	4.1.6,(1), 4.1.3(11), 4.17.6	In a stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The front end is 44" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at least 54" from the rear wall. FDC will make modifications to the wall to provide adequate space to mount grab bar and provide required clearance to side wall.	2809, 2810
	227.3, 904.4*	4.1.6,(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the service counter is 41 1/2" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	2800, 2801

## EXHIBIT D

104	<b>C-Dorm: Right Side:</b>				
105	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 31 1/2" high and protrudes 8" into the circulation path. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	2894, 2896
106	211, 602.2	4.1.6,(1), 4.1.3(10), 4.15.5	Knee space under the drinking fountain must be at least 27" high for a depth of at least 8".	It is only 26" high. See Line 105	2894, 2895

# EXHIBIT D

South Florida Reception Center - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
107	206.1, 403.3	4.1.6.(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	Drains are in the accessible route in the bathroom. The cross slope is greater than 2%.  FDC will re-do drain slope to make compliant.	2868 - 2871
108	213.3, 606.2	4.1.6.(1), 4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 8" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	2871
109	206.1, 403.3	4.1.6.(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	There is a ramp shower clear floor space that creates a cross slope of about 13%. FDC will re-do drain slope to make compliant.	2865
110	213.3.6, 608.2	4.1.6.(1), 4.1.3(11), 4.21.2	Clear floor space outside the shower must be at least 36" wide. For roll-in showers it must extend the length of the shower. For transfer showers, it must be at least 48" long. The clear floor space must be adjacent to and perpendicular to the seat wall.	The privacy wall partially blocks the clear floor space. FDC will renovate the accessible shower area to provide required clear floor space.	2864
111	213.2, 608.4, 903.4	4.1.6.(1), 4.1.3(11), 4.21.3	A seat is provided in the shower. Back support must be provided to a point at least 18" above the seat.	There is a grab bar on the seat wall that interferes with the back support. FDC will remove grab bar mounted behind shower seat and install compliant grab bars upon completion of renovation.	2865
112	213.2, 608.4	4.1.6.(1), 4.1.3(11), 4.21.3	A seat is provided in the shower. It must extend the full length of the seat wall to within 1 1/2" of the back wall and to within 3" of the compartment entry.	The shower seat is about 5" from the back wall. FDC will reposition the shower seat to standards.	2865

## EXHIBIT D

113	213.3, 608.5.2	4.1.6,(1), 4.1.3(11), 4.21.3	The roll-in shower has a seat. Therefore, the controls including the showerhead must be mounted on the back wall within 27" of the seat wall.	The showerhead is about 35" from the seat wall. FDC will provide shower head with 59" long hose.	2864, 2866
114	213.3, 604.8.2*	4.1.6,(1), 4.1.3(11), 4.22.4	The ambulatory stall must be 36" wide. The 2010 ADA Standards permit the stall to be 35" to 37" wide.	In the ambulatory stall is 33" wide. FDC will make modifications to the wall to provide adequate space to mount grab bar and	2885, 2886
115	213, 604.8.2	4.1.6,(1), 4.1.3(11), 4.22.4	The ambulatory stall must have grab bars on both sidewalls.	The ambulatory stall only has one grab bar. FDC will install the second required 42" grab bar.	2885

# EXHIBIT D

South Florida Reception Center - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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		1991 ADA Standards citations begin with "4.".			
116	213.2, 604.8.2.3	4.1.6.(1), 4.1.3(11), 4.22.4	In an ambulatory stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The front end is 45" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at 54" from the rear wall. FDC will make modifications to the wall to provide adequate space to mount grab bar and provide required clearance to side walls.	2887, 2888
117					
118	213.3, 604.4	4.1.6.(1), 4.1.3(11), 4.22.4	In the ambulatory stall, the toilet seat must be 17" to 19" above the floor.	The toilet seat in the ambulatory stall is only 15 3/4" high. FDC will install a compliant height toilet.	2890, 2891
119	213.2, 604.8.1.5*	4.1.6.(1), 4.1.3(11), 4.17.6	In a stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The front end is 47" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at least 54" from the rear wall. FDC will make modifications to the wall to provide adequate space to mount grab bar and provide required clearance to side walls.	2883, 2884
120					
	213.2, 604.4	4.1.6.(1), 4.1.3(11), 4.16.3	Toilet seat must be 17" to 19" above the floor.	The toilet seat is only 16" high. FDC will install a compliant height toilet.	2878, 2879
	227.3, 904.4*	4.1.6.(1), 7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the service counter is 42" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	2898, 2899
121	C-Dorm: Left Side:				
122	204.1, 307.2	4.1.6.(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32" high and protrudes 8" into the circulation path. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	2912, 2913
123					

# EXHIBIT D

124	206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	Drains are in the accessible route in the bathroom. The cross slope is greater than 2%. FDC will re-do drain slope to make compliant.	2914
	213.3, 606.5	4.1.6,(1), 4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install a tapered stainless-steel shield.	2905
125	206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	There is a ramp shower clear floor space that creates a cross slope of about 13% FDC will re-do drain slope to make compliant.	2903

# EXHIBIT D

South Florida Reception Center - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
126	213.3.6, 608.2	4.1.6.(1), 4.1.3(11), 4.21.2	Clear floor space outside the shower must be at least 36" wide. For roll-in showers it must extend the length of the shower. For transfer showers, it must be at least 48" long. The clear floor space must be adjacent to and perpendicular to the seat wall.	The privacy wall partially blocks the clear floor space. FDC will renovate the accessible shower area to provide required clear floor space.	2903
127	213.2, 608.4, 903.4	4.1.6.(1), 4.1.3(11), 4.21.3	A seat is provided in the shower. Back support must be provided to a point at least 18" above the seat.	There is a grab bar on the seat wall that interferes with the back support. FDC will remove grab bar mounted behind shower seat and install compliant grab bars upon completion of renovation.	2903
128	§35.133,	, §35.133,	Accessible features must be maintained and operable.	The shower seat is broken. FDC will replace shower seat.	2902, 2903
129	213.3, 6085.2	4.1.6.(1), 4.1.3(11), 4.21.3	The roll-in shower has a seat. Therefore, the controls including the showerhead must be mounted on the back wall within 27" of the seat wall.	The showerhead is about 35" from the seat wall. FDC will provide 59" shower hose with nozzle.	2903



# EXHIBIT D

130	213.3, 604.8.2*	4.1.6,(1), 4.1.3(11), 4.22.4	The ambulatory stall must be 36" wide. The 2010 ADA Standards permit the stall to be 35" to 37" wide.	In the ambulatory stall is 34 1/4" wide. FDC will make modifications to the wall to provide adequate space to mount grab bar and provide required clearance to side walls.	2909
131	213.2, 604.8.2.3	4.1.6,(1), 4.1.3(11), 4.22.4	In an ambulatory stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The front end is about 45" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at 54" from the rear wall. FDC will make modifications to the wall to provide adequate space to mount grab bar and provide required clearance to side walls.	2909
132					

# EXHIBIT D

Central Florida Reception Center - South - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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	1991 ADA Standards citations begin with "4.".				
1			This facility was constructed before July 26, 1992. The alterations must comply with 1991 ADA Standards. The 2010 Standards were used for areas in the facilities where supplemental scoping or technical requirements for detention facilities are provided. (35.151(k)).		
2	Common Use Buildings:				
3	Visitation:				
4	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4” if the underside is more than 27” but less than 80" above the floor.	Six fans are suspended overhead. The bottom edge is 63" above the circulation path. FDC will relocate fans.	5386 - 5389
5	204.1, 307.2	4.1.6,(1), 4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4” if the underside is more than 27” above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	5396, 5398
6	Visitation, Inmates Toilet Room:				
7	213.2, 603.2.1	4.1.6,(1), 4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space is only 46" wide. FDC will move the toilet closer to the wall to provide turning radius.	5403, 5405 - 5408
8	205, 309.3	4.1.6,(1), 4.1.3(13), 4.27.4	Operable parts must be operable with one hand and without tight grasping, tight pinching, or twisting of the wrist. It must be operable with no more than 5-pounds force.	The flush control is the large push disk type which requires more than 5-pounds force to operate. FDC will replace flush control with ADA compliant flush valve.	5401
9	Dining:				
10	206.5, 404.2.4.4	4.1.6,(1), 4.1.3(7)&(8), 4.13.6	Maneuvering space at the door cannot slope more than 2%.	The maneuvering space at the entrance has a slope of 3.2%. FDC will correct the slope at the dining hall entrance.	5499, 5500
11					

## EXHIBIT D

12	226, 902.3	4.1.6,(1), 4.1.3(18), 4.32.4	The dining surface must be no higher than 34".	At two of the wheelchair spaces, it is 36 3/4" above the floor. FDC will replace non-compliant tables.	5503, 5504
	226.1, 902.2	4.1.6,(1), 4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	The accessible tables have pedestals with 1" thick mounting plates that block the wheelchair space under the table. FDC will modify existing tables to provide required clearance or replace with ADA compliant tables.	5501, 5506, 5507

# EXHIBIT D

Central Florida Reception Center - South - Accessibility Report					
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13	205, 309.3	4.1.6,(1), 4.1.3(13), 4.27.3	Operable parts must be within reach. A side reach is required. There is no obstruction. Therefore, it must be within 54" of the floor.	One beverage dispenser is 68 1/2" above the floor. In that it does not comply with the 1991 ADA Standards it must comply with the 2010 ADA Standards which has a maximum height of 48". FDC will relocate beverage dispensers to a lower counter or area.	5519, 5520
14					
	227.3, 904.4	4.1.6,(1), 7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire tray return counter is 38" above the floor. FDC will add a compliant counter space adjacent or below the existing counter space or provide an alternate method for returning food trays for ADA inmates.	5516, 5517
15	Medical:				
16	211, 602.7	4.1.6,(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	Outside the Medical Facility, there is only one spout. It is mounted 35" above the floor. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	5525, 5526
17	227.3, 904.4	4.1.6,(1), 7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire outside pill-call counter is 42 1/2" above the floor. FDC will add a compliant counter space adjacent or below the existing counter space.	5523, 5524
18	Medical: Waiting Room Toilet Room:				
19	215*, 702*	4.1.6,(1), 4.1.3(14),	Buildings with visual alarms must have visual alarms in common use rooms.	The building has visual alarms. However, there are no visual alarms in the toilet room. FDC staff will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009	
20					

# EXHIBIT D

	213.2, 604.4	4.1.6,(1), 4.1.3(11), 4.16.3	Toilet seat must be 17" to 19" above the floor.	The toilet is wall-hung. The seat is 20 1/4" high. FDC will lower the toilet to required height.	5541, 5542
21	<b>Infirmery: Shower:</b>				
22	213.2, 608.3	4.1.6,(1), 4.1.3(11), 4.21.4	A transfer shower must have a grab bar on the back wall and a grab bar on the control wall.	There is no grab bar on the back wall. FDC will install the required grab bars.	5562
23	213.2, 608.4	4.1.6,(1), 4.1.3(11), 4.21.3	Transfer showers must have a fixed seat.	No fixed shower seat is provided. FDC will install a fixed shower seat in the transfer shower.	5558
24	213.2, 609.3	4.1.6,(1), 4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to about 4" above the control wall grab bar. The shower wall will be furred out to place the grab bar out from underneath the shower control box.	5562
25	<b>Infirmery: Iso Room 1:</b>				
26	213.2, 604.5.1	4.1.6,(1), 4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 53" from the rear wall. FDC will make modifications to the wall to provide adequate space to mount grab bar and provide required clearance to side walls.	5573, 5575

