

By Senator Meek

36-969-00

1 A bill to be entitled
2 An act relating to discrimination in the
3 treatment of persons; amending s. 16.57, F.S.;
4 providing for the Attorney General to
5 investigate violations of rights secured by
6 state law; amending s. 760.02, F.S.; defining
7 the terms "place of public accommodation" and
8 "undue burden" for purposes of the Florida
9 Civil Rights Act of 1992; creating s. 760.101,
10 F.S.; prohibiting a place of public
11 accommodation from discriminating against an
12 individual or class of individuals on the basis
13 of a disability; specifying landlord and tenant
14 responsibilities with respect to such
15 prohibition; defining the term "individual or
16 class of individuals"; creating s. 760.102,
17 F.S.; requiring that goods and other services
18 be provided to an individual with a disability
19 in an integrated setting; creating s. 760.103,
20 F.S.; prohibiting the exclusion or denial of
21 goods and other services based on certain
22 relationships with an individual with a
23 disability; creating s. 760.104, F.S.;
24 providing certain exceptions if an individual
25 poses a direct threat to health or safety;
26 providing requirements for making such
27 determination; amending s. 760.11, F.S.;
28 providing for filing a complaint against a
29 place of public accommodation with the Florida
30 Commission on Human Relations; prohibiting
31 discrimination against an individual who

1 participates in an investigation or proceeding
2 under part I of ch. 760, F.S.; amending s.
3 760.34, F.S.; authorizing the Attorney General
4 to intervene in certain civil actions to
5 enforce compliance with part I of ch. 760,
6 F.S.; authorizing the Attorney General to
7 commence a civil action to obtain damages or
8 other relief for a violation of rights secured
9 by the State Constitution or state law;
10 providing for a civil penalty; providing for
11 attorney's fees and costs; amending s. 760.51,
12 F.S.; authorizing the Attorney General to bring
13 a civil or administrative action for certain
14 violations of rights which involve coercion,
15 intimidation, or threats; amending s. 760.60,
16 F.S., relating to a prohibition against
17 discriminatory practices by certain clubs;
18 providing requirements for conciliation
19 meetings and agreements; authorizing the
20 Attorney General to conduct investigations and
21 issue subpoenas; providing for enforcement of
22 subpoenas; extending the period for the Florida
23 Commission on Human Relations or the Attorney
24 General to take certain actions with respect to
25 resolving a complaint; authorizing the court to
26 issue certain orders following a finding that a
27 discriminatory practice has occurred at a club;
28 providing for attorney's fees and costs;
29 providing for certain administrative
30 proceedings; providing for a final order of the
31 commission to be appealed to the district

1 court; amending s. 760.80, F.S.; including an
2 individual with a disability within the
3 definition of the term "minority person" for
4 purposes of provisions requiring that
5 minorities be represented on boards,
6 commissions, councils, and committees; amending
7 s. 413.08, F.S.; providing for the rights of
8 individuals with disabilities who use service
9 animals; deleting certain exceptions to
10 requirements that such individuals be afforded
11 full and equal accommodation; deleting a
12 requirement that a dog guide or service dog be
13 identified as being from a recognized school;
14 deleting provisions that exempt certain rental
15 property from modification for purposes of
16 accommodating individuals with disabilities;
17 deleting provisions that exempt an employer
18 under certain circumstances from penalties for
19 discriminating against an individual with a
20 disability with respect to employment;
21 providing an effective date.

22

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

24

25 Section 1. Section 16.57, Florida Statutes, is amended
26 to read:

27 16.57 Office of Civil Rights.--There is created in the
28 Department of Legal Affairs an Office of Civil Rights. The
29 office may investigate and initiate actions authorized by s.
30 760.51. In investigating violations of constitutional rights
31 or rights secured by the laws of this state under s. 760.51,

1 the Attorney General may administer oaths and affirmations,
2 subpoena witnesses or matter, and collect evidence.

3 Section 2. Subsections (11) and (12) are added to
4 section 760.02, Florida Statutes, to read:

5 760.02 Definitions.--For the purposes of ss.
6 760.01-760.11 and 509.092, the term:

7 (11) "Place of public accommodation" means a facility
8 that is operated by a private entity whose operations affect
9 commerce and fall within at least one of the following
10 categories:

11 (a) An inn, hotel, motel, or other place of lodging.
12 The term does not include an establishment located within a
13 building that contains five or fewer rooms for rent or hire
14 and that is occupied by the proprietor of the establishment as
15 his or her residence.

