

By Representative Smith

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          defining the term "direct threat"; providing  
27          requirements for making such determination;  
28          amending s. 760.11, F.S.; providing for filing  
29          a complaint against a place of public  
30          accommodation with the Florida Commission on  
31          Human Relations; prohibiting discrimination

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

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

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

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

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

1 or rights secured by the laws of this state under s. 760.51,  
2 the Attorney General may administer oaths and affirmations,  
3 subpoena witnesses or matter, and collect evidence.

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

6 760.02 Definitions.--For the purposes of ss.  
7 760.01-760.11 and 509.092, the term:

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

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

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

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

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

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

26 (f) A laundromat, drycleaner, bank, barber shop,  
27 beauty shop, travel service, shoe repair service, funeral  
28 parlor, gas station, office of an accountant or lawyer,  
29 pharmacy, insurance office, professional office of a health  
30 care provider, hospital, or other service establishment.  
31

1       (g) A terminal, depot, or other station used for  
2 public transportation.

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

5       (i) A park, zoo, amusement park, or other place of  
6 recreation.

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

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

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

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

18       (a) The nature and cost of the action needed under  
19 this part to eliminate the discriminatory practice.

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

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

30       (d) If applicable, the overall financial resources of  
31 any parent corporation or entity; the overall size of the

1 parent corporation or entity with respect to the number of its  
2 employees; and the number, type, and location of its  
3 facilities.

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

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

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

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

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

25 (3) SPECIFIC REQUIREMENTS.--

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

1 facilities, privileges, advantages, or accommodations of a  
2 place of public accommodation.

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

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

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

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

29 Section 4. Section 760.102, Florida Statutes, is  
30 created to read:  
31

1           760.102 Integrated settings required for individuals  
2 with disabilities.--A public accommodation shall afford goods,  
3 services, facilities, privileges, advantages, and  
4 accommodations to an individual with a disability in the most  
5 integrated setting appropriate to the needs of the individual.  
6 Notwithstanding the existence of separate or different  
7 programs or activities provided in accordance with this part,  
8 a public accommodation may not deny an individual with a  
9 disability an opportunity to participate in programs or  
10 activities that are not separate or different.

11           Section 5. Section 760.103, Florida Statutes, is  
12 created to read:

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

20           Section 6. Section 760.104, Florida Statutes is  
21 created to read:

22           760.104 Exception for an individual that poses a  
23 direct threat to health or safety.--

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

30           (2) As used in this section, the term "direct threat"  
31 means a significant risk to the health or safety of others



1 which cannot be eliminated by modifying policies, practices,  
2 or procedures or by providing auxiliary aids or services.

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

8 (a) The nature, duration, and severity of the risk.

9 (b) The probability that the potential injury will  
10 actually occur.

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

13 Section 7. Subsection (1) of section 760.11, Florida  
14 Statutes, is amended, and subsection (16) is added to said  
15 section, to read:

16 760.11 Administrative and civil remedies;  
17 construction.--

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

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

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

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

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

28 760.34 Enforcement.--

29 (9) Upon timely application, the Attorney General may  
30 intervene in a civil action by a private person, the  
31 commission, or any local agency to enforce compliance with

1 this part if the Attorney General certifies that the case is  
2 of general public importance. Upon such intervention, the  
3 Attorney General may obtain any relief that is available to  
4 the Attorney General under subsection (10) in a civil action  
5 to which that subsection applies.

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

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

30 760.51 Violations of constitutional rights, civil  
31 action by the Attorney General; civil penalty.--

1           (1) Whenever any person, whether or not acting under  
2 color of law, coerces, intimidates, threatens, or interferes  
3 in any manner ~~by threats, intimidation, or coercion~~, or  
4 attempts to coerce, intimidate, threaten, or interfere in any  
5 manner ~~by threats, intimidation, or coercion~~, with the  
6 exercise or enjoyment by any other person of rights secured by  
7 the State Constitution or laws of this state, the Attorney  
8 General may bring a civil or administrative action for  
9 damages, and for injunctive or other appropriate relief for  
10 violations of the rights secured. Any damages recovered under  
11 this section shall accrue to the injured person. The civil  
12 action shall be brought in the name of the state and may be  
13 brought on behalf of the injured person. The Attorney General  
14 is entitled to an award of reasonable attorney's fees and  
15 costs if the Department of Legal Affairs prevails in an action  
16 brought under this section.

17           Section 10. Section 760.60, Florida Statutes, is  
18 amended to read:

19           760.60 Discriminatory practices of certain clubs  
20 prohibited; remedies.--

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

1 statement to the effect that the accommodations, advantages,  
2 facilities, membership, or privileges of the club are denied  
3 to any individual because of race, color, religion, gender,  
4 national origin, handicap, age above the age of 21, or marital  
5 status. This subsection does not apply to fraternal or  
6 benevolent organizations, ethnic clubs, or religious  
7 organizations where business activity is not prevalent.

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

30 (3)(a) In conducting an investigation under this  
31 section, the commission or the Attorney General may have

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

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

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

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

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

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

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

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

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

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

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

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

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

6           760.80 Minority representation on boards, commissions,  
7 councils, and committees.--

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

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

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

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

9 Section 12. Section 413.08, Florida Statutes, is  
10 amended to read:

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

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

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1           (b) Every individual with a disability has ~~deaf or~~  
2 ~~hard of hearing person, totally or partially blind person, or~~  
3 ~~physically disabled person shall have~~ the right to be  
4 accompanied by a dog guide or service dog, specially trained  
5 for the purpose, in any of the places listed in paragraph (a)  
6 without being required to pay an extra charge for the dog  
7 guide or service dog; however, such person is ~~shall be~~ liable  
8 for any damage done to the premises or facilities by such dog.  
9 ~~The dog guide or service dog must be capable of being properly~~  
10 ~~identified as being from a recognized school for seeing-eye,~~  
11 ~~hearing-ear, service, or guide dogs.~~

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

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

31

1           (3) It is the policy of this state that individuals  
2 with disabilities ~~the deaf, hard of hearing, blind, visually~~  
3 ~~handicapped, and otherwise physically disabled shall be~~  
4 employed in the service of the state or political subdivisions  
5 of the state, in the public schools, and in all other  
6 employment supported in whole or in part by public funds, and  
7 an no employer may not shall refuse employment to an  
8 individual with a disability ~~the deaf, hard of hearing, blind,~~  
9 ~~the visually handicapped, or the otherwise physically disabled~~  
10 on the basis of the disability alone, ~~unless it is shown that~~  
11 ~~the particular disability prevents the satisfactory~~  
12 ~~performance of the work involved.~~

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

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

28           ~~(b) Nothing in this section shall require any person~~  
29 ~~renting, leasing, or otherwise providing real property for~~  
30 ~~compensation to modify her or his property in any way or~~  
31 ~~provide a higher degree of care for a deaf person, hard of~~

1 ~~hearing person, blind person, visually handicapped person, or~~  
2 ~~otherwise physically disabled person than for a person who is~~  
3 ~~not so handicapped.~~

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

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

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

1 ~~handicapped, or otherwise physically disabled is guilty of a~~  
2 misdemeanor of the second degree, punishable as provided in s.  
3 775.082 or s. 775.083.

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

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

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

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

30 Section 13. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

Revises various provisions of the Florida Civil Rights Act. Authorizes the Florida Commission on Human Relations or the Attorney General to investigate violations of rights secured by state law. Provides definitions. 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.