# EXHIBIT D

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	1991 ADA Standards citations begin with "4."				
27	213.2, 604.2*	4.1.6,(1), 4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	
28	213.2, 604.4	4.1.6,(1), 4.1.3(11), 4.16.3	Toilet seat must be 17" to 19" above the floor.	The toilet is wall-hung. The seat is 20 1/2" high. FDC will lower the toilet to required height	5571, 5572
29	Recreation Building:				
30	211, 602.2	4.1.6,(1), 4.1.3(10), 4.15.5	Knee space under the drinking fountain must be at least 27" high for a depth of at least 8".	It is only 26 1/4" high. FDC will raise the water fountain to 27" above the floor.	5601, 5602
31	227.3, 904.4	4.1.6,(1), 7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire equipment counter is 41" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	5598, 5599
32	Recreation Building: Toilet Room:				
33	206.5, 404.2.4	4.1.6,(1), 4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The maneuvering space extends only 9 1/4" beside the latch side of the door. FDC will remove/relocate the water fountain to provide required maneuvering space.	5603, 5604
34	205, 309.3	4.1.6,(1), 4.1.3(13), 4.27.4	Operable parts must be operable with one hand and without tight grasping, tight pinching, or twisting of the wrist. It must be operable with no more than 5-pounds force.	The flush control is the large push disk type which requires more than 5-pounds force to operate. FDC will replace the push flush with compliant flush valve.	5607
35	Exterior:				
36	206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	As the accessible route crosses in front of the platform lift, the cross slope is 7.3%. FDC will re-do drain slope to make compliant.	5468, 5469
37					
38	206.1, 302.1	4.1.6,(1), 4.1.2(1) & (2), 4.5.1	Accessible route must be firm, stable, and slip resistant.	The accessible route to the fitness equipment is not paved. FDC will construct an accessible path of travel to the fitness equipment.	5586
39					

## EXHIBIT D

206.1, 303.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.5.2	Changes in level that are more than 1/4" must be beveled.	At the joint between the covered seating area to the accessible route to the basketball court, there is a change in level is more than 1/4" that are not beveled. FDC will make changes to the accessible route, eliminating the change(s) in level.	5613, 5614
206.1, 403.3	4.1.6,(1), 4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	Part of the ramp to the basketball court has a cross slope of 5.1%. FDC will re-do the slope to make it compliant.	5615, 5616

# EXHIBIT D

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40	206.1, 405		Ramp must have landings at the top and bottom, whenever the ramp changes direction, and at every 30" rise. Handrails and edge protection must be provided. The handrails must be continuous and must extend 12" minimum over the landings parallel to the ramp surface.	The ramp to the basketball court changes direction twice without landings at the turns. FDC will add the required landings.	5615, 5618
41	206.1, 405.7	4.1.6.(1), 4.1.2(1) & (2), 4.1.3(1), 4.8.4	Ramp landings cannot slope more than 2% in either direction.	The bottom landing slopes 3.9%. FDC will extend the ramp so that landings are flat and level.	5625, 5626
42	206.1, 405.8, 505.10	4.1.6.(1), 4.1.2(1) & (2), 4.1.3(1), 4.8.5	Ramp handrails must extend at least 12" over the landings. The extensions must be parallel to the landing.	At the bottom, the extension slopes 4%. FDC will extend the ramp so that landings are flat and level.	5625, 5628
43	211, 602.7	4.1.6.(1), 4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 33" above the floor. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	5417 - 5419
44	205, 309.3*	4.1.6.(1), 4.1.3(13), 4.27.3	Operable parts must be within reach. A side reach is required. There is no obstruction. Therefore, it must be within 54" of the floor.	The water dispenser is about 61" above the floor. In that it does not comply with the 1991 ADA Standards it must comply with the 2010 ADA Standards which has a maximum height of 48". See Line 43 – combo water fountain to be installed.	5471, 5472
45	Seating Area:				
46	206.1, 405.2	4.1.6(3)(a),	Existing ramps that are rise no more than 6" may slope a maximum of 10%. Existing ramps that are rise no more than 3" may slope a maximum of 12.5%.	The ramp into the seating area rises about 4" and is sloped 11.5%. FDC will extend the ramp to reduce the slope and approach 8.3%	589, 5560
47					



## EXHIBIT D

	226.1, 902.2	4.1.6,(1), 4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	The accessible table has pedestals with 1" thick mounting plates that block the wheelchair space under the table. FDC will modify existing tables or replace at least 5% of current seating with ADA compliant tables.	5593
48	<b>Housing: This building will not be used for ADA inmates (Only A and B dorms will be used)</b>				
49	232.2,	4.1.6,(1), 232.2,	Housing cells are provided in this area. Therefore, at least 2% serving each purpose must be cells with communication features.	There are 48 housing cells. Therefore, one must have communication features. None have communication features. ADA inmates will not be using this housing facility. Instead, Dorms A and B will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	

# EXHIBIT D

Central Florida Reception Center - South - Accessibility Report					
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50			<b>Housing Cell 105:</b>	This Cell is typical for the accessible cells.	
51	206.5, 404.2.4.4	4.1.6,(1), 4.1.3(7)&(8), 4.13.6	Maneuvering space at the door cannot slope more than 2%.	The maneuvering space at the entrance has a slope between 4.8% to 6.3%. <b>ADA inmates will not be using this housing facility. Instead, Dorms A and B will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.</b>	5422, 5423, 5457, 5459 - 5462, 5481 - 5483, 5485 - 5490, 5492 - 5493, 5496
52					
53	206.2.4, 403.3	4.1.6,(1), 4.1.3(1), 4.3.7	Accessible route cannot cross slope more than 2%.	The floor in the roll-in shower is part of the accessible route. It has a cross-slope of 9.5%. <b>ADA inmates will not be using this housing facility. Instead, Dorms A and B will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.</b>	5455, 5456
54					
55	213.2, 608.3	4.1.6,(1), 4.1.3(11), 4.21.4	No seat is provided in the shower. Therefore, the grab bar on the rear wall must be within 6" of the corner and must be at least 48" long.	On the back wall, the grab bar is 8" to 10" from the corners. <b>ADA inmates will not be using this housing</b>	5449 - 5451
56	213.2, 608.5	4.1.6,(1), 4.1.3(11), 4.21.5	Shower controls must be mounted above the grab bar between 38" and 48".	The shower controls, in the highest position, are mounted 50" above the floor. <b>ADA inmates will not be using this housing facility. Instead, Dorms A and B will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.</b>	5453, 5454
57	213.2, 604.8.1.5*	4.1.6,(1), 4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar extends only 10" to the wall side of the toilet. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. <b>ADA inmates will not be using this housing facility. Instead, Dorms A and B will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.</b>	5442

## EXHIBIT D

213.2, 604.5.1	4.1.6,(1), 4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	It is only 36" long. The front end of the grab bar is only 38" from the rear wall.  ADA inmates will not be using this housing facility. Instead, Dorms A and B will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5440, 5441
205, 309.3	4.1.6,(1), 4.1.3(13), 4.27.4	Operable parts must be operable with one hand and without tight grasping, tight pinching, or twisting of the wrist. It must be operable with no more than 5-pounds.	The flush control is the large push disk type which requires 18-pounds force to operate.  ADA inmates will not be using this housing facility. Instead, Dorms A and B will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5443, 5444

# EXHIBIT D

Wakulla Correctional Institution - Main - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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		1991 ADA Standards citations begin with "4.".			
1			Construction of this facility began after July 26, 1992 and before March 15, 2012. Therefore, the entire facility must comply with 1991 ADA Standards. The 2010 Standards were used for areas in the facilities where supplemental scoping or technical requirements for detention facilities are provided. (35.151(k)).		
2	<b>Common Use Buildings:</b>				
3	<b>Visitation:</b>				
4	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	Along the length of this building, the accessible route has a cross slope of about 3.1%. FDC will reconstruct the accessible route to make it compliant.	5683 - 5686
5					
6	206.5, 404.2.5	4.1.3(7)&(8), 4.13.8	The top of the threshold cannot be more than 1/2" above the landing on both sides. If it is taller than 1/4", it must be beveled 1:2.	At the inmate's entrance to the Visitation Building, the top is 1" above the landing. FDC will remove the threshold and replace with a compliant beveled door threshold.	5642, 5643
7	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The maneuvering space at the door to the outdoor seating extends only 11 1/2" beside the latch side of the door. FDC will pour additional concrete to provide the required maneuvering space at the entrance.	5653, 5654
	226,	4.1.3(18),	There are common use tables or work surfaces. At least 5% of the seats must be accessible.	There are 18 tables at the outdoor pavilion seating about 72. Therefore, 4 wheelchairs spaces are required. However, none are provided. FDC will replace at least 5% of current seating with ADA compliant tables	5650
8	<b>Visitation, Inmates Toilet Room:</b>				
9	206.5, 404.2.5	4.1.3(7)&(8), 4.13.8	The top of the threshold cannot be more than 1/2" above the landing on both sides. If it is taller than 1/4", it must be beveled 1:2.	It is 1/2" tall and not beveled. FDC will bevel the entrance to the doorway or replace with a compliant threshold.	5660, 5662

## EXHIBIT D

10	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	A forward approach to the push side of the door is required. Therefore, the maneuvering space must be 48" deep and the width of the door. If the door has a latch and a closer, the maneuvering space must extend 12" beyond the latch side of the door.	A trash receptacle partially blocks the maneuvering space at the door. It protrudes 5 1/2" into the maneuvering space on the hinge side. FDC will have the trash can permanently relocated.	5664 - 5666
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# EXHIBIT D

Wakulla Correctional Institution - Main - Accessibility Report					
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11	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space is only 43" wide. FDC will modify the restroom area to provide the required turning space.	5678, 5680 - 5682
12					
13					
14	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust the faucet to stay on for 10 seconds.	
	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install a tapered stainless-steel shield.	5667
	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 48" from the rear wall. FDC will reposition the grab bar to provide the required clearance from the rear wall.	5678, 5679
15	<b>Chapel:</b>				
16	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes 8" into the circulation path. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain	6100, 6101
17					
18	211, 602.2	4.1.3(10), 4.15.5	Knee and toe space under the drinking fountain must be at least 17" deep.	The knee space under the drinking fountain is only 24" wide. See Line 16 – water fountain to be replaced.	6098

## EXHIBIT D

19	221,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There are about 96 seats on benches. Therefore, 4 wheelchair spaces are required. However, no wheelchair spaces appear to be provided in this seating area. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement	6116, 6117
20	221.4*,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, 1% of the fixed seats must be aisle seats with no armrests on the aisle side, or have removable or folding armrests on the aisle side. These seats must be dispersed among all seating categories. Signage notifying patrons of the availability of such seats must be posted at the ticket office.	There are about 96 fixed assembly seats. Therefore, 1 aisle seat must have no armrest or have a removable armrest. None is provided. Notification signage is not provided. In that it does not comply with the 1991 ADA Standards, it must be remediated to the 2010 ADA Standards, which requires 5% of the aisle seats to comply. There are 24 aisle seats. Therefore, 1 must comply. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement	6116, 6117
	219*,	4.1.3(19)(b),	There are fixed seats and an audio amplification system. Therefore, an assistive listening system must be provided.	No signs notify patrons that an assistive listening system is provided. Additionally, no parts of an assistive listening system were seen. Therefore, no assistive listening system is provided. FDC will provide an assistive listening system.	

# EXHIBIT D

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21	<b>Chapel: Toilet Room:</b>				
22	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a latch-side approach. The door has a closer. Therefore, the maneuvering space must be at least 54" deep and must extend at least 24" from the latch.	The maneuvering space at the door is only 49" deep. FDC will remove the closer mechanism from door and install spring loaded hinges on door to change the direction of the door.	6103, 6104
23					
24	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust the faucet to stay on for 10 seconds	
	213.2, 604.6	4.1.3(11), 4.16.5	The toilet flush control must be on the open side of the toilet.	The toilet flush control is on the wall side. FDC will change the flush valve to the open side.	6108
25	<b>Library:</b>				
26	206.1, 405.2	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot slope more than 8.33%. It cannot slope more than 5% without being constructed as a ramp.	The accessible route to the entrance door has a slope between 6% and 10%. There are no handrails. FDC will reconstruct the accessible route and install handrails as needed.	6090 - 6095
27					
28	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	In the Library, all the tables have pedestals with feet that block the wheelchair space under the table. FDC will modify or replace existing accessible tables with compliant table(s).	6062, 6063
29	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted no higher than 36" above the floor. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	6075
	227.3, 904.4	7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire library counter is 42" above the floor. FDC will modify or add a required compliant counter space adjacent or below the existing counter space.	6064, 6065
30	<b>Library: Toilet Room:</b>				



## EXHIBIT D

31	206.5, 404.2.7	4.1.3(7)&(8),	The door hardware must be operable without tight grasping, tight pinching, or twisting of the wrist.	The door has a knob that requires tight grasping and twisting to operate.	6074
32		4.13.9		FDC will replace with a compliant lever handle.	
	213.3, 606.4	4.1.3(11),	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds.	
		4.19.5		FDC will adjust the faucet to stay on for 10 seconds.	