16 (b) A restaurant, bar, or other establishment that
17 serves food or drink.

18 (c) A motion picture house, theater, concert hall,
19 stadium, or other place of exhibition or entertainment.

20 (d) An auditorium, convention center, lecture hall, or
21 other place of public gathering.

22 (e) A bakery, grocery store, clothing store, hardware
23 store, shopping center, or other sales or rental
24 establishment.

25 (f) A laundromat, drycleaner, bank, barber shop,
26 beauty shop, travel service, shoe repair service, funeral
27 parlor, gas station, office of an accountant or lawyer,
28 pharmacy, insurance office, professional office of a health
29 care provider, hospital, or other service establishment.

30 (g) A terminal, depot, or other station used for
31 public transportation.

1 (h) A museum, library, gallery, or other place of
2 public display or collection.

3 (i) A park, zoo, amusement park, or other place of
4 recreation.

5 (j) A nursery school, elementary school, secondary
6 school, undergraduate school, postgraduate private school, or
7 other place of education.

8 (k) A day care center, senior citizen center, homeless
9 shelter, food bank, adoption agency, or other social service
10 establishment.

11 (l) A gymnasium, health spa, bowling alley, golf
12 course, or other place of exercise or recreation.

13 (12) "Undue burden" means a significant difficulty or
14 expense. In determining whether an action would result in an
15 undue burden, the factors to be considered include:

16 (a) The nature and cost of the action needed under
17 this part to eliminate the discriminatory practice;

18 (b) The overall financial resources of the site
19 involved in the discriminatory practice; the number of persons
20 employed at the site; the effect on the expenses and resources
21 of the owner of the site; legitimate safety requirements that
22 are necessary for the safe operation of the site, including
23 crime-prevention measures; and any other impact of the
24 discriminatory practice on the operation of the site;

25 (c) The geographic separateness of the site involved
26 in the discriminatory practice and its administrative or
27 fiscal relationship to any parent corporation or entity;

28 (d) If applicable, the overall financial resources of
29 any parent corporation or entity; the overall size of the
30 parent corporation or entity with respect to the number of its
31

1 employees; and the number, type, and location of its
2 facilities; and

3 (e) If applicable, the type of operation of any parent
4 corporation or entity, including the composition, structure,
5 and functions of the workforce of the parent corporation or
6 entity.

7 Section 3. Section 760.101, Florida Statutes, is
8 created to read:

9 760.101 Unlawful practices by places of public
10 accommodation.--

11 (1) GENERAL PROVISIONS.--An individual may not be
12 discriminated against on the basis of a disability in the full
13 and equal enjoyment of the goods, services, facilities,
14 privileges, advantages, or accommodations of any place of
15 public accommodation by any private entity who owns, rents,
16 leases, lets, or operates a place of public accommodation.

17 (2) LANDLORD AND TENANT RESPONSIBILITIES.--The
18 landlord who owns the building that houses a place of public
19 accommodation and the tenant who rents, leases, or operates a
20 place of public accommodation are subject to the requirements
21 of this part. As between the parties, allocation of
22 responsibility for complying with the obligations of this part
23 may be determined by lease or other contract.

24 (3) SPECIFIC REQUIREMENTS.--

25 (a) A public accommodation may not deny an individual
26 or class of individuals, on the basis of a disability of such
27 individual or class, directly or through contractual,
28 licensing, or other arrangements, the opportunity to
29 participate in or benefit from the goods, services,
30 facilities, privileges, advantages, or accommodations of a
31 place of public accommodation.

1 (b) A public accommodation may not afford an
2 individual or class of individuals, on the basis of a
3 disability of such individual or class, directly or through
4 contractual, licensing, or other arrangements, the opportunity
5 to participate in or benefit from a good, service, facility,
6 privilege, advantage, or accommodation that is unequal to that
7 afforded to other individuals.

