

What You Can Do To Protect Yourself

- ▶ Florida has more ADA lawsuits filed than every other state in the nation, except California.
- ▶ Florida businesses saw nearly 1700 ADA lawsuits in 2016. Nationally in 2016, ADA lawsuits rose 37% while from 2013 to 2016, ADA lawsuits have increased by 243%.
- ▶ HB 727 was filed by Rep. Tom Leek (R-Ormond Beach), to give individuals with disabilities and businesses protection by creating a program for businesses to avoid drive-by lawsuits.

What Does the Bill Do?

- ▶ Creates a voluntary program for businesses.
- ▶ Allows the business to hire an expert to evaluate their facilities and either certify the facility compliant, or create a plan to remediate the problem over a reasonable period of time.
- ▶ Creates a repository to file the remediation plans.
- ▶ Gives judges the ability to deny a plaintiff's claim for attorneys' fees should they file suit when they knew, or should have known, the facility was subject to a remediation plan.

How Do I Participate?

- ▶ Hire an ADA Expert to evaluate your business and its facilities.
 - Only an individual as defined by law can serve as an Expert. If you have questions about whether someone is qualified, contact the business help hotline.
- ▶ Upon completion of the evaluation, the Expert will issue either a plan of remediation or a certificate of conformity, or some parts of both. Whichever applies, file it with the Department of Business and Professional Regulation's (DBPR) website for ADA compliance: https://floridabuilding.org/ar/ar_default.aspx
- ▶ Your business must then take reasonable steps to become compliant in accordance with your remediation plan.
- ▶ If a drive-by lawsuit is filed, legal counsel may use your plan of remediation and progress toward compliance in your defense.
- ▶ The Florida Restaurant and Lodging Association recommends having legal counsel on retainer or immediately seeking legal counsel after an ADA lawsuit is filed. For legal recommendations, contact the business help hotline and etc.

Who Should I Call If I Have Questions?

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