# EXHIBIT D

Wakulla Correctional Institution - Main - Accessibility Report					
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33	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The front of the toe space is only 9 1/2" from the front edge of the counter. FDC will install a tapered stainless-steel shield.	6079, 6081, 6082
34	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The flush valve assembly reduces the clear space to 1". FDC will adjust the plumbing piping to adjust handle to a lower height.	6087, 6088
35	<b>Education:</b>				
36	206.1, 405.2	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot slope more than 8.33%. It cannot slope more than 5% without being constructed as a ramp.	The accessible route to the entrance door has a slope between 6.1% and 7.3%. There are no handrails. FDC will reconstruct the accessible route and install handrails as required.	5993 - 5996
37	<b>Typical Classroom: (Surveyed Room 123):</b>				
38	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is only 26 1/4". FDC will modify or replace existing tables with compliant table(s).	5998, 5999
39	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 34 1/2" above the floor. FDC will install high/low combination water fountain installed at compliant heights in main hall, removing existing water fountains from classrooms.	6004, 6005
40	<b>Typical Classroom: Toilet Room: (Surveyed Room 123):</b>				
41	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The maneuvering space extends only 14 1/2" beside the latch side of the door. See Line 39	6007, 6008

## EXHIBIT D

42	213.3.5, 603.3	4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" off the floor.	The reflective surface of the mirror is mounted 57" above the floor. FDC will lower the mirror height to 40" off the floor.	6016, 6017
43	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust the faucet to stay on for 10 seconds.	

# EXHIBIT D

Wakulla Correctional Institution - Main - Accessibility Report					
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44	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install a tapered stainless-steel shield.	6014
45	213.2, 609.4*	4.1.3(11), 4.26.2	The centerline of the grab bars must be between 33" and 36" above the floor.	The centerline of the grab bars at the rear toilet wall are 42 1/4" above the floor. The centerline of the sidewall toilet grab bar is 37 1/4" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which require the top of the grab bars to be between 33" and 36" above the floor. FDC will reposition rear grab bar to meet standards.	6018 - 6021
46					
47	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 53" from the rear wall. FDC will reposition 42" grab bar to compliant height and with 12" clearance from rear wall.	6028, 6029
48					
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	6025
	213.2, 604.6	4.1.3(11), 4.16.5	The toilet flush control must be on the open side of the toilet.	The toilet flush control is on the wall side. FDC will change the flush valve to the open side of the toilet.	6018
49	Classroom 136:				
50	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted about 34" above the floor. See Line 39 – fountain to be removed.	6045

# EXHIBIT D

## Wakulla Correctional Institution - Main - Accessibility Report

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51	<b>Classroom 136: Toilet Room:</b>				
52	213.3.5, 603.3	4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	The reflective surface of the mirror is mounted about 57" above the floor. FDC will lower the mirror to 40" off the floor.	6048
53	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust the faucet to stay on for 10 seconds.	
54	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install a tapered stainless-steel shield.	6057
55	213.2, 609.4*	4.1.3(11), 4.26.2	The centerline of the grab bars must be between 33" and 36" above the floor.	The centerline of the grab bars at the rear toilet wall are 42 1/4" above the floor. The centerline of the sidewall toilet grab bar is 38" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which require the top of the grab bars to be between 33" and 36" above the floor. FDC will mount 32" rear grab bar at compliant	6051 - 6054
56	213.2, 604.8.1.5*	4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 24" long. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. See Line 55	6050
57	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 52 1/2" from the rear wall. FDC will reposition 42" grab bar to compliant height and with 12" clearance from rear wall.	6055, 6056
58	<b>Dining:</b>				
59	226,	4.1.3(18),	There are common use tables or work surfaces. At least 5% of the seats must be accessible.	There are 36 tables, seating 144. Therefore, 8 wheelchairs spaces are required. However, none are provided. FDC will modify 5% of available seating to make wheelchair accessible.	5689 - 5691
60					

## EXHIBIT D

227.3, 904.4	7.2(1),	A food or beverage service counter has a cash register. This counter is provided for the sales or distribution of goods. A 36"-wide portion of this counter must be no higher than 36".	The food distribution counter is 41 3/4" tall. Although FDC and DRF disagree about whether FDC is in non-compliance, as an alternative delivery, FDC will provide a cart for the placement of trays and dirty dishes by wheelchair bound inmates.	5692, 5693
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# EXHIBIT D

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61	<b>Medical:</b>				
62	211, 602.7	4.1.3(10).	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 33" above the floor. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	5927, 5928
63	227.3, 904.4	7.2(2).	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire pass-thru counter is 43" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	5892, 5893
64	<b>Medical: Waiting Room Toilet Room:</b>				
65	215.2, 702	4.1.3(14), 4.28.1	Buildings with visual alarms must have visual alarms in the toilet rooms.	The building has visual alarms. However, there is no visual alarm in this room. FDC staff will alternatively deliver the services of the requested visual alarm by evacuating inmates in any emergency, and, after moving them to an approved location, conduct a count of all inmates. This is in accordance with current FDC Procedure 602.009	
66					
67					
68	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust the faucet to remain on for at least 10	
	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install a tapered stainless-steel shield.	5901
	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 48" from the rear wall. FDC will reposition 42" side grab bar with required clearance.	5907, 5908
69	<b>Infirmery: Bathroom:</b>				
70	213.3.5, 603.3	4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	The reflective surface of the mirror is mounted 50" above the floor. FDC will lower the mirror to 40" off the floor.	5931, 5932

## EXHIBIT D

71	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install a tapered stainless-steel shield.	5929
72	213.2, 608.3	4.1.3(11), 4.21.4	Grab bars are required on the back wall, from the front edge of the seat to within 6" of the corner and on the control wall from the open end to within 6" of the corner.	The grab bars are about 10" to 12" from the corner. FDC will reposition 42" side grab bar with required clearance.	5977
73	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The paper towel dispenser reduces the clear space to 6" above the rear toilet grab bar. FDC will remount the paper towel dispenser to 12" above the grab bar or relocate to another area of the room.	5968, 5969



# EXHIBIT D

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74	213.2, 604.6	4.1.3(11), 4.1.6.5	The toilet flush control must be on the open side of the toilet.	The toilet flush control is on the wall side. FDC will move the flusher to the open side of the toilet	5967
75	<b>Infirmiry: Isolation Cell 106 (door is Cell 102):</b>				
76	232, 226, 902.3	4.1.3(18), 7.2(2)	The food pass/cuff port is a service counter. It must be no higher than 36" above the floor.	The food pass/cuff port is 37 1/2" high. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.	5938 - 3941
77					
	213.2,	4.1.3(11),	Each public and common use bathroom must be accessible.	It does not have any accessible features. FDC is in the process of renovating and re-installing accessible features.	5950 - 5958
78	<b>Exterior:</b>				
79	206.1, 302.1	4.1.2(1) & (2), 4.5.1	Accessible route must be firm, stable, and slip resistant	The accessible route to the fitness equipment, basketball, ballfield, soccer field, and pavilion is not paved. FDC will construct concrete path to fitness equipment.	5699 - 5704, 5729 - 5735
80					
81	206.1, 403.3	4.1.3(1), 4.3.7	Accessible route cannot slope more than 8.33% and cannot slope more than 5% without having ramp features.	The accessible route to the Barber Shop has a slope of 10.3% and does not have handrails. FDC will make modifications to adjust the walkway to reduce the amount of slope to 5% or less.	5812, 5813

## EXHIBIT D

	206.1, 403.3	4.1.3(1), 4.3.7	Accessible route cannot slope more than 8.33% and cannot slope more than 5% without having ramp features.	The accessible route to the Canteen has a slope of 7.6% and does not have handrails. Use concrete to adjust the walkway to reduce the amount of slope to 5% or less. \$	5797, 5800
82	<p><b>Canteen: Interior:</b> This is a work area for qualified inmates. In that this facility was built after July 26, 1992, employee common use areas must be accessible. Additionally, the accessible route must be able to approach, enter, and exit employee work areas. Inside the canteen, the toilet facility, and the path to it, is common use. The rest is a work area. In that Wakulla is the only facility where I was permitted to enter the Canteen, my findings should be considered typical throughout all correctional institutions.</p> <p><i>This is not an area of non-compliance.</i></p>				
83	213.2,	4.1.3(11),	Each public and common use toilet room, including employee toilet rooms, must be accessible.	There is a toilet area in the space. It has no accessible features. FDC will convert the toilet space to an accessible space or find an alternate delivery.	5807

# EXHIBIT D

Wakulla Correctional Institution - Main - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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			1991 ADA Standards citations begin with "4.".		
84	<b>Seating Area:</b>				
85	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the drinking fountain is 28" high and protrudes 8" into the circulation path. FDC will install high/low combination water fountain installed at compliant heights and cane detection on	5726, 5727
86	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 36" above the floor. See Line 85	5726, 5628
87	227.3, 904.4	7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire equipment counter is 40" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	5724, 5725
88	<b>Toilet Facilities:</b>				
89	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	The lavatory has no accessible features. FDC will replace with a compliant sink and features.	5721
90	213.3, 605.2	4.1.3(11), 4.18.2	The rim of the accessible urinal must be within 17" of the floor.	The rim of the group urinal is 24 1/2" above the floor. FDC will replace with compliant urinal at required height.	5718, 5719
91	<b>Housing:</b>				
92	§35.151(k), 232.3, 807.2.3	§35.151(k), 232.3, 807.2.3	In cells having more than 25 beds, at least 5% of the beds shall have a 30" by 48" clear floor space parallel to the side of the bed.	There are 89 beds in each of 10 dormitories. Each dormitory serves the same purpose. Therefore, each dormitory must have at least 5 beds on an accessible route and have the clear floor space. I reviewed E-Dorm. The other 5 were assumed to be the same. This is not an area of non-compliance.	

# EXHIBIT D

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93	232.3,	232.3,	Housing cells are provided in this area. Therefore, at least 3% serving each purpose must be accessible.	There are 3 dormitory buildings with 3 wings of 22 cells, totaling 198 cells. I do not know the programmatic distribution of these buildings. Six cells must be accessible. There are 2 designated accessible cells in Cell Block F-1. I don't know about the rest. <b>This is not an area of non-compliance.</b>	
94					
	232.2,	232.2,	Housing cells are provided in this area. Therefore, at least 2% serving each purpose must be cells with communication features.	There are 3 dormitory buildings with 3 wings of 22 cells, totaling 198 cells. I do not know the programmatic distribution of these buildings. Four must have communications features. None have communication features. <b>This is not an area of non-compliance.</b>	
95	<b>E-Dorm: E-dorm will not be used for ADA inmates</b>				
96	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The entire pass-thru counter from the security station is 55 3/4" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not. <b>ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.</b>	5783, 5784
97					
98	221,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There is a seating at tables and fixed seats. However, there are no wheelchair spaces in this seating area. <b>ADA inmates will not be using this housing unit.</b>	5794, 5795
99					

# EXHIBIT D

100    101	221,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There is a seating area with benches. However, there are no wheelchair spaces in this seating area. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA	5794, 5795
	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 35" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future	5791, 5792
	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5750
	213.2, 608.4	4.1.3(11), 4.21.3	The fixed seat in a shower must be 17" to 19" above the floor.	The shower seat is 21" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5759, 5760