8 (c) A public accommodation may not provide an
9 individual or class of individuals, on the basis of a
10 disability of such individual or class, directly or through
11 contractual, licensing, or other arrangements, with a good,
12 service, facility, privilege, advantage, or accommodation that
13 is different or separate from that provided to other
14 individuals, unless such action is necessary to provide the
15 individual or class of individuals with a good, service,
16 facility, privilege, advantage, or accommodation, or other
17 opportunity that is as effective as that provided to others.

18 (d) A public accommodation may not, directly or
19 through contractual or other arrangements, use standards,
20 criteria, or methods of administration which have the effect
21 of discriminating on the basis of disability or perpetuate the
22 discrimination of others who are subject to common
23 administrative control.

24 (3) DEFINITION.--As used in subsection (2), the term
25 "individual or class of individuals" means the clients or
26 customers of a public accommodation.

27 Section 4. Section 760.102, Florida Statutes, is
28 created to read:

29 760.102 Integrated settings required for individuals
30 with disabilities.--A public accommodation shall afford goods,
31 services, facilities, privileges, advantages, and

1 accommodations to an individual with a disability in the most
2 integrated setting appropriate to the needs of the individual.
3 Notwithstanding the existence of separate or different
4 programs or activities provided in accordance with this part,
5 a public accommodation may not deny an individual with a
6 disability an opportunity to participate in programs or
7 activities that are not separate or different.

8 Section 5. Section 760.103, Florida Statutes, is
9 created to read:

10 760.103 Discrimination based on association
11 prohibited.--A public accommodation may not exclude or
12 otherwise deny equal goods, services, facilities, privileges,
13 advantages, accommodations, and other opportunities to an
14 individual or entity because of the known disability of an
15 individual with whom the individual or entity is known to have
16 a relationship or association.

17 Section 6. Section 760.104, Florida Statutes is
18 created to read:

19 760.104 Exception for an individual that poses a
20 direct threat to health or safety.--

21 (1) This part does not require a public accommodation
22 to permit an individual to participate in or benefit from the
23 goods, services, facilities, privileges, advantages, or
24 accommodations of that public accommodation when the
25 individual poses a direct threat to the health or safety of
26 others.

27 (2) As used in this section, the term "direct threat"
28 means a significant risk to the health or safety of others
29 which cannot be eliminated by modifying policies, practices,
30 or procedures or by providing auxiliary aids or services.

31

1 (3) In determining whether an individual poses a
2 direct threat to the health or safety of others, a public
3 accommodation must make an individualized assessment, based on
4 reasonable judgment, which relies on current medical knowledge
5 or the best available objective evidence, to ascertain:

6 (a) The nature, duration, and severity of the risk;

7 (b) The probability that the potential injury will
8 actually occur; and

9 (c) Whether reasonable modifications of policies,
10 practices, or procedures will mitigate the risk.

11 Section 7. Subsection (1) of section 760.11, Florida
12 Statutes, is amended, and subsection (16) is added to that
13 section, to read:

14 760.11 Administrative and civil remedies;
15 construction.--

16 (1) Any person aggrieved by a violation of this part
17 ~~ss. 760.01-760.10~~ may file a complaint with the commission
18 within 365 days after ~~of~~ the alleged violation, naming the
19 employer, employment agency, labor organization, place of
20 public accommodation, or joint labor-management committee, or,
21 in the case of an alleged violation of s. 760.10(5), the
22 person responsible for the violation and describing the
23 violation. Any person aggrieved by a violation of s. 509.092
24 may file a complaint with the commission within 365 days after
25 ~~of~~ the alleged violation naming the person responsible for the
26 violation and describing the violation. The commission, a
27 commissioner, or the Attorney General may in like manner file
28 such a complaint. On the same day the complaint is filed with
29 the commission, the commission shall clearly stamp on the face
30 of the complaint the date the complaint was filed with the
31 commission. The complaint shall contain a short and plain

1 statement of the facts describing the violation and the relief
2 sought. The commission may require additional information to
3 be in the complaint. The commission, within 5 days after ~~of~~
4 the complaint being filed, shall by registered mail send a
5 copy of the complaint to the person who allegedly committed
6 the violation. The person who allegedly committed the
7 violation may file an answer to the complaint within 25 days
8 after ~~of~~ the date the complaint was filed with the commission.
9 Any answer filed shall be mailed to the aggrieved person by
10 the person filing the answer. Both the complaint and the
11 answer must ~~shall~~ be verified.

