

By the Council for Healthy Communities and Representatives
Kottkamp, Greenstein and Bucher

1 A bill to be entitled
2 An act relating to guide dogs and service
3 animals; providing a short title; prohibiting
4 persons from interfering with, injuring, or
5 killing guide dogs or service animals;
6 providing penalties; defining the terms "guide
7 dog" and "service animal" for purposes of the
8 act; amending s. 413.08, F.S.; extending to
9 people who have seizure disorders the right to
10 be accompanied by a trained service dog in
11 specified circumstances; providing penalties
12 for violations of this section; conforming a
13 provision relating to trainers of service dogs;
14 providing an effective date.

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

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18 Section 1. This act may be cited as "Scanner's Law."

19 Section 2. (1) Any person who, with reckless
20 disregard, interferes, or permits a dog that he or she owns or
21 is in the immediate control of to interfere, with the use of a
22 guide dog or service animal by obstructing, intimidating, or
23 otherwise jeopardizing the safety of the animal or its user is
24 guilty of a misdemeanor of the second degree for the first
25 offense and a misdemeanor of the first degree for each
26 subsequent offense, punishable as provided in s. 775.082 or s.
27 775.083, Florida Statutes.

28 (2) Any person who, with reckless disregard, injures
29 or kills, or permits a dog that he or she owns or is in the
30 immediate control of to injure or kill, a guide dog or service
31 animal is guilty of a misdemeanor of the first degree,

1 punishable as provided in s. 775.082 or s. 775.083, Florida
2 Statutes.

3 (3) Any person who intentionally injures or kills, or
4 permits a dog that he or she owns or is in the immediate
5 control of to injure or kill, a guide dog or service animal is
6 guilty of a felony of the third degree, punishable as provided
7 in s. 775.082 or s. 775.083, Florida Statutes.

8 (4)(a) A person who is convicted of a violation of
9 this section, in addition to any other penalty, must make full
10 restitution for all damages that arise out of or are related
11 to the offense, including incidental and consequential damages
12 incurred by the guide dog or service animal's user.

13 (b) Restitution includes the value of the animal;
14 replacement and training or retraining expenses for the animal
15 and the user; veterinary and other medical and boarding
16 expenses for the animal; medical expenses for the user; and
17 lost wages or income incurred by the user during any period
18 that the user is without the services of such an animal.

19 (5) As used in this section, the term:

20 (a) "Guide dog" means a dog that is trained for the
21 purpose of guiding blind persons or a dog trained for the
22 purpose of assisting hearing impaired persons.

23 (b) "Service animal" means an animal that is trained
24 for the purposes of assisting or accommodating a disabled
25 person's sensory, mental, or physical disability.

26 Section 3. Section 413.08, Florida Statutes, is
27 amended to read:

28 413.08 Rights of physically disabled persons; use of
29 dog guides or service dogs or nonhuman primates of the genus
30 Cebus; discrimination in public employment or housing
31 accommodations; penalties.--

1 (1)(a) The deaf, hard of hearing, blind, visually
2 handicapped, and otherwise physically disabled are entitled to
3 full and equal accommodations, advantages, facilities, and
4 privileges on all common carriers, airplanes, motor vehicles,
5 railroad trains, motor buses, streetcars, boats, and other
6 public conveyances or modes of transportation and at hotels,
7 lodging places, places of public accommodation, amusement, or
8 resort, and other places to which the general public is
9 invited, subject only to the conditions and limitations
10 established by law and applicable alike to all persons.
11 ~~Nothing in~~ This section does not shall require any person,
12 firm, or corporation, or any agent thereof, to modify or
13 provide any vehicle, premises, facility, or service to a
14 higher degree of accommodation than is required for a person
15 not so disabled.