# EXHIBIT D

Wakulla Correctional Institution - Main - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
102	213.2, 608.4	4.1.3(11), 4.21.3	A seat is provided in the shower. It must extend the full length of the seat wall to within 1 1/2" of the back wall and to within 3" of the compartment entry.	The shower seat is 6 1/2" from the back wall. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5761, 5762
103	213.2, 609.4*	4.1.3(11), 4.26.2	The centerline of the grab bars must be between 33" and 36" above the floor.	The centerline of the grab bar in the roll-in shower is 31" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which require the top of the grab bars to be between 33" and 36" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5763 - 5765
104	213.2, 608.6	4.1.3(11), 4.21.6	Either a fixed showerhead mounted 48" above the floor or a handheld shower unit must be provided.	A handheld showerhead is not provided and the fixed showerhead is 63 1/2" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5763, 5764, 5767
105	213.3, 608.5.2	4.1.3(11), 4.21.3	The roll-in shower has a seat. Therefore, the controls including the showerhead must be mounted on the back wall within 27" of the seat wall.	The shower control is about 30" from the seat wall. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5763
106	206.1, 303.3	4.1.2(1) & (2), 4.1.3(1), 4.5.2	Changes in level that are more than 1/4" must be beveled.	There is a trench drain in the roll-in shower that is not covered. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5756

## EXHIBIT D

107	213.3, 604.8*	4.1.3(11), 4.22.4	Where toilet room has at least 6 water closets, one stall must comply with the ambulatory stall requirements.	There are 6 toilets and none of the stalls complies with the ambulatory stall requirements. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5744, 5745
108	213.2, 604.8.1.1	4.1.3(11), 4.17.3	Toilet stall must be at least 60" wide.	The toilet stall is only 47 1/2" wide. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5776, 5777
109	213.2, 604.5	4.1.3(11), 4.16.4	Grab bars must be on the rear wall and on the sidewall nearest the toilet.	There are no grab bars. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5780
110	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 21 1/4" from the sidewall. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5778, 5779
111	213.2, 604.6	4.1.3(11), 4.16.5	The toilet flush control must be on the open side of the toilet.	The toilet flush control is on the wall side. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5779
112	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the towel door counter is 38 1/2" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5774, 5775

# EXHIBIT D

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113	<b>F-Dorm: F-dorm will not be used for ADA inmates</b>				
114	<b>Cell Block F-1:</b>				
115	204.1, 307.4	4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	The underside of the stairs, which are within a circulation path, are not enclosed. Therefore, the undersides of the stairs reduce the headroom to less than 80". ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5832, 5853
116					
117					
118	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth of the toe space. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5853
	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the drinking fountain is 29 1/4" high and protrudes 8" into the circulation path. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5849, 5850
	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 35" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5849, 5850
119	<b>Cell Block F-1: Shower:</b>				



# EXHIBIT D

120	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space in the shower room is only 47 1/2" wide.  ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5837 - 5839, 5847, 5848
121					
122					
	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower controls box reduces the clear space to 2 1/4" above the grab bars.  ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5842 - 5844
123					
	213.2, 608.5.1*	4.1.3(11), 4.21.5	In a transfer shower, the controls must be on the wall opposite the seat and mounted within 18" of the clear floor space.	The controls are mounted in the corner. In that is does not comply with the 1991 ADA Standards it must be remediated to the 2010 ADA Standards, which requires the controls to be within 15" of the centerline to the open side of the shower.  ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5842
	213.2, 608.6	4.1.3(11), 4.21.6	Either a fixed showerhead mounted 48" above the floor or a handheld shower unit must be provided.	A handheld showerhead is not provided and the fixed showerhead is 75" above the floor.  ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.	5842, 5846

# EXHIBIT D

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124			<b>Housing Cell 1121:</b>	1122 is similar.	
125	205, 309*	4.1.3(13), 4.27.2	Operable parts in public and common use areas, including employee common use areas, must be on an accessible route, must have a level 30" by 48" clear floor space, must be within reach, and must be operable with one hand and without tight grasping, tight pinching, or twisting of the wrist.	The window is operable. However, clear floor space is blocked by the bed, operable part is out of reach, and it requires tight grasping to operate. <b>ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.</b>	5881, 5882
126					
127	225, 811.3, 308*	4.1.3(12), 4.25.3	Each type of storage must be within reach. A side reach is possible. Where the reach is unobstructed, it must be between 9" and 54" above the floor. Where the reach is obstructed by an object that is more than 10" deep and no more than 34" tall, it must be no higher than 46".	There is no obstruction. The storage locker is on the floor. <b>ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.</b>	5879, 5880
128	213.2, 604.8.1.5*	4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 28" long. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. <b>ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.</b>	5873
129	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	It is only 25" long. <b>ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.</b>	5875, 5876
	213.2, 604.2	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The sidewall is angled 45 degrees away from the toilet. <b>ADA inmates will not be using this housing unit. Instead, Dorms A, B, C and I will be used by ADA inmates and these will need to be inspected in the future by a licensed architect for ADA compliance.</b>	5859



# EXHIBIT D

## Wakulla Correctional Institution - Annex - Accessibility Report

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1			Construction of this facility began after July 26, 1992 and before March 15, 2012. Therefore, the entire facility must comply with 1991 ADA Standards. The 2010 Standards were used for areas in the facilities where supplemental scoping or technical requirements for detention facilities are provided. (35.151(k)).		
2	<b>Common Use Buildings:</b>				
3	<b>Processing: Holding Area:</b>				
4	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 32" above the floor. FDC will remove existing water fountain from bus bay area.	6562, 6563
5	211, 602.2	4.1.3(10), 4.15.5	Knee space under the drinking fountain must be at least 27" high for a depth of at least 8".	It is only 26" high. See Line 4	6562, 6563
6	227.3, 904.4	7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire intake counter is 41 3/4" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	6564, 6565
7	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The toilet tank reduces the clear space to 1" below the rear grab bar. FDC will replace with lower profile toilet tank to provide required clearance.	6561
8	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 18 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	6559
9	<b>Processing:</b>				
10	227.3, 904.4	7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire property storage counter is 41" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	6564, 6565
11	<b>Processing: Holding Cell:</b>				

## EXHIBIT D

12	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side.	The bench is 15 1/2" deep and 15 1/2" long. FDC will remove bench from one (1) holding cell.	6582, 6585, 6586
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# EXHIBIT D

Wakulla Correctional Institution - Annex - Accessibility Report					
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		1991 ADA Standards citations begin with "4.".			
13	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The toilet tank reduces the clear space to less than 1/4" below the rear grab bar. FDC will replace with lower profile toilet tank to provide required clearance.	6588
14	<b>Classification: Waiting Room Telephone Room:</b>				
15	206.2.4, 309	4.1.3(13), 4.31.2	The telephone must have a 30" wide by 48" deep clear floor space. Access to the maneuvering clearance requires a forward approach. Where the clear floor space is confined on 3 sides for a depth of more than 24", the clear floor space must be at least 36" wide.	The clear floor space is confined on 3 sides. The clear floor space is only about 36" deep. Wheelchair inmates will be provided an alternate area to make legal phone calls.	6251 - 6253
16	<b>Classification: Waiting Room Toilet Room:</b>				
17	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The maneuvering space extends only 4" beside the latch side of the door. FDC will remove the water fountain to provide required maneuvering space.	6257
18	<b>Visitation:</b>				
19	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 34 1/2" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	6132, 6133
20					
21	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	At the picnic table, it is only 14" deep. FDC will modify or replace existing tables with compliant table(s).	6187, 6191 - 6194
22					
	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth of the toe space to 12". FDC will modify or replace existing tables with compliant table(s).	6183, 6185, 6186

## EXHIBIT D

	227.3, 904.4	7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire visitor canteen counter is 41 1/2" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	6155, 6156
23	<b>Visitation, Inmates Toilet Room:</b>				
24	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
25	<b>Non-Contact Visitation, Inmates Toilet Room:</b>				
26	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot cross slope more than 2%.	The accessible route has a cross-slope of 7.5% at the drain. FDC will construct compliant accessible route with cross slope no more than 2%.	6210, 6211

# EXHIBIT D

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27	213.3, 606.3	4.1.3(11), 4.19.2	Top of the lavatory and counter cannot be higher than 34".	The top of the lavatory rim in the counter is 35" above the floor.	6213, 6214
28				FDC will lower the sink to 34" above the floor.	
	213.2, 604.2	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	6215, 6216
29	<p><b>Visitation: Visitor use, only:</b> These elements and toilet rooms are used by visitors. In that this facility was built after July 26, 1992, common use areas must be accessible. In that Wakulla Annex is the only facility where I was permitted to survey these elements, my findings should be considered typical throughout all correctional institutions.</p>				
30	227.3, 904.4	7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire visitor canteen counter is 41 1/2" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	6155, 6156
31	<b>Visitation, Visitors Toilet Room: Men's:</b>				
32	216.2,	4.1.3(16)(a),	If the toilet room is identified by a sign, then a sign that complies with the ADA Standards must be provided.	The toilet room sign has no accessible features. Convert the toilet space to an accessible space or find an alternate delivery.	
33					
34	226, 902.3	4.1.3(18), 4.32.4	The baby changing station counter must be no higher than 34".	The baby changing surface is 36" above the floor. FDC will lower the station counter surface to 34".	6165, 6166
35	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install a tapered stainless-steel shield.	6162
36	<b>Visitation, Visitors Toilet Room: Women's:</b>				



## EXHIBIT D

37	216.2,	4.1.3(16)(a),	If the toilet room is identified by a sign, then a sign that complies with the ADA Standards must be provided.	The toilet room sign has no accessible features. FDC will replace with a compliant sign.	6135
38	226, 902.3	4.1.3(18), 4.32.4	The baby changing station counter must be no higher than 34".	The baby changing surface is 36 1/2" above the floor. FDC will lower the station counter surface to 34".	6145, 6146

# EXHIBIT D

Wakulla Correctional Institution - Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
39	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
40	213.3, 606.5	4.1.3(11), 4.19.4	Pipes under the lavatory or sink must be insulated to protect a person from burns and from sharp or abrasive edges.	The pipes under the accessible lavatory are not insulated. FDC will install a tapered stainless-steel shield.	6138
41	<b>Chapel:</b>				
42	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 36" high and protrudes 8" into the circulation path. FDC will add cane detection apron to standard height water fountain.	6220, 6221
43					
44					
45	221,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, accessible wheelchair spaces must be provided.	There are about 112 seats on benches. Therefore, 6 wheelchair spaces are required. However, no wheelchair spaces appear to be provided in this seating area. Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement as long as sufficient space continues to be made available so that safe entry, exit and evacuation are made possible.	6242

## EXHIBIT D

	221.4*,	4.1.3(19)(a),	Fixed assembly seating is provided. Therefore, 1% of the fixed seats must be aisle seats with no armrests on the aisle side, or have removable or folding armrests on the aisle side. These seats must be dispersed among all seating categories. Signage notifying patrons of the availability of such seats must be posted at the ticket office.	There are about 112 fixed assembly seats. Therefore, 2 aisle seat must have no armrest or have a removable armrest. None is provided. Notification signage is not provided. In that it does not comply with the 1991 ADA Standards, it must be remediated to the 2010 ADA Standards, which requires 5% of the aisle seats to comply. There are 28 aisle seats. Therefore, 2 must comply. <i>Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement.</i>	6242
	219*,	4.1.3(19)(b),	There are fixed seats and an audio amplification system. Therefore, an assistive listening system must be provided.	No signs notify patrons that an assistive listening system is provided. Additionally, no parts of an assistive listening system were seen. Therefore, no assistive listening system is provided. <i>FDC will add an assistive listening system.</i>	
46	<b>Chapel: Library:</b>				
47	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at tables. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide, 27" tall, and 17" deep.	The table has a pedestal with feet that block the wheelchair space under the table. <i>FDC will replace at least 5% of current seating with ADA compliant tables.</i>	6248

# EXHIBIT D

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48	<b>Chapel: Toilet Room:</b>				
49	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a latch-side approach. The door does not have a closer. Therefore, the maneuvering space must be at least 48" deep and must extend at least 24" from the latch.	On the corridor side, the maneuvering space at the door is only 46 1/2" deep. FDC will install an automatic door opener for the restroom door and install a non-elongated toilet.	6224, 6225
50					
51	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space is only 46 1/2" wide. FDC will install an automatic door opener for the restroom door and install a non-elongated toilet.	6234 - 6237
	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
52	<b>Library:</b>				
53	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Knee and toe space must be at least 30" wide. The knee space must be at least 27" high for a depth of at least 8". The toe space must be at least 9" high and extend 17" underneath.	At the law library computer desk, the knee space is only 23 1/2" high and 27 1/2" wide. FDC will replace at least 5% of current seating with ADA compliant tables.	6439 - 6442
54	227.3, 904.4	7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire law library counter is 43 1/2" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	6437, 6438
55	<b>Library: Work Area:</b> This is a work area for qualified inmates. In that this facility was built after July 26, 1992, employee common use areas must be accessible. Additionally, the accessible route must be able to approach, enter, and exit employee work areas. In that Wakulla Annex is the only facility where I was permitted to measure this ramp, my findings should be considered typical throughout all correctional institutions. This is not an area of non-compliance.				