12 (16)(a) A private or public entity may not
13 discriminate against any individual because that individual
14 has opposed any act or practice made unlawful by this part, or
15 because that individual made a charge, testified, assisted, or
16 participated in any manner in an investigation, proceeding, or
17 hearing under this part.

18 (b) A private or public entity may not coerce,
19 intimidate, threaten, or interfere with any individual in the
20 exercise or enjoyment of, or on account of his or her having
21 exercised or enjoyed, or on account of his or her having aided
22 or encouraged any other individual in the exercise or
23 enjoyment of, any right granted or protected by this part.

24 Section 8. Subsections (9) and (10) are added to
25 section 760.34, Florida Statutes, to read:

26 760.34 Enforcement.--

27 (9) Upon timely application, the Attorney General may
28 intervene in a civil action by a private person, the
29 commission, or any local agency to enforce compliance with
30 this part if the Attorney General certifies that the case is
31 of general public importance. Upon such intervention the

1 Attorney General may obtain any relief that is available to
2 the Attorney General under subsection (10) in a civil action
3 to which that subsection applies.

4 (10) If the Attorney General has reasonable cause to
5 believe that any person or group of persons is engaged in a
6 pattern or practice of resistance to the full enjoyment of any
7 of the rights secured by the State Constitution or the laws of
8 this state, that any person or group of persons has been
9 denied any of the rights secured by the State Constitution or
10 the laws of this state, or any person or group of persons has
11 otherwise attempted to interfere with those rights and such
12 denial or attempted interference raises an issue of general
13 public importance, the Attorney General may investigate such
14 violations of rights by administering oaths and affirmations,
15 subpoenaing witnesses or matter, and collecting evidence. The
16 Attorney General may commence a civil action in any
17 appropriate state or federal court. In a civil action brought
18 by the Attorney General, the court may award damages or
19 injunctive or other appropriate relief for violations of the
20 rights secured by the State Constitution or the laws of this
21 state and may impose a civil penalty of not more than \$10,000
22 for each violation. The Attorney General is entitled to
23 reasonable attorney's fees and costs if the Department of
24 Legal Affairs prevails in an action brought under this
25 subsection.

26 Section 9. Subsection (1) of section 760.51, Florida
27 Statutes, is amended to read:

28 760.51 Violations of constitutional rights, civil
29 action by the Attorney General; civil penalty.--

30 (1) Whenever any person, whether or not acting under
31 color of law, coerces, intimidates, threatens, or interferes

1 in any manner with ~~by threats, intimidation, or coercion~~, or
2 attempts to coerce, intimidate, threaten, or interfere in any
3 manner ~~by threats, intimidation, or coercion~~, with the
4 exercise or enjoyment by any other person of rights secured by
5 the State Constitution or laws of this state, the Attorney
6 General may bring a civil or administrative action for
7 damages, and for injunctive or other appropriate relief for
8 violations of the rights secured. Any damages recovered under
9 this section shall accrue to the injured person. The civil
10 action shall be brought in the name of the state and may be
11 brought on behalf of the injured person. The Attorney General
12 is entitled to an award of reasonable attorney's fees and
13 costs if the Department of Legal Affairs prevails in an action
14 brought under this section.

15 Section 10. Section 760.60, Florida Statutes, is
16 amended to read:

17 760.60 Discriminatory practices of certain clubs
18 prohibited; remedies.--

19 (1) It is unlawful for a person to discriminate
20 against any individual because of race, color, religion,
21 gender, national origin, handicap, age above the age of 21, or
22 marital status in evaluating an application for membership in
23 a club that has more than 400 members, that provides regular
24 meal service, and that regularly receives payment for dues,
25 fees, use of space, facilities, services, meals, or beverages
26 directly or indirectly from nonmembers for business purposes.
27 It is unlawful for a person, on behalf of such a club, to
28 publish, circulate, issue, display, post, or mail any
29 advertisement, notice, or solicitation that contains a
30 statement to the effect that the accommodations, advantages,
31 facilities, membership, or privileges of the club are denied

1 to any individual because of race, color, religion, gender,
2 national origin, handicap, age above the age of 21, or marital
3 status. This subsection does not apply to fraternal or
4 benevolent organizations, ethnic clubs, or religious
5 organizations where business activity is not prevalent.

