



Physical barriers in existing facilities must be removed if removal is readily achievable (i.e., can be easily accomplished and carried out without much difficulty or expense). The duty to remove barriers is an ongoing one. Changes in circumstances may make a barrier removal required where it had not previously been readily achievable.

The barrier removal process should follow these priorities to increase accessibility:

- 1) access to the facility;
- 2) access to the area in which goods and services are available;
- 3) access to restroom facilities; and
- 4) other necessary measures.



**Palm Beach County
Board of County Commissioners**

DISCLAIMER

This pamphlet contains a general description of the legal rights and responsibilities of individuals and organizations under federal law. It is not an authoritative legal treatise and should not be relied upon as authority for acting or refusing to act.

In accordance with the provisions of the ADA, this brochure can be made available in an alternate format. Please call (561) 355-4883.

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PUBLIC ACCOMMODATIONS



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AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act of 1990 (ADA) is the nation's first comprehensive civil rights law for people with disabilities. The ADA changes the way America does business.

The ADA aims to eliminate discrimination against people with disabilities by ensuring equal opportunity in employment, state and local government services and programs, places of public accommodation, public and private transportation, and telecommunications. This brochure provides an overview of Title III of the Act, Public Accommodations, with a specific emphasis on requirements for existing facilities and current service practices.

WHO IS PROTECTED?

Under the ADA, a person with a disability is someone with a physical or mental impairment that substantially limits one or more major life activities, or someone with a record of such an impairment, or one who is regarded as having such an impairment.



WHAT IS A PUBLIC ACCOMMODATION?

A place of public accommodation is defined as a facility operated by a private entity that affects interstate commerce and falls within at least one of these categories:

- Places of lodging, such as inns, hotels and motels, except establishments in which the proprietor resides and rents out no more than five rooms.
- Establishments serving food or drink, such as restaurants and bars.
- Places of exhibition or entertainment, such as theaters, auditoriums and stadiums.
- Places of public gathering, such as auditoriums, convention centers and lecture halls.
- Sales or rental establishments, such as grocery stores, bakeries, clothing store and shopping centers.
- Service establishments, such as dry cleaners, banks, beauty shops, hospitals and offices of health-care professionals, lawyers and accountants.
- Stations used for specified public transportation, such as terminals and depots.
- Places of public display, such as museums, libraries and galleries.
- Places of recreation, such as parks, zoos or amusement parks.

- Places of education, such as nursery, elementary, secondary, undergraduate and postgraduate private schools.
- Social service centers, such as daycare or senior citizen centers, adoption programs, food banks and homeless shelters.
- Places of exercise or recreation, such as gymnasiums, health spas, bowling alleys or golf course.

Both **landlords and tenants** are subject to the Title III regulations and should allocate responsibility for compliance in their leases or contracts.

Commercial facilities must also comply with the requirements for new construction and alterations.

Examples of commercial facilities include factories, warehouses, office buildings and wholesale establishments that sell exclusively to other businesses.

Private clubs and religious organizations are exempt from public accommodation requirements.