## EXHIBIT D

56	206.1, 405.9	4.1.2(1) & (2), 4.1.3(1), 4.8.7	Ramp and landings must have edge protection, which can be a curb, wall, vertical pickets, or a 12" extended platform.	There is no edge protection on the open side of the ramp. FDC will add the required edge protection.	6447
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# EXHIBIT D

Wakulla Correctional Institution - Annex - Accessibility Report					
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57	206.1, 405.8, 505.10	4.1.2(1) & (2), 4.1.3(1), 4.8.5	Ramp must have handrails that are continuous or must extend at least 12" over the landings in the same direction as the ramp. The extensions must be level. Therefore, any bend at the end of the handrail is not part of the 12" level extension.	At the bottom on the open side, the level extension is about 10 1/2" before the bend. FDC will remove and replace extensions with the proper length of at least 12".	6447, 6451
58	<b>Library: Toilet Room:</b>				
59	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
60	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 52 1/2" from the rear wall. FDC will reposition the side grab bar to provide required clearance of 12" from rear wall.	6459, 6460
61	213.2, 604.2	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 20" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	6457, 6458
62	<b>Typical Classroom: (Surveyed D10A):</b>				
63	226.1, 902.2	4.1.3(18), 4.32	Seating is provided at desks. At least 5% must provide space for a wheelchair. A compliant wheelchair space must provide knee space under the table that is at least 30" wide and 27" tall.	The knee space is only about 22" wide. FDC will replace at least 5% of current seating with ADA compliant tables.	6463
64	<b>Typical Classroom: Toilet Room: (Surveyed D10A):</b>				
65	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
66	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 52" from the rear wall. FDC will reposition the side grab bar to provide required clearance of 12" from rear wall.	6471, 6472
67	<b>Art Classroom:</b>				

## EXHIBIT D

68	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 33 1/4" high and protrudes 8" into the circulation path. FDC will remove water fountain from classroom (water fountain to be available in hall).	6499, 6501
69	<b>Art Classroom: Toilet Room:</b>				
70	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	

# EXHIBIT D

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71	<b>HVAC Classroom:</b>				
72	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 34" high and protrudes 8" into the circulation path. FDC will remove water fountain.	6512, 66514
73	<b>HVAC Classroom: Toilet Room:</b>				
74	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
75	<b>Vocation Classroom E09A:</b>				
76	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 34 1/2" high and protrudes 8" into the circulation path. FDC will remove water fountain.	6537, 6539
77	<b>Vocation Classroom E09A: Toilet Room:</b>				
78	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
79	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	The front end of the grab bar is only 53" from the rear wall. FDC will reposition the side grab bar to provide required clearance of 12" from rear wall.	6544, 6545
80	<b>Computer Classroom D12A: Toilet Room:</b>				
81	206.5, 404.2.4	4.1.3(7)&(8), 4.13.6	The pull side of the door requires a forward approach. Therefore, the maneuvering space must be 60" deep and must extend 18" to the side of the latch.	The maneuvering space is only 41 1/4" deep and extends only 14" beside the latch side of the door. FDC will remove water fountains to provide required clearance.	6478, 6482 - 6484
82					



## EXHIBIT D

83  84	206.1, 403.3	4.1.2(1) & (2), 4.1.3(1), 4.3.7	Accessible route cannot cross slope more than 2%.	The accessible route has a cross-slope of 3.5% at the drain.  Although FDC and DRF disagree about whether FDC is in non-compliance, DRF will not require changes as part of the Settlement Agreement. DRF would ask FDC to consider whether an inexpensive change can be made if the drain has an adjustable sleeve or if a collar can be added to the drain.	6487, 6488
	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
	213.2, 604.2	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 22" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	6490, 6491

# EXHIBIT D

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85	<b>Dining:</b>				
86	226.	4.1.3(18).	There are common use tables or work surfaces. At least 5% of the seats must be accessible.	There are 33 tables, seating 132. Therefore, 7 wheelchairs spaces are required. However, only 6 are provided. FDC will modify one (1) additional seat to wheelchair accessibility.	6595, 6596
87	<b>Mental Health:</b>				
88	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 33 1/4" high and protrudes 8" into the circulation path. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain	6272, 6274
89	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 29" high and protrudes 8" into the circulation path. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain	6272, 6274
90	<b>Room 115:</b>				
91	226, 902.3	4.1.3(18), 4.32.4	The clear space under the common use work surface must be at least 30" wide.	At the computer desk, the clear space is 22" wide. FDC will replace at least 5% of current seating with ADA compliant tables	6285, 6288
92	<b>Mental Health: Toilet Room on the right:</b>				
93	206.1, 403.3	4.1.3(1), 4.3.7	Accessible route cannot have a cross slope that is more than 2%.	The accessible route near the drain has a cross-slope of 7.1%. FDC will raise the existing floor drain and rework the tile in order to decrease the slope of the floor.	6309, 6310
94					

# EXHIBIT D

95 96 97 98	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
	<b>Medical:</b>				
	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	At the drinking fountain outside, the underside of the standard height drinking fountain is 32" high and protrudes about 17" into the circulation path. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	6721 - 6723
	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	At the drinking fountain outside, there is only one spout. It is mounted 40" above the floor. See Line 96-97	6722, 6724
	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	At the drinking fountain outside, the underside of the drinking fountain is about 28 1/2" high and protrudes about 8" into the circulation path. FDC will remove existing water fountain.	6730, 6731

# EXHIBIT D

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99	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	At the drinking fountain outside, there is only one spout. It is mounted 35" above the floor. See Line 98	6730, 6731
100	<b>Medical: Waiting Room Toilet Room:</b>				
101	213.3, 606.4	4.1.3(11), 4.19.5	The lavatory has a self-closing faucet. It must remain open for at least 10 seconds.	It closes in less than 10 seconds. FDC will adjust faucet to run 10 seconds.	
102	213.2, 604.5.1	4.1.3(11), 4.16.4	The sidewall grab bar at the toilet must be at least 42" long, must be within 12" of the rear wall, and must extend at least 54" from the rear wall.	It is 13 1/2 from the rear wall. FDC will reposition side grab bar to provide required clearance from rear wall.	6740
103	<b>Medical: Holding Cell (Toilet Room):</b>				
104	213.3, 606.3	4.1.3(11), 4.19.2	Top of the lavatory and counter cannot be higher than 34".	The top of the wall-hung lavatory is 34 3/4" above the floor. FDC will lower the sink to 34" above the floor.	6749, 6750
105	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 1 1/2" of clear space below the grab bar.	The toilet tank reduces the clear space to 1" below the grab bar. FDC will replace with lower profile toilet tank to provide required clearance.	6751, 6752
106	213.2, 604.2	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 3/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	6753
107	<b>Exterior:</b>				
108	206.1, 302.1	4.1.2(1) & (2), 4.5.1	Accessible route must be firm, stable, and slip resistant.	The accessible route to the fitness equipment is not paved. FDC will add a firm and stable walking surface with either asphalt or concrete to the fitness equipment.	6404
109	227.3, 904.4	7.2(2),	The service counter is less than 36"-wide. Therefore, the entire service counter must be no higher than 36".	The entire canteen counter is 37 1/2" to 38 1/2" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	6315, 6316, 6413, 6414

# EXHIBIT D

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110	<b>Canteen: Interior:</b>		This is a work area for qualified inmates. In that this facility was built after July 26, 1992, employee common use areas must be accessible. Additionally, the accessible route must be able to approach, enter, and exit employee work areas. Inside the canteen, the toilet facility, and the path to it, is common use. The rest is a work area. In that Wakulla is the only facility where I was permitted to enter the Canteen, my findings should be considered typical throughout all correctional institutions. <b>This is not an area of non-compliance.</b>		
111	213.2,	4.1.3(11),	Each public and common use toilet room, including employee toilet rooms, must be accessible.	There is a toilet area in the space. It has no accessible features. FDC will determine if there is an alternate accessible restroom available.	6408, 6411, 6412
112	<b>Seating Area:</b>				
113	226,	4.1.3(18),	There are common use tables or work surfaces. At least 5% of the seats must be accessible.	There are 12 tables at the pavilions, seating about 47. Therefore, 3 wheelchairs spaces are required. However, only 1 is provided. FDC will replace at least 5% of current seating with ADA compliant tables.	6405, 6406
114	<b>Toilet Facilities:</b>				
115	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the standard height drinking fountain is 32 1/2" high and protrudes about 17" into the circulation path. FDC will add cane detection apron to standard height water fountain.	6402, 6403
116					
117	204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the accessible drinking fountain is 28" high and protrudes 17" into the circulation path. FDC will lower the accessible fountain.	6400, 6401

# EXHIBIT D

118	213.3, 606.2	4.1.3(11), 4.19.2	Lavatory knee and toe space must be at least 17" deep and extend to the faucet and other operable parts. At a point 9" above the floor, the knee space must extend to a plane that is within 6" of the faucet and other operable parts. This point is at least 11" from the front edge of the counter.	It is about 8" from the front edge. FDC will install a tapered stainless-steel shield.	6390 - 6392, 6394
	213.2, 604.3*	4.1.3(11), 4.16.2	Clear floor space at the toilet must be at least 60" wide and 56" deep.	The wall bump-out reduces the toilet clear floor space to only 36" wide. FDC will move the toilet and either build the block wall out or demolish part of the wall to the left of the toilet, thereby creating a larger open space.	6396, 6397

# EXHIBIT D

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119	213.2, 604.8.1.5*	4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 24" long. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. Upon completion of renovations, FDC will install 36" rear grab bar to standards.	6396
120	<b>Housing:</b>				
121	§35.151(k), 232.3, 807.2.3	§35.151(k), 232.3, 807.2.3	In cells having more than 25 beds, at least 5% of the beds shall have a 30" by 48" clear floor space parallel to the side of the bed.	There are 86 beds in each of 6 dormitories. Each dormitory serves the same purpose. Therefore, each dormitory must have at least 5 beds on an accessible route and have the clear floor space. I reviewed L-Dorm. The other 5 were assumed to be the same.	
122				This is not an area of non-compliance but is Mark Mazz's interpretation of the necessary access requirements for these locations.	
123	232.3,	232.3,	Housing cells are provided in this area. Therefore, at least 3% serving each purpose must be accessible.	There are 4 dormitory buildings with 4 quads of 24 cells, totaling 384 cells. I do not know the programmatic distribution of these buildings. Twelve cells must be accessible. There are 2 designated accessible cells in Cell Block J-1. I assume that this repeats in Quads 1 and 4 in each building.	
				This is not an area of non-compliance but is Mark Mazz's interpretation of the necessary access requirements for these locations.	
	232.2,	232.2,	Housing cells are provided in this area. Therefore, at least 2% serving each purpose must be cells with communication features.	There are 4 dormitory buildings with 4 quads of 24 cells, totaling 384 cells. I do not know the programmatic distribution of these buildings. Eight must have communications features. None have communication features.	
				This is not an area of non-compliance but is Mark Mazz's interpretation of the necessary access requirements for these locations.	
124	<b>L-Dorm:</b>				

## EXHIBIT D

125	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The entire pass-thru counter from the security station is 44 1/4" above the floor. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the accessible counter to extend the same depth as the inaccessible counter and it is not. FDC staff will alternatively deliver the services by having a dorm officer distribute to, or receive from, a wheelchair user, from the floor.	6610, 6611
126	217.5,	4.1.3(17)(d),	There are at least 3 telephones at this interior location. Therefore, a shelf and an outlet must be provided.	No shelf is provided at the telephones. FDC will add a compliant shelf and outlet for a TTY.	6624