6 (2) A person who has been discriminated against in
7 violation of this act may file a complaint with the Commission
8 on Human Relations or with the Attorney General's Office of
9 Civil Rights. A complaint must be in writing and must contain
10 such information and be in such form as the commission
11 requires. Within 15 days after ~~Upon~~ receipt of a complaint,
12 the commission or the Attorney General shall provide a copy to
13 the person who represents the club. Within 30 days after
14 receiving a complaint, the commission or the Attorney General
15 shall commence an investigation of ~~investigate~~ the alleged
16 discrimination and give notice in writing to the person who
17 filed the complaint if it intends to resolve the complaint.
18 If the commission or the Attorney General decides to resolve
19 the complaint, it shall attempt to eliminate or correct the
20 alleged discriminatory practices of a club by informal methods
21 of conference, conciliation, and persuasion. Insofar as
22 possible, a conciliation meeting shall be held in the
23 municipality or other locality where the discriminatory
24 practice occurred. Any thing said or done in the course of
25 such informal endeavors may not be made public or used as
26 evidence in a subsequent proceeding without the written
27 consent of the persons concerned.

28 (3)(a) In conducting an investigation under this
29 section, the commission or the Attorney General may have
30 access at all reasonable times to premises, records,
31 documents, individuals, and other evidence or possible sources

1 of evidence and may examine, record, and copy such materials
2 and take and record the testimony or statements of any person
3 necessary to further the investigation if the commission
4 complies with the provisions of the State Constitution
5 relating to unreasonable searches and seizures. The commission
6 or the Attorney General may issue subpoenas to compel its
7 access to, the production of materials, or the appearance of
8 persons, and may issue interrogatories to a respondent to the
9 same extent and subject to the same limitations that apply if
10 the subpoenas or interrogatories were issued or served in aid
11 of a civil action. The commission or the Attorney General may
12 administer oaths.

13 (b) Within 5 days after service of a subpoena upon any
14 person, such person may petition the commission or an
15 appropriate court of law to revoke or modify the subpoena. The
16 commission or the circuit court shall grant the petition if it
17 finds that the subpoena requires appearance or attendance at
18 an unreasonable time or place, that it requires production of
19 evidence that does not relate to any matter under
20 investigation, that it does not describe with sufficient
21 particularity the evidence to be produced, or that compliance
22 would be unduly onerous or for other good reason.

23 (c) In case of refusal to obey a subpoena, the
24 commission or the Attorney General may petition for its
25 enforcement in the circuit court for the county in which the
26 person to whom the subpoena was addressed resides, was served,
27 or transacts business.

28 (d) Witnesses summoned by subpoena of the commission
29 or the Attorney General are entitled to the same witness and
30 mileage fees as are witnesses in proceedings in court.

31

1 (4) Any agreement that arises out of conciliation
2 efforts by the commission or the Attorney General must be
3 agreed to by the respondent and the complainant and is subject
4 to the approval of the commission or the Attorney General.
5 Notwithstanding s. 760.11(11) and (12), each conciliation
6 agreement that arises out of a complaint filed under this
7 section shall be made public unless the complainant and the
8 respondent otherwise agree and the commission or the Attorney
9 General determine that disclosure is not required to further
10 the purpose of this section.

11 (5)(3) If the commission or the Attorney General
12 fails, within 180 ~~30~~ days after receiving a complaint filed
13 pursuant to subsection (2), to give notice of its intent to
14 eliminate or correct the alleged discriminatory practices of a
15 club, or if the commission or the Attorney General fails to
16 resolve the complaint within 180 ~~30~~ days after giving such
17 notice, the person or the Attorney General on behalf of the
18 person filing the complaint may commence a civil action in a
19 court against the club, its officers, or its members to
20 enforce this section. If the court finds that a
21 discriminatory practice occurs at the club, the court shall
22 issue an order prohibiting the practice and providing
23 affirmative relief from the effects of the practice, including
24 injunctive and other equitable relief, actual and punitive
25 damages, and reasonable attorney's fees and costs ~~may enjoin~~
26 ~~the club, its officers, or its members from engaging in such~~
27 ~~practice or may order other appropriate action.~~

28 (6)(a) If the commission is unable to obtain voluntary
29 compliance with subsection (3) or has reasonable cause to
30 believe that a discriminatory practice has occurred:
31

1 1. The commission may institute an administrative
2 proceeding under chapter 120; or

3 2. The person aggrieved may request administrative
4 relief under chapter 120 within 30 days after receiving notice
5 that the commission has concluded its investigation under this
6 section.

