



RICK SCOTT  
Governor

DEPARTMENT OF MANAGEMENT  
**SERVICES**

SCOTT STEWART  
Interim Secretary

4050 Esplanade Way | Tallahassee, Florida 32399-0950 | Tel: 850.488.2786 | Fax: 850.922.6149

**REQUIRED NOTICE UNDER THE TERMS OF THE ADA SETTLEMENT AGREEMENT**

May 10, 2012

***This message is intended for all agency heads, commissioners, executive directors, general counsels, ADA coordinators, and state leasing liaison coordinators.***

In April of 2011, the State of Florida was named as a defendant in a lawsuit alleging Americans with Disabilities Act (ADA) deficiencies within state-owned buildings. The multiple buildings named in the complaint are located statewide and owned by various political subdivisions of the State of Florida. At the same time, the United States District Court, Northern District of Florida, ruled service against Department of Management Services (DMS) alone to be proper as to the "State of Florida."

DMS manages those state-owned buildings within the "Florida Facilities Pool" pursuant to section 255.505, Florida Statutes. Other buildings named in the lawsuit, outside of the Florida Facilities Pool, are owned by multiple other state entities. With representation and the recommendation from the Florida Attorney General's Office, DMS entered into a settlement agreement of the lawsuit on February 7, 2012. A copy of this settlement agreement is attached.

**Settlement Requirements:**

In accordance with paragraph 4 of the attached settlement, DMS is required to notify your agency of this settlement and request the following:

*Request the initiation and completion of ADA surveys and delivery of 504 transition plans from other agencies under the Governor's direction [.] Completion of transition plans and construction are predicated on the approval of ADA work identified in the respective agency improvement plan submitted to and approved by the legislature, the appropriations from the legislature and the release of those funds by the legislature.*

Therefore, your agency is requested to initiate and complete ADA surveys and 504 transition plans on buildings owned by your agency, if these have not been already prepared.

In accordance with paragraph 7 of the settlement, DMS contacts your agency and advises the following:

*Contact all agency leasing liaison coordinators advising them to include leasing specifications to require strict compliance with the [2010] ADA [Standards for Accessible Design and the 2012 Florida Accessibility] Code.*

The DMS current standard lease form requires compliance with the requirements of the ADA as of 1990 and will be updated to conform to this requirement. With regard to future procurements from your agency, please

find attached the new DMS-recommended "Accessibility Section," which can be included with all future procurements for occupancy space.

Please consult your Office of General Counsel if you have any questions about the requirements of this settlement. If you have questions about ADA compliance, please visit the following websites for more information: [US Department of Justice](#), [ADA Standards](#), [Florida Accessibility Standards](#), or [US Access Board](#).

If you have any further ADA questions please contact DMS' ADA Coordinator, David Wiggins, at [David.Wiggins@dms.MyFlorida.com](mailto:David.Wiggins@dms.MyFlorida.com). If you have questions about the ADA settlement agreement and litigation, please contact Cliff Taylor at [Clifford.Taylor@dms.MyFlorida.com](mailto:Clifford.Taylor@dms.MyFlorida.com).

Attachments:

Settlement Agreement

Recommended Leasing Accessibility Section