# EXHIBIT D

Wakulla Correctional Institution - Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
127	204.1, 307.2	4.1.3(2), 4.4.1	Objects may not protrude into the circulation path by more than 4" if the underside is more than 27" but less than 80" above the floor.	The underside of the table is 28 1/2" above the floor and protrudes about 17" into the circulation path. FDC will construct a stainless-steel skirt and weld it to the underside of the table that extends into the walkway. The skirt shall be 27 inches from the floor.	6625 - 6627
128	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 33" above the floor. FDC will install high/low combination water fountain installed at compliant heights and cane detection on standard height fountain.	6620, 6621
129	206.5, 404.2.5	4.1.3(7)&(8), 4.13.8	The top of the threshold cannot be more than 1/2" above the landing on both sides. If it is taller than 1/4", it must be beveled 1:2.	It is about 1/2" tall and not beveled. FDC will repair/replace the door threshold with one that is beveled from 1/4" to 1/2 inch.	6629
130	213.3.5, 603.3	4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	The reflective surface of the mirror is mounted 41 1/2" above the floor. FDC will lower the mirror to 40" off the floor.	6646, 6647
131	§35.130(g),	§35.130,	A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.	In the detention dormitory, some privacy is offered in the group shower. However, no privacy is provided for the accessible shower. FDC will provide a portable privacy screen for the accessible shower.	6652
132	213.2, 608.4	4.1.3(11), 4.21.3	A seat is provided in the shower. It must extend the full length of the seat wall to within 1 1/2" of the back wall and to within 3" of the compartment entry.	The shower seat is 3" from the back wall. FDC will adjust the shower seat to comply with dimensions.	6660, 6661

## EXHIBIT D

133	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to 1/4" above the shower grab bar. The shower wall will be furred out to place the grab bar out from underneath the shower control box.	6661, 6662
134	213.3, 604.8.2*	4.1.3(11), 4.22.4	The ambulatory stall must be 36" wide. The 2010 ADA Standards permit the stall to be 35" to 37" wide.	In the ambulatory stall is 42" wide. FDC will fur out the walls and reduce the dimensions to create a 36 inch ambulatory stall.	6631, 6632
135	213.2, 604.8.2.3	4.1.3(11), 4.22.4	In an ambulatory stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The grab bar is only 36" long. The front end is 37 1/2" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at 54" from the rear wall. FDC will make modifications to the wall to provide adequate space to mount grab bar and provide required clearance to side walls.	6633, 6634

# EXHIBIT D

Wakulla Correctional Institution - Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
136	213.3, 604.2	4.1.3(11), 4.22.4	Centerline of toilet in an ambulatory stall must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 17" to 19" from the sidewalls.	The toilet centerline in ambulatory stall is 20" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	6635
137					
138	213.2, 604.8.1.5	4.1.3(11), 4.17.6	In a stall, the sidewall grab bar in a stall must be at least 40", must be within 12" of the rear wall, and extend at least 52" from the rear wall.	The grab bar is only 30" long. The front end is 35 1/2" from the rear wall. In that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the front end to be at least 54" from the rear wall. FDC will make modifications to the wall to provide	6640, 6641

# EXHIBIT D

	213.2, 604.8.1.5*	4.1.3(11), 4.16.4	The rear grab bar must be at least 36" long. It must extend from the toilet centerline to at least 12" in each direction.	The rear grab bar is only 30" long. It that it does not comply with the 1991 ADA Standards, it must comply with the 2010 ADA Standards which requires the grab bar to extend at least 24" from the centerline to the open side. FDC will make modifications to the wall to provide adequate space to mount rear grab bar.	6642, 6643
	213.2, 604.2*	4.1.3(11), 4.16.2	Centerline of toilet must be 18" from sidewall. The 2010 ADA Standards permit the centerline to be 16" to 18" from the sidewall.	The toilet centerline is 19 1/4" from the sidewall. FDC will make adjustment(s) to relocate toilet to required distance from wall.	6637, 6638
	213.2, 604.6	4.1.3(11), 4.16.5	The toilet flush control must be on the open side of the toilet.	The toilet flush control is on the wall side. Place flusher on the open side of the toilet.	6639
	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the towel door counter is 41" above the floor. FDC will add a required compliant counter space adjacent or below the existing counter space.	6616, 6617
142	<b>J Dorm: J-dorm will not be used for ADA inmates</b>				
143	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the service counter in the building entrance corridor is 41 1/2" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6666
144					
145					
	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the security station is about 49" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	
	232, 226, 902.3	4.1.3(18), 7.2(2)	The food pass/cuff port is a service counter. It must be no higher than 36" above the floor.	At the recreation yard, the food pass/cuff port is 38" high. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6719, 6720
146	<b>J Dorm: Holding Cell:</b>				

## EXHIBIT D

147	232.3, 807.2.4	§35.151(k),	Accessible holding cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	Clear space is only 41" wide by 40" deep. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6667 - 6669, 6672, 6673
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Wakulla Correctional Institution - Annex - Accessibility Report					
Line #	Citation for Remediation (2010 ADA Stds)	Citation for Non-Compliance (applicable 1991 or 2010 ADA Stds)	Description/Issue/Requirement	Barriers	Photos
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		1991 ADA Standards citations begin with "4.".			
148	232.3, 807.2.4, 903	§35.151(k),	A bench is provided. It must be 17" - 19" above the floor, must be 20" to 24" deep and 42" long, and must have a back support along the 42" side. The back support must be within 2 1/2" of the seat.	The bench is only 13" deep and does not have back support. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6670
149					
	232.3, 807.2.4, 903.2	§35.151(k),	A 30" by 48" clear floor space must be positioned at the end of the bench, parallel to the short side.	No clear floor space is positioned to the side of the bench. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6667
150	<b>Cell Block J-1:</b>				
151	204.1, 307.4	4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	The underside of the stairs, which are within a circulation path, are not enclosed. Therefore, the undersides of the stairs reduce the headroom to less than 80". ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6679, 6680
152					

## EXHIBIT D

	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The knee and toe space is blocked by a fixed seat. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	67114
153	<b>Cell Block J-1: Shower:</b>				
154	213.2, 608.2.1	4.1.3(11), 4.21.2	Measured at the center points, the transfer shower must be 36" by 36", exactly.	It is 39 1/4" wide by 35 3/4" deep. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6698 - 6701
155					
156	213.2, 608.4	4.1.3(11), 4.21.3	A seat is provided in the shower. It must extend the full length of the seat wall to within 1 1/2" of the back wall and to within 3" of the compartment entry.	The shower seat is 3 1/4" from the back wall. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6706, 6707
157	213.2, 608.5.1*	4.1.3(11), 4.21.5	In a transfer shower, the controls must be on the wall opposite the seat and mounted within 18" of the clear floor space.	The controls are mounted between the centerline and the back wall. In that it does not comply with the 1991 ADA Standards it must be remediated to the 2010 ADA Standards, which requires the controls to be within 15" of the centerline to the open side of the shower. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6710
	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to 1 3/4" above the grab bars. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6710, 6711
158	<b>Cell Block J-1: Housing Cell 1101:</b>				
159	232.3, 807.2.4	§35.151(k),	Accessible housing cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	Cell 1102 appears to have the same issue. The turning space 50 1/2" wide. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6681 - 6683

# EXHIBIT D

Wakulla Correctional Institution - Annex - Accessibility Report					
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	* means the remediation Standard differs from the 1991 ADA Standards				
		1991 ADA Standards citations begin with "4.".			
160	213.3.5, 603.3	4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	The reflective surface of the mirror is mounted about 41" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6681
161					
	213.3, 606.3	4.1.3(11), 4.19.2	Top of the lavatory and counter cannot be higher than 34".	The top of the lavatory rim in the counter is 34 3/4" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6686, 6687
162	<b>P Dorm: P-dorm will not be used for ADA inmates</b>				
163	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the service counter in the building entrance corridor is 41 1/2" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6323, 6324
164					
165					
	227.3, 904.4*	7.2(2),	A 36"-wide portion of the service counter must be no higher than 36".	The pass-thru at the security station is 49 1/2" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6331, 6332
	206.1, 303.4	4.1.2(1) & (2), 4.1.3(1), 4.3.8	Changes in level that are no more than 1/2" require a ramp, platform lift, or elevator.	The accessible route to the classroom is blocked by steps. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA	6386, 6388
166	<b>P Dorm: Holding Cell:</b>				



# EXHIBIT D

167	232.3, 807.2.4	§35.151(k),	Accessible holding cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	Clear space is only 41" wide by 52 1/2" deep. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6326 - 6329
168	<b>Cell Block P-4:</b>				
169	204.1, 307.4	4.1.3(2), 4.4.2	Overhead objects along circulation paths must be at least 80" above the floor.	The underside of the stairs, which are within a circulation path, are not enclosed. Therefore, the undersides of the stairs reduce the headroom to less than 80". ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6334, 6356
170					
171					
172					
	226, 902.2*	4.1.3(18), 4.32.3	There is a common use work surface. Toe space must extend 17" underneath.	The pedestal table has supports that reduce the depth to only 14 1/4". ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6338, 6340, 6341
	211, 602.7	4.1.3(10),	Where drinking fountains are provided on a floor, there must be at least two spouts on that floor. One spout must be no higher than 36" above the floor. The other spout must be mounted between 38" and 43" above the floor.	There is only one spout. It is mounted 35" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by	6342, 6343

## EXHIBIT D

204.1, 307.2	4.1.3(2), 4.4.1	The underside of the drinking fountain may not protrude into the circulation path by more than 4" if the underside is more than 27" above the floor.	The underside of the drinking fountain is 29" high and protrudes 8" into the circulation path. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6342, 6343
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# EXHIBIT D

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	1991 ADA Standards citations begin with "4.".				
173	<b>Cell Block P-4: Shower:</b>				
174	213.2, 603.2.1	4.1.3(11), 4.22.3	Toilet room or bathroom must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space in the shower room is only 35" wide. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6350, 6351
175					
176	213.2, 608.2.1	4.1.3(11), 4.21.2	The clear floor space for the transfer shower must be 36" by 48". It must extend 12" beyond the seat wall.	The clear floor space for the transfer shower is only 35" wide. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6350, 6351
177	213.2, 608.4, 610.3	4.1.3(11), 4.21.3	Shower seat may be rectangular or L-shaped. The side of the seat must be within 3" of the compartment entry. The front edge of rectangular seats must be 15" to 16" from the seat wall. For L-shaped seats, the front edge of the narrow side must be 15" to 16" from the seat wall and the wider side must be 22" to 23" from the seat wall and along the back wall.	There is no seat. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6346
178	213.2, 608.5.1*	4.1.3(11), 4.21.5	In a transfer shower, the controls must be on the wall opposite the seat and mounted within 18" of the clear floor space.	The controls are mounted between the centerline and the back wall. In that is does not comply with the 1991 ADA Standards it must be remediated to the 2010 ADA Standards, which requires the controls to be within 15" of the centerline to the open side of the shower. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by	6353

# EXHIBIT D

	213.2, 609.3	4.1.3(11), 4.26.2	There must be at least 12" of clear space above the grab bar.	The shower control box reduces the clear space to 1" above the grab bars. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6354
179	<b>Cell Block P-4: Housing Cell 4114:</b>			Cell 4113 appears to have the same issue.	
180	232.3, 807.2.4	§35.151(k),	Accessible housing cells must have an unobstructed turning space of either a 60" diameter circle or a 60" T-turn.	The turning space 57" by 48". ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6381 - 6385
181					
182	213.3.5, 603.3	4.1.3(11), 4.19.6	Where mirrors are provided, at least one shall have the bottom of the reflective edge within 40" of the floor.	The reflective surface of the mirror is mounted 41 1/4" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6371 - 6374
	213.3, 606.3	4.1.3(11), 4.19.2	Top of the lavatory and counter cannot be higher than 34".	The top of the lavatory rim in the counter is 35" above the floor. ADA inmates will not be using this housing unit. Instead, Dorms K, L, M and N will be used by ADA inmates. These will need to be inspected in the future by a licensed architect for ADA compliance.	6365, 6366

## EXHIBIT D

## **EXHIBIT E**

### **ARCHITECT INSPECTION PROCEDURES**

These procedures are applicable to the inspection of prison facilities by the architect retained by the Florida Department of Corrections to inspect (1) those facilities that Mark Mazz did not inspect, and (2) areas within facilities that Mark Mazz did not inspect, but that FDC intends to utilize to incarcerate inmates with mobility disabilities, that are referred to in paragraphs 57b and 57c of the Settlement Agreement in the matter of *Disability Rights Florida vs. Julie Jones, in her official capacity as Secretary of the Florida Department of Corrections* (“FDC”), Case No. 4:16-cv-47-RH-CAS, Northern District of Florida, Tallahassee Division.

