

Brinkmann on Business

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Florida commission: Disney discriminated against autistic visitors

By **Paul Brinkmann**

MARCH 9, 2015, 12:06 PM

A Florida commission that enforces civil rights has determined that Walt Disney Parks and Resorts discriminated against autistic children when the company changed its policies for disabled access to rides and attractions in 2013.

The new Disney program was a “blanket accommodation that did not take into account the nuances between various disabilities,” according to the commission findings, dated Feb. 13.

In 2013, Disney ended its previous program, the Guest Assistance Card, because the older program was abused by wealthy people who hired guests with disabilities to take them to the front of a line. The new program, called Disability Access Service, no longer allowed disabled people to skip waiting, but it allowed them to make a reservation in advance and avoid standing in line until that time.

An attorney for the families, Andy Dogali of Tampa, says he filed complaints on behalf of 27 families with the Florida commission. The commission ruled on five of those complaints recently, finding in favor of the families.

The state complaints mirrored allegations made in federal lawsuits Dogali is also handling against Disney in Orlando. Dozens of families with autistic children have sued, alleging that children with autism or other cognitive disabilities don't have the patience required to wait for a certain ride – even if they are not waiting in line. Those lawsuits cite “meltdown behaviors” that sometimes force children and their parents to leave the parks.

The commission's determination doesn't provide for any immediate penalty or impact to Disney. But the finding does allow Dogali to add another count to his federal lawsuits – alleging that Disney violated the Florida Civil Rights Act.

“It's not necessarily a binding legal document, but it is a confirmation of our position,” Dogali said in a phone interview. “Folks have a certain predisposition about Disney, that they can't do anything wrong. If Disney people didn't take this seriously before, they have to now.”

If Dogali wanted to, he could now seek a settlement from Disney using a hearing process set up by the Florida commission. But Dogali said he believes the federal courts are a better place to pursue the allegations against Disney.

Disney declined to comment on the commission's determination for this story, said Disney spokesman Bryan Malenius.

The commission's findings include a summary of what the commission says were Disney's main arguments:

--Denied violating any applicable laws, codes or regulations or that it discriminated.

--Said it went to great lengths to provide service to its disabled guests and prides itself on its accessibility through its facilities.

--Said it established a dedicated department known as Services for Guests with Disabilities and provides a full array of services ranging from guidebooks that assist guests with disabilities to policies and procedures that enhance their experience at the various theme parks and resorts.

--Contended that the plaintiffs in the case, or the disabled people, preferred the previous program because it allowed them to enter rides directly and immediately without waiting.

-- Argued that the complaints failed to prove that the Disability Access Service program hasn't accommodated their disability.

Dogali said he plans to add new claims to the federal lawsuits, seeking damages under the Florida Civil Rights Act, and attaching the commission findings as an exhibit.

The commission determination found that the DAS program would not allow a disabled visitor "to enjoy the park as it was intended to be enjoyed by all other patrons."

The DAS program has been used at Disneyland in California and at Walt Disney World.

The commission is the state enforcement agency for the Florida Civil Rights Act, similar to the Equal Employment Opportunity Commission on the federal level. According to the commission's website, it has investigated and closed more than 74,000 cases and has negotiated close to \$13 million in settlement amounts for more than 1,500 people through its mediation services.

Reporter Sandra Pedicini also contributed to this story.

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