7 (b) Administrative hearings shall be conducted
8 pursuant to ss. 120.569 and 120.57(1). The respondent must be
9 served written notice by certified mail. If the administrative
10 law judge finds that a discriminatory practice has occurred or
11 is about to occur, he or she shall issue a recommended order
12 to the commission prohibiting the practice and recommending
13 affirmative relief from the effects of the practice, including
14 quantifiable damages and reasonable attorney's fees and costs.
15 The commission may adopt, reject, or modify a recommended
16 order only as provided under s. 120.57(1). Judgment for the
17 amount of damages and costs assessed pursuant to a final order
18 by the commission may be entered in any court having
19 jurisdiction thereof and may be enforced as any other
20 judgment.

21 (c) The district court of appeal may, upon the filing
22 of appropriate notices of appeal, review a final order of the
23 commission under s. 120.68. Costs or fees may not be assessed
24 against the commission in any appeal from a final order issued
25 by the commission under this subsection. Unless specifically
26 ordered by the court, the commencement of an appeal does not
27 suspend or stay an order of the commission.

28 (d) This section does not prevent any other legal or
29 administrative action provided by law.

30
31

1 Section 11. Paragraph (f) is added to subsection (2)
2 of section 760.80, Florida Statutes, and subsection (3) of
3 that section is reenacted, to read:

4 760.80 Minority representation on boards, commissions,
5 councils, and committees.--

6 (2) As used in this section, "minority person" means:

7 (f) An individual with a disability; that is, an
8 individual with a physical or mental impairment, an individual
9 regarded as having such an impairment, or an individual with a
10 record of having such an impairment.

11 (3) In appointing members to any statutorily created
12 decisionmaking or regulatory board, commission, council, or
13 committee of the state, the appointing authority should
14 select, from among the best-qualified persons, those persons
15 whose appointment would ensure that the membership of the
16 board, commission, council, or committee accurately reflects
17 the proportion that each group of minority persons specified
18 in subsection (2) represents in the population of the state as
19 a whole or, in the case of a local board, commission, council,
20 or committee, in the population of the area represented by the
21 board, commission, council, or committee, as determined
22 pursuant to the most recent federal decennial census, unless
23 the law regulating such appointment requires otherwise, or
24 persons of the underrepresented minority group cannot be
25 recruited. When appointing members to a statutorily created
26 decisionmaking or regulatory board, commission, council, or
27 committee which was created to address a specific issue
28 relating to minority persons, the appointing authority should
29 give weight to the minority group that the board, commission,
30 council, or committee was created to serve. If the size of the
31 board, commission, council, or committee precludes an accurate

1 representation of all minority groups, appointments should be
2 made which conform to the requirements of this section insofar
3 as possible. If there are multiple appointing authorities for
4 the board, commission, council, or committee, they shall
5 consult with each other to ensure compliance with this
6 section.

7 Section 12. Section 413.08, Florida Statutes, is
8 amended to read:

9 413.08 Rights of individuals with disabilities who use
10 service animals ~~physically disabled persons; use of dog guides~~
11 ~~or service dogs or nonhuman primates of the genus Cebus;~~
12 discrimination in public employment or housing accommodations;
13 penalties.--

