A bill to be entitled
An act relating to the accessibility of places of
public accommodation; creating s. 553.5141, F.S.;
providing definitions; requiring the Department of
Business and Professional Regulation to establish a
program to provide for the licensure of certain
experts; authorizing such experts to advise and
provide certain inspections for places of public
accommodation relating to the Americans with
Disabilities Act; requiring the department to
establish licensure requirements; authorizing an owner
of a place of public accommodation to request a
facility to be inspected for specified purposes;
specifying that an owner of a place of public
accommodation may submit a remediation plan to the
department; requiring a court to consider certain
information in specified actions; requiring the
department to develop and maintain a website for
specified purposes; requiring the department to adopt
rules; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 553.5141, Florida Statutes, is created
to read:
553.5141 Americans with Disabilities Act; licensure of
experts.—

(1) For purposes of this section:

(a) "Commerce" means travel, trade, traffic, commerce,
transportation, or communication:

1. Among the several states;
2. Between any foreign country or any territory or
possession and any state; or
3. Between points in the same state but through another
state or foreign country.

(b) "Department" means the Department of Business and
Professional Regulation.

(c) "Facility" means all or any portion of buildings,
structures, sites, complexes, equipment, rolling stock or other
conveyances, roads, walks, passageways, parking lots, or other
real or personal property, including the site where the
building, property, structure, or equipment is located.

(d) "Licensed expert" means a person licensed by the
department under subsection (2).

(e) "Place of public accommodation" means a facility
operated by a private entity whose operations affect commerce
and is a private entity as described in 42 U.S.C. s. 12181(7).

(f) "Private entity" means any nongovernmental entity,
such as a corporation, partnership, company or nonprofit
organization, any other legal entity, or any natural person.
(g) "Registry" means the registry of licensed experts and of remediation plans filed by places of public accommodation and maintained by the department.

(2)(a) The department shall establish a program to provide licensure for experts who have sufficient training, knowledge, or experience to advise places of public accommodation regarding the compliance guidelines applicable to places of public accommodation under Title III of the Americans with Disabilities Act, 42 U.S.C. s. 12182. The licensed experts must provide inspections of places of public accommodation to determine if barriers to access are present in the facility within the meaning of 42 U.S.C. s. 12182 and the applicable regulations interpreting that chapter.

(b) The department shall establish requirements to qualify for licensure under this section.

(3)(a) An owner of a place of public accommodation may request that a facility be inspected by a licensed expert. However, use of an expert licensed under this section is not required.

(b) If a place of public accommodation does not conform to subchapter III of the Americans with Disabilities Act, the owner may submit a remediation plan to the department that includes:

1. The date the place of public accommodation was inspected.

2. The name of the licensed expert or other person who
inspected the place of public accommodation.

3. Identification of specific remedial measures that the place of public accommodation will undertake.

4. The anticipated date of initiation and completion for each remedial measure that the place of public accommodation has agreed to undertake.

(c) In any action brought in this state alleging a violation of Title III of the Americans with Disabilities Act, 42 U.S.C. s. 12182, the courts shall consider any remediation plan filed by the place of public accommodation before the filing of the plaintiff's complaint in determining if the plaintiff's complaint was filed in good faith and if the plaintiff is entitled to attorney fees and costs.

(4) The department shall develop and maintain a website, accessible to the public, which provides an electronic registry of certifications of conformity and remediation plans.

(5) The department shall adopt rules to administer this section.

Section 2. This act shall take effect July 1, 2017.