These procedures are an Exhibit to the Settlement Agreement.

The purpose of the inspection is to assess all aspects of the physical accessibility, pursuant to the applicable accessibility standards.

1. The architect will inspect those dormitories where mobility disabled prisoners are housed, and all other areas where prisoners are allowed, or where they are allowed to enter or remain, along with the pathways to and from those areas. This includes but is not limited to cells, day rooms, common rooms, chow halls, recreation rooms, medical areas, mental health areas, bathrooms, showers, close management areas, disciplinary confinement areas, protective management areas, education rooms, rooms where religious services are held, counseling or substance abuse meeting rooms, medication lines, hallways, classification rooms and areas, sidewalks connecting different areas of the facility (interior and exterior), outdoor recreation spaces, sick call areas, infirmaries, hospitals or hospital-like areas, visitation areas, outside grounds, attorney meeting rooms, telephone areas, TTY/TDD areas, television areas,

programming and vocational areas, food lines, prisoner transportation vehicles, and work areas. However, the architect will not be permitted to enter, view, and inspect any areas that require the extraction of inmates from a confinement cell unless the extraction can be achieved within a reasonable amount of time and in accordance with the institution's safety and security needs. In addition, the architect will not be permitted to enter, view, and inspect dorms (unless they are open bay), bathrooms, or showers that are in active use by inmates, and will not be permitted to enter, view, and inspect any areas that are in active use by inmates for medical exams and treatment, counseling, or substance abuse prevention. This restriction shall not pertain to day rooms. To increase the efficiency and decrease the disruptiveness of the inspection, FDC will make reasonable efforts to coordinate the sequence of the inspections so that the areas are empty and not in use during the inspection. If any area cannot be inspected because of the above security or privacy issues, FDC will make reasonable efforts to permit the architect to view and inspect that area by the end of that day's inspection.

2. Each inspection can be attended by a non-expert representative from Disability Rights Florida ("DRF"). This individual will be permitted to accompany the architect during the inspection.

3. DRF will provide the FDC's designed liaison the representative's full name, sex, race, home address, telephone number, date of birth, social security number, driver's license number, and, if applicable, Florida Bar number, at least ten (10) business days before each inspection, so that FDC can conduct a security background check.

4. The representative from DRF will be required to adhere to all portions of FDOC Procedure 602.016 that apply to visitors or contractors, which is attached hereto. If any term of these procedures conflicts with Procedure 602.016, these procedures shall govern.

5. Each inspection may also be attended by the following from FDC: a non-expert representative of FDC, the warden of the facility or his designee(s), and one or more additional FDC employees from FDC's headquarters in Tallahassee.

6. On the day of the inspection, DRF's representative will arrive at the prison at 7:30 a.m., with the goal of starting the inspections at 8 a.m. The inspections will normally conclude by 6:00 p.m., unless interrupted by an institution lock-down that occurred at some point during the inspection.

7. The architect will be escorted by at least one FDC staff member who can guide the architect through the prison, and respond to questions that relate to an identification of the areas inspected and their uses, the number and classification of inmates who are typically in that area, or the approximate date that the prison or area was built or altered.

8. DRF's representative will not be prohibited from conversing with prisoners, but will not initiate, seek out, and actively engage in interviews with prisoners, and such conversations will not be permitted to delay the inspection.

9. The architect will be permitted to take measurements, and will be permitted to bring into the facility a tape measure, level, and clipboard for that purpose.

10. The architect and DRF's representative will be permitted to take notes during the inspection, and will be permitted to bring pens, notepads, and paper into the facility for this purpose. FDC will not be permitted to view DRF's representative's notes at that time, although the representative's notes may be discoverable at a later time pursuant to applicable rules of civil procedure.

11. The architect will be permitted to bring into the facility a copy of the plans, drawings, or other documents depicting the layout of the facility; however, the architect will not



show these documents to any prisoner, and will allow the FDC to review them prior to leaving the institution in order for FDC to verify that all such plans, drawings, or other documents remain in the possession of the architect.

12. The architect will be permitted to take photographs of anything in the facility that is reasonably related to the inspection and will be permitted to bring a digital camera (with batteries) into the facility for this purpose. Photographs of FDC staff will not be taken. The architect will make every effort to avoid capturing prisoners in photographs; however, if prisoners are captured in a photograph, the architect will edit the photographs after the inspection to blur their faces before any such photograph is used for any purpose in this case.

13. At the end of the inspection of any area where pictures were taken, and before moving to another area, as well as at end of each day's inspection, FDC will be permitted to review all photographs taken by the architect to determine if any photograph presents a security issue. If FDC wants the architect to delete a photograph, the architect will be permitted to take a new photograph depicting the same area of the deleted photograph that attempts to address the security concern.

**EXHIBIT F**

**BUSINESS ASSOCIATE AGREEMENT BETWEEN**

**THE FLORIDA DEPARTMENT OF CORRECTIONS**

**AND**

**DISABILITY RIGHTS FLORIDA, INC.**

This Business Associate Agreement (“Agreement”) is made between the Florida Department of Corrections (“Department”) and Disability Rights Florida, Inc. (“DRF”), (individually, each a “Party” and collectively, “Parties”) in accordance with 45 CFR 164.502(e), 164.504(e), 164.532(d) and (e).

**WHEREAS**, the Department is a “covered entity” as that term is defined in the Health Insurance Portability and Accountability Act of 1996, as amended (“HIPAA”), 45 CFR Part 160 and Subparts A and E of Part 164 (the “Privacy Rule”) and 45 CFR Part 160 and Subparts A and C of Part 164 (the “Security Rule”);

**WHEREAS**, the Department receives, creates, or maintains, or has authorized DRF to receive, create, or maintain certain protected health information as that term is defined in 45 CFR 160.103 and that is subject to protection under HIPAA;

**WHEREAS**, DRF is considered to be a “business associate” of a covered entity as defined in the Privacy Rule;

**WHEREAS**, pursuant to the Privacy Rule, all business associates of covered entities must agree in writing to certain mandatory provisions regarding the use and disclosure of protected health information;

**WHEREAS**, the purpose of this Agreement is to comply with the requirements of the Privacy Rule, including, but not limited to, the Business Associate Contract requirements of 45 CFR 164.504(e);

**WHEREAS**, this Agreement defines the entire scope of services for which DRF, on behalf of the Department, is permitted to use and disclose protected health information it creates, receives, maintains, or transmits for or from the Department; and

**WHEREAS**, in regards to electronic protected health information as defined in 45 CFR 160.103, the purpose of this Agreement is to comply with the requirements of the Security Rule, including, but not limited to, the business associate contract requirements of 45 CFR 164.314(a).

Now, therefore, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

**1. Definitions**

Generally:

The following terms used in this Agreement shall have the same meaning as those terms in 45 CFR 160-164: Breach, Data Aggregation, Designated Record Set, Disclosure, Health Care Operations, Individual, Minimum Necessary, Individually Identifiable Health Information, Notice of Privacy Practices, Protected

Health Information, Required by Law, Secretary, Security Incident, Subcontractor, Unsecured Protected Health Information, and Use.

All protected health information that is created, maintained, or received by the Department and disclosed to DRF or made available in any form, including paper record, oral communication, audio recording, and electronic display by the Department or its operating units to DRF, or is created or received by DRF on the Department's behalf, shall be subject to this Agreement.

Specifically:

(a) Business Associate. "Business associate" shall generally have the same meaning as the term "business associate" at 45 CFR 160.103, and in reference to the party to this agreement, shall mean Disability Rights Florida, Inc. ("DRF").

(b) Covered Entity. "Covered entity" shall generally have the same meaning as the term "covered entity" at 45 CFR 160.103, and in reference to the party to this agreement, shall mean Florida Department of Corrections ("Department").

(c) HIPAA Rules. "HIPAA Rules" shall mean the Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR Part 160 and Part 164.

## **2. Obligations and Activities of the Business Associate**

The business associate agrees to:

(a) Not use or disclose protected health information other than as permitted or required by this Agreement or as required by law;

(b) Use appropriate safeguards, and comply with Subpart C of 45 CFR Part 164 with respect to electronic protected health information, to prevent use or disclosure of protected health information other than as provided for by the Agreement;

(c) Report to the covered entity any use or disclosure of protected health information not provided for by the Agreement of which it becomes aware, including breaches of unsecured protected health information as required at 45 CFR 164.410, and any security incident of which it becomes aware, within seventy-two hours of discovery of the breach or incident. The business associate shall provide notification to individuals, the media, and the U.S. Department of Health & Human Services as required by 45 CFR 164.400-164.414 for breaches it causes;

(d) In accordance with 45 CFR 164.502(e)(1)(ii) and 164.308(b)(2), if applicable, ensure that any subcontractors that create, receive, maintain, or transmit protected health information on behalf of the business associate agree to the same restrictions, conditions, and requirements that apply to the business associate with respect to such information;

(e) Make available protected health information in a designated record set to the covered entity as necessary to satisfy the covered entity's obligations under 45 CFR 164.524. The business associate shall provide an individual's request to access protected health information to the covered entity to fulfill;

(f) Make any amendment(s) to protected health information in a designated record set as directed or agreed to by the covered entity pursuant to 45 CFR 164.526, or take other measures as necessary to satisfy the covered entity's obligations under 45 CFR 164.526;

(g) Maintain and make available the information required to provide an accounting of disclosures to the covered entity as necessary to satisfy the covered entity's obligations under 45 CFR 164.528;

(h) To the extent the business associate is to carry out one or more of covered entity's obligation(s) under Subpart E of 45 CFR Part 164, comply with the requirements of Subpart E that apply to the covered entity in the performance of such obligation(s);

(i) Make its internal practices, books, and records available to the Secretary for purposes of determining compliance with the HIPAA Rules;

(j) Comply with Sections 164.308 (administrative safeguards), 164.310 (physical safeguards), 164.312 (technical safeguards), and 164.316 (policies and procedures and documentation requirements) of the Security Rule, and any other applicable safeguard requirement. The additional requirements of the Health Information Technology for Economic and Clinical Health ("HITECH") Act and regulations that relate to security and that are made applicable to covered entities shall be applicable to the business associate and are hereby incorporated by reference into this Agreement;

(k) Ensure that its agents, including its subcontractor(s), to which it provides protected health information received from, or created by the business associate on behalf of the covered entity, agree to the same restrictions and conditions that apply to the business associate, and apply reasonable and appropriate safeguards to protect such information. The business associate agrees to designate an appropriate individual (by title or name) to ensure the obligations of this Agreement are met and to respond to issues and requests related to protected health information. In addition, the business associate agrees to take other reasonable steps to ensure that its employees' actions or omissions do not cause business associate to breach the terms of this Agreement; and

(l) Secure all protected health information by a technology standard that renders protected health information unusable, unreadable, or indecipherable to unauthorized individuals and is developed or endorsed by a standards-developing organization that is accredited by the American National Standards Institute and is consistent with guidance issued by the Secretary of Health and Human Services specifying the technologies and methodologies that render protected health information unusable, unreadable, or indecipherable to unauthorized individuals, including the use of standards developed under Section 3002(b)(2)(B)(vi) of the Public Health Service Act, pursuant to the HITECH Act, 42 U.S.C.A. § 300jj-11, unless the covered entity agrees in writing that this requirement is infeasible with respect to particular data. These security and protection standards shall also apply to any of the business associate's agents and subcontractors.

