

By Representative Gottlieb

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.

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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,
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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:
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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 said 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.

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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, 2002.

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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.