14 (1)(a) Individuals with disabilities ~~The deaf, hard of~~
15 ~~hearing, blind, visually handicapped, and otherwise physically~~
16 ~~disabled~~ are entitled to full and equal accommodations,
17 advantages, facilities, and privileges on all common carriers,
18 airplanes, motor vehicles, railroad trains, motor buses,
19 streetcars, boats, and other public conveyances or modes of
20 transportation and at hotels, lodging places, places of public
21 accommodation, amusement, or resort, and other places to which
22 the general public is invited, subject only to the conditions
23 and limitations established by law and applicable alike to all
24 persons. ~~Nothing in this section shall require any person,~~
25 ~~firm, or corporation, or any agent thereof, to modify or~~
26 ~~provide any vehicle, premises, facility, or service to a~~
27 ~~higher degree of accommodation than is required for a person~~
28 ~~not so disabled.~~

29 (b) Every individual with a disability ~~has deaf or~~
30 ~~hard of hearing person, totally or partially blind person, or~~
31 ~~physically disabled person shall have~~ the right to be

1 accompanied by a dog guide or service dog, specially trained
2 for the purpose, in any of the places listed in paragraph (a)
3 without being required to pay an extra charge for the dog
4 guide or service dog; however, such person is ~~shall be~~ liable
5 for any damage done to the premises or facilities by such dog.
6 ~~The dog guide or service dog must be capable of being properly~~
7 ~~identified as being from a recognized school for seeing-eye,~~
8 ~~hearing-ear, service, or guide dogs.~~

9 (c) Every person with a disability has ~~paraplegia or~~
10 ~~quadriplegia shall have~~ the right to be accompanied by a
11 nonhuman primate of the genus Cebus, specially trained for the
12 purpose of providing personal care services, in any of the
13 places listed in paragraph (a) without being required to pay
14 an extra charge for the nonhuman primate; however, such person
15 is ~~shall be~~ liable for any damage done to the premises or
16 facilities by such nonhuman primate.

17 (2) Any person, firm, or corporation, or the agent of
18 any person, firm, or corporation, who denies or interferes
19 with admittance to, or enjoyment of, the public facilities
20 enumerated in subsection (1) or otherwise interferes with the
21 rights of an individual with a disability ~~a deaf person, hard~~
22 ~~of hearing person, a totally or partially blind person, or an~~
23 ~~otherwise physically disabled person~~ under this section, or
24 the trainer of a dog guide or service dog while engaged in the
25 training of such dog pursuant to subsection (7), commits is
26 ~~guilty of~~ a misdemeanor of the second degree, punishable as
27 provided in s. 775.082 or s. 775.083.

28 (3) It is the policy of this state that individuals
29 with disabilities ~~the deaf, hard of hearing, blind, visually~~
30 ~~handicapped, and otherwise physically disabled~~ shall be
31 employed in the service of the state or political subdivisions

1 of the state, in the public schools, and in all other
2 employment supported in whole or in part by public funds, and
3 an ~~no~~ employer may not ~~shall~~ refuse employment to an
4 individual with a disability ~~the deaf, hard of hearing, blind,~~
5 ~~the visually handicapped, or the otherwise physically disabled~~
6 on the basis of the disability alone, ~~unless it is shown that~~
7 ~~the particular disability prevents the satisfactory~~
8 ~~performance of the work involved.~~

9 (4) Individuals with disabilities are ~~Deaf persons,~~
10 ~~hard of hearing persons, blind persons, visually handicapped~~
11 ~~persons, and otherwise physically disabled persons shall be~~
12 entitled to rent, lease, or purchase, as other members of the
13 general public, any housing accommodations offered for rent,
14 lease, or other compensation in this state, subject to the
15 conditions and limitations established by law and applicable
16 alike to all persons.

17 (a) "Housing accommodations" means any real property
18 or portion thereof which is used or occupied, or intended,
19 arranged, or designed to be used or occupied, as the home,
20 residence, or sleeping place of one or more human beings, but
21 does not include any single-family residence the occupants of
22 which rent, lease, or furnish for compensation not more than
23 one room therein.

24 ~~(b) Nothing in this section shall require any person~~
25 ~~renting, leasing, or otherwise providing real property for~~
26 ~~compensation to modify her or his property in any way or~~
27 ~~provide a higher degree of care for a deaf person, hard of~~
28 ~~hearing person, blind person, visually handicapped person, or~~
29 ~~otherwise physically disabled person than for a person who is~~
30 ~~not so handicapped.~~

31

1 **(b)(c)** Each individual with a disability ~~deaf person,~~
2 ~~hard of hearing person, totally or partially blind person, or~~
3 ~~otherwise physically disabled person~~ who has a dog guide, or
4 who obtains a dog guide, is ~~shall be~~ entitled to full and
5 equal access to all housing accommodations provided for in
6 this section, and such person may ~~shall~~ not be required to pay
7 extra compensation for such dog guide. However, such person
8 is ~~shall be~~ liable for any damage done to the premises by such
9 dog guide.