### **3. Obligations and Activities of the Covered Entity**

(a) Upon request by the business associate, the covered entity may use or disclose protected health information of current inmates incarcerated within a correctional institution under the jurisdiction of the Department as described in paragraph 70 of the Settlement Agreement entered into by the Parties on or about July 7, 2017<sup>1</sup>, to which this Agreement is attached, only to the extent the use or disclosure is for consulting services related to the Department's health care operations, specifically and limited to, quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, or data aggregation; said uses or disclosures are also necessary to determine the covered entity's compliance with the Settlement Agreement entered into by the Parties on or about July 7, 2017; and

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<sup>1</sup> To the extent that a breach of contract action is filed relating to compliance with the terms of the Settlement Agreement, the Parties will obtain a Qualified Protective Order from the state court to govern the use and disclosure of protected health information in that proceeding.

(b) The covered entity shall not request the business associate to use or disclose protected health information in any manner that would not be permissible under Subpart E of 45 CFR Part 164 if done by the covered entity, except for data aggregation as permitted by this Agreement.

#### **4. Obligations and Activities of the Business Associate and the Covered Entity**

In accordance with 45 CFR 164.504(e)(1)(ii), each party agrees that if it knows of a pattern of activity or practice of the other party that constitutes a material breach of or violation of the other party's obligations under this Agreement, the non-breaching party will take reasonable steps to cure the breach or end the violation, and if such steps are unsuccessful, terminate the Contract or arrangement if feasible. If termination is not feasible, the party will report the problem to the Secretary of Health and Human Services.

#### **5. Permitted Uses and Disclosures by the Business Associate**

(a) The business associate may use or disclose protected health information of current inmates incarcerated within a correctional institution under the jurisdiction of the Department as described in paragraph 70 of the Settlement Agreement entered into by the Parties on or about July 7, 2017, to which this Agreement is attached, only to the extent the use or disclosure is for consulting services related to the Department's health care operations, specifically and limited to, quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, or data aggregation; said uses or disclosures are also necessary to determine the covered entity's compliance with the Settlement Agreement entered into by the Parties on or about July 7, 2017;

(b) The business associate is not authorized to use protected health information to de-identify the information in accordance with 45 CFR 164.514(a)-(c);

(c) The business associate may use or disclose protected health information as required by law;

(d) The business associate agrees to make uses and disclosures and requests for protected health information consistent with the covered entity's minimum necessary policies and procedures;

(e) The business associate may not use or disclose protected health information in a manner that would violate Subpart E of 45 CFR Part 164 if done by covered entity, except that the business associate may provide data aggregation services related to the health care operations of the covered entity; and

(f) The business associate may not use protected health information for the proper management and administration or legal responsibilities of the business associate.

#### **6. Termination of this Agreement**

##### **Term and Termination**

(a) Term. The Term of this Agreement shall be effective as of July 7, 2017, and shall terminate on July 6, 2021, or on the date the covered entity terminates for cause as authorized in paragraph (b) of this Section, whichever is sooner;

(b) Termination for Cause. The business associate authorizes termination of this Agreement by the covered entity, if the covered entity determines that the business associate has violated a material term of the Agreement and the business associate has not cured the breach or ended the violation within seventy-two hours of notifying the covered entity of the breach or violation;

(c) Termination without Cause. The business associate authorizes termination of this Agreement by the covered entity prior to the termination date specified in paragraph (a) of this Section upon agreement by

both Parties that the business associate's health care operations consulting services as described in paragraph (a) of Section 5. are no longer necessary;

(d) Obligations of the Business Associate Upon Termination.

Upon termination of this Agreement for any reason, the business associate shall destroy all protected health information received from the covered entity, or created, maintained, or received by the business associate on behalf of the covered entity, that the business associate still maintains in any form. The business associate shall retain no copies of any protected health information; and

(e) Survival. The obligations of business associate under this Section shall survive the termination of this Agreement.

**7. Miscellaneous**

(a) Regulatory References. A reference in this Agreement to a section in the HIPAA Rules means the section as in effect or as amended;

(b) Amendment. The Parties agree to take such action as is necessary to amend this Agreement from time to time as is necessary for compliance with the requirements of the HIPAA Rules and any other applicable law;

(c) Interpretation. Any ambiguity in this Agreement shall be interpreted to permit compliance with the HIPAA Rules; and

(d) Indemnification. The business associate shall be liable for and agrees to be liable for, and shall indemnify, defend, and hold harmless the covered entity, its employees, agents, officers, and assigns from any and all claims, suits, judgments, or damages including court costs and attorneys' fees arising out or in connection with any non-permitted or prohibited use or disclosure of protected health information or other breach of this Agreement, whether intentional, negligent or by omission, by the business associate, or any subcontractor of the business associate, or agent, person or entity under the control or direction of the business associate.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Kenneth S. Steely  
General Counsel  
Florida Department of Corrections

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Disability Rights Florida, Inc.

## **EXHIBIT G**

### **PROCEDURES FOR THE COMPLIANCE VISITS**

These procedures are applicable to the Compliance Visits that are referred to in Paragraph 72 of the Settlement Agreement in the matter of *Disability Rights Florida vs. Julie Jones, in her official capacity as Secretary of the Florida Department of Corrections* (“FDC”), Case No. 4:16-cv-47-RH-CAS, Northern District of Florida, Tallahassee Division.

#### **A. Initial Compliance Visit by DRF**

1. Beginning one year after the effective date of the Settlement Agreement, and up until the termination of the Settlement Agreement, Disability Rights Florida (“DRF”) may notify FDC’s liaison that it wishes to have a non-expert employee or representative (the “representative”) conduct an initial compliance visit (the “visit”) to one or more of the facilities that were listed on Exhibit A to the Settlement Agreement.

2. The purpose of visit is to inspect and test the auxiliary aids and devices that were described in the Settlement Agreement.

3. The facility visited, along with the date and time of the visit will be mutually agreed upon between DRF and FDC’s liaison.

4. DRF will provide the FDC’s designed liaison the representative’s full name, sex, race, home address, telephone number, date of birth, social security number, driver’s license number, and, if applicable, Florida Bar number, at least ten (10) business days before each visit, so that FDC can conduct a security background check.

5. The representative will be required to adhere to all portions of FDOC Procedure 602.016 that apply to visitors or contractors, which is attached hereto. If any term of these procedures conflicts with Procedure 602.016, these procedures shall govern.

6. Each visit may also be attended by the following from FDC: a non-expert representative of FDC, the warden of the facility or his designee(s), and one or more additional FDC employees from FDC's headquarters in Tallahassee.

7. On the day of the visit, the representative will arrive at the prison at 7:30 a.m., or another mutually agreeable time, with the goal of starting at 8 a.m. The visit will normally conclude by 6:00 p.m., unless interrupted by an institution lock-down that occurred at some point during the visit.

8. The representative will be escorted by at least one FDC staff member who can guide the representative through the prison, and respond to questions that relate to an identification of the areas visited.

9. The representative will not be prohibited from conversing with prisoners, but such conversations will be limited to the inspection and testing of the auxiliary aids and devices that were described in the Settlement Agreement.

10. The representative will be permitted to take notes during the inspection, and will be permitted to bring pens, notepads, and paper into the facility for this purpose. FDC will not be permitted to view the representative's notes at that time, although the representative's notes may be discoverable at a later time pursuant to applicable rules of civil procedure.

**B. Repeat Compliance Visit by DRF**

1. If, after an initial compliance visit, or a repeat compliance visit, referenced in Paragraph A and B, above, it is discovered that a problem exists with an auxiliary aid and device at a facility, a non-expert employee or representative of DRF may take part in a repeat compliance visit ("repeat visit") at that facility to inspect and test the auxiliary aid or device for which a problem was found to exist.



2. The procedures set forth in paragraphs A.3 – A.10, above, will be applicable during the repeat visit. In addition,

**C. Repeat Compliance Visit by DRF’s expert in Video Relay Service or Video Remote Interpreting**

1. If, after an initial compliance visit or a repeat compliance visit, it is discovered that there are operational issues or deficiencies with the Video Relay Service (“VRS”), or the Video Remote Interpreting (“VRI”), in a particular facility, a representative of DRF may conduct a repeat compliance visit to inspect of the VRS or the VRI in that facility with an individual that DRF considers to be an expert in VRS or VRI (the “expert repeat compliance visit”).

2. The procedures set forth in paragraphs A.3 – A.10, above, will be applicable to the expert repeat compliance visit. In addition, the FDC will attempt to have present an individual that FDC considers to be an expert in VRS or VRI.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
Tallahassee Division**

DISABILITY RIGHTS FLORIDA, INC.,

Plaintiff,

vs.

Case No. 4:16-cv-47-RH-CAS

JULIE JONES, in her official capacity as  
Secretary of the Florida Department of  
Corrections,

Defendant.

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**FIRST MODIFICATION TO SETTLEMENT AGREEMENT**

This is a Modification to the Settlement Agreement (Agreement) between Disability Rights Florida (DRF) and the Florida Department of Corrections (FDC) that was signed July 7, 2017 as a settlement to the above-captioned case. Pursuant to paragraph 79 (Modification of Agreement) of the Agreement, the following modifications are hereby made:

Paragraph 57.C is hereby revised to read:

**C. Facilities and Areas in Facilities That Mark Mazz Has Not Inspected.**

As to the facilities or areas within the facilities listed in the attached Exhibit A which Mr. Mazz has not inspected, and which FDC will also use to house IMDs, the Architect will conduct inspections in order to identify any items that do not meet ADA accessibility standards in areas where inmates have access. The Architect will inspect all areas where any prisoner is allowed to be, enter, or remain, whether or not prisoners actually enter or remain in that area. The inspections will be otherwise governed by the attached Exhibit

E. The Parties may each send one representative, who is not an expert for either side, to accompany the Architect on the tour of the first facility, to ensure that the architect appropriately applies ADA standards to all areas where inmates have access and inspects all appropriate areas. The inspections shall be completed on or before April 16, 2018. Written reports listing any items that need to be remedied shall be prepared and provided to both FDC and DRF, on or before April 30, 2018. The reports shall also explain whether there were any areas the Architect was not able or not permitted to inspect. DRF will confer with FDC if it believes that any areas were improperly excluded from the inspection, and the Parties shall negotiate in good faith to attempt to reach an agreement about whether the Architect must re-visit a facility to inspect those excluded areas. Within sixty (60) days of receiving each report, FDC shall inform DRF of the items that it will agree to remedy. As to the remaining items, the Parties shall negotiate in good faith in an attempt to reach an agreement on the items that will be modified. The items identified by the Architect as short-term shall be completed within two hundred forty (240) days of receipt of the last report. The items identified by the Architect as long-term and structural will be modified no later than June 30, 2020. FDC shall not be required to make any architectural modifications that would result in a fundamental alteration in the nature of a service, program, or activity or in either an undue financial or administrative burden (as defined in 28 C.F.R. § 35.150), or a compelling security concern. Within sixty (60) days from the designated time for completion of the short-term remedies, the Architect will conduct an inspection to determine whether the short-term items have been remedied, and shall provide a written report to both FDC and DRF within sixty (60) days of those inspections. Within sixty (60) days from the designated time for completion of

the long-term remedies, the Architect will conduct an inspection to determine whether the long-term items have been remedied, and shall provide a written report to both FDC and DRF within sixty (60) days of those inspections. FDC shall remedy any remaining items in either report within one hundred twenty (120) days of receiving the report, but in no event later than April 1, 2021.


All other deadlines, obligations, terms, and conditions of the original Agreement (including those in paragraphs 57.A and 57.B) remain in full force and effect.

This modification shall take effect on the date is it signed by both parties.

IN WITNESS WHEREOF, the Parties to this Settlement Agreement have executed the above modification as of the 4<sup>th</sup> day of April, 2018.

FLORIDA DEPARTMENT OF CORRECTIONS

By: 

 Julie Jones  
Secretary  
Defendant

DISABILITY RIGHTS FLORIDA, INC.

By: 

Maryellen McDonald  
Executive Director  
Plaintiff