

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/CS/HB 727 — Accessibility of Places of Public Accommodation

by Commerce Committee; Government Operations and Technology Appropriations Subcommittee; Careers and Competition Subcommittee; and Reps. Leek, Edwards and others (CS/SB 1398 by Appropriations Committee; and Senators Stewart, Baxley, and Young)

The bill creates a voluntary process to certify places of public accommodation as conforming to the requirements of the federal Americans with Disabilities Act (ADA) after inspection by a qualified expert.

A qualified expert is defined in the bill to be a licensed engineer, general contractor, building contractor, building code administrator, building inspector, plans examiner, interior designer, architect, and landscape architect. Qualified experts also include any person who has had a remediation plan related to a claim under the ADA accepted by a federal court in a settlement agreement or court proceeding, or who has been qualified as an expert in the ADA by a federal court.

An owner of a place of public accommodation who has had the place of public accommodation inspected by a qualified expert may submit certification of conformity with the Department of Business and Professional Regulation (DBPR) which indicates that the place of public accommodation conforms to the ADA.

If the place of public accommodation does not conform to the ADA requirements, the owner of the place of public accommodation may submit with the DBPR a remediation plan that includes a reasonable amount of time, not to exceed 10 years, for completion of the remediation plan.

The bill requires the courts of this state to consider remediation plans filed with the DBPR to determine whether an ADA claim was filed in good faith and to evaluate the appropriateness of any award of attorney's fees.

The bill appropriates the sums of \$5,000 in recurring funds and \$155,000 in nonrecurring funds from the Professional Regulation Trust Fund for Fiscal Year 2017-2018 to the DBPR for new costs necessary to carry out the provisions of the bill.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 117-0