10 **(c)(d)** Each individual with a disability ~~person with~~
11 ~~paraplegia or quadriplegia~~ who has or obtains a nonhuman
12 primate of the genus Cebus, specially trained for the purpose
13 of providing personal care services, is ~~shall be~~ entitled to
14 full and equal access to all housing accommodations provided
15 for in this section, and she or he may ~~shall~~ not be required
16 to pay extra compensation for such nonhuman primate. However,
17 such person is ~~shall be~~ liable for any damage done to the
18 premises by such nonhuman primate.

19 (5) Any employer covered under subsection (3) who
20 discriminates against an individual with a disability ~~the~~
21 ~~deaf, hard of hearing, blind, visually handicapped, or~~
22 ~~otherwise physically disabled~~ in employment, ~~unless it is~~
23 ~~shown that the particular disability prevents the satisfactory~~
24 ~~performance of the work involved,~~ or any person, firm, or
25 corporation, or the agent of any person, firm, or corporation,
26 providing housing accommodations as provided in subsection (4)
27 who discriminates against an individual with a disability,
28 commits ~~the deaf, hard of hearing, blind, visually~~
29 ~~handicapped, or otherwise physically disabled~~ is guilty of a
30 misdemeanor of the second degree, punishable as provided in s.
31 775.082 or s. 775.083.

1 (6)~~(a)~~ For the purposes of this section, the term
2 "individual with a disability" ~~physically disabled person~~
3 means any person having an ~~a physical~~ impairment that
4 substantially limits one or more major life activities.

5 ~~(b) For the purposes of this section, the term "hard~~
6 ~~of hearing person" means an individual who has suffered a~~
7 ~~permanent hearing impairment which is severe enough to~~
8 ~~necessitate the use of amplification devices to discriminate~~
9 ~~speech sounds in verbal communication.~~

10 (7) Any trainer of a dog guide or service dog, while
11 engaged in the training of such dog, has the same rights and
12 privileges with respect to access to public facilities and the
13 same liability for damage as is provided for individuals with
14 disabilities ~~deaf or hard of hearing or blind or mobility~~
15 ~~impaired persons~~ accompanied by dog guides or service dogs.

16 (8) Any trainer of a nonhuman primate of the genus
17 Cebus, while engaged in training such nonhuman primate to
18 provide personal care services to a person with a disability
19 ~~paraplegia or quadriplegia~~, has the same rights and privileges
20 with respect to access to public facilities and the same
21 liability for damage as is provided for persons with a
22 disability ~~paraplegia or quadriplegia~~ accompanied by nonhuman
23 primates of the genus Cebus. As used in the subsection, the
24 term "trainer of a nonhuman primate of the genus Cebus" means
25 a paid employee of a training organization, and does not
26 include volunteers chosen to raise the animals.

27 Section 13. This act shall take effect July 1, 2000.

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SENATE SUMMARY

Revises various provisions of the Florida Civil Rights Act. Authorizes the Attorney General to investigate violations of rights secured by state law. Prohibits a place of public accommodation from discriminating against an individual or class of individuals on the basis of a disability. Provides requirements for providing goods and other services to individuals with disabilities. Provides for a complaint against a place of public accommodation to be filed with the Florida Commission on Human Relations. Provides for enforcement. Includes an individual with a disability within the definition of the term "minority person" for purposes of provisions requiring that minorities be represented on boards, commissions, councils, and committees. Provides for certain rights of individuals with disabilities who use service animals. Deletes certain exceptions to requirements that such individuals be afforded full and equal accommodation. Deletes provisions that exempt certain rental property from modification for purposes of accommodating individuals with disabilities. Deletes provisions that exempt an employer under certain circumstances from penalties for discriminating against an individual with a disability with respect to employment. (See bill for details.)