16 (b) Every deaf or hard of hearing person, totally or
17 partially blind person, person who is subject to epilepsy or
18 other such seizure disorders, or physically disabled person
19 has shall have the right to be accompanied by a dog guide or
20 service dog, specially trained for the purpose, in any of the
21 places listed in paragraph (a) without being required to pay
22 an extra charge for the dog guide or service dog; however,
23 such a person is shall be liable for any damage done to the
24 premises or facilities by such a dog. The dog guide or service
25 dog must be capable of being properly identified as being from
26 a recognized school for seeing-eye dogs, hearing-ear dogs,
27 service dogs, including, but not limited to, seizure-alert and
28 seizure-response dogs, or guide dogs.

29 (c) Every person with paraplegia or quadriplegia has
30 ~~shall have~~ the right to be accompanied by a nonhuman primate
31 of the genus Cebus, specially trained for the purpose of

1 providing personal care services, in any of the places listed
2 in paragraph (a) without being required to pay an extra charge
3 for the nonhuman primate; however, such a person is ~~shall be~~
4 liable for any damage done to the premises or facilities by
5 such nonhuman primate.

6 (2) Any person, firm, or corporation, or the agent of
7 any person, firm, or corporation, who denies or interferes
8 with admittance to, or enjoyment of, the public facilities
9 enumerated in subsection (1) or otherwise interferes with the
10 rights of a deaf person, a hard of hearing person, a totally
11 or partially blind person, a person who is subject to epilepsy
12 or other such seizure disorders, or an otherwise physically
13 disabled person under this section, or the trainer of a dog
14 guide or service dog while engaged in the training of such a
15 dog pursuant to subsection (7), is guilty of a misdemeanor of
16 the second degree, punishable as provided in s. 775.082 or s.
17 775.083.

18 (3) It is the policy of this state that the deaf, hard
19 of hearing, blind, visually handicapped, and otherwise
20 physically disabled shall be employed in the service of the
21 state or political subdivisions of the state, in the public
22 schools, and in all other employment supported in whole or in
23 part by public funds, and an ~~no~~ employer may not ~~shall~~ refuse
24 employment to the deaf, the hard of hearing, the blind, the
25 visually handicapped, or the otherwise physically disabled on
26 the basis of the disability alone, unless it is shown that the
27 particular disability prevents the satisfactory performance of
28 the work involved.

29 (4) Deaf persons, hard of hearing persons, blind
30 persons, visually handicapped persons, and otherwise
31 physically disabled persons are ~~shall be~~ entitled to rent,

1 lease, or purchase, as other members of the general public,
2 any housing accommodations offered for rent, lease, or other
3 compensation in this state, subject to the conditions and
4 limitations established by law and applicable alike to all
5 persons.

6 (a) As used in this subsection, the term "housing
7 accommodations" means any real property or portion thereof
8 which is used or occupied, or intended, arranged, or designed
9 to be used or occupied, as the home, residence, or sleeping
10 place of one or more human beings, but does not include any
11 single-family residence the occupants of which rent, lease, or
12 furnish for compensation not more than one room therein.

13 (b) ~~Nothing in~~ This section does not ~~shall~~ require any
14 person renting, leasing, or otherwise providing real property
15 for compensation to modify her or his property in any way or
16 provide a higher degree of care for a deaf person, hard of
17 hearing person, blind person, visually handicapped person, or
18 otherwise physically disabled person than for a person who is
19 not so handicapped.

20 (c) Each deaf person, hard of hearing person, totally
21 or partially blind person, or otherwise physically disabled
22 person who has a dog guide, or who obtains a dog guide, is
23 ~~shall be~~ entitled to full and equal access to all housing
24 accommodations provided for in this section, and such a person
25 shall not be required to pay extra compensation for the ~~such~~
26 dog guide. However, such a person is ~~shall be~~ liable for any
27 damage done to the premises by such a dog guide.

28 (d) Each person with paraplegia or quadriplegia who
29 has or obtains a nonhuman primate of the genus Cebus,
30 specially trained for the purpose of providing personal care
31 services, is ~~shall be~~ entitled to full and equal access to all

1 housing accommodations provided for in this section, and she
2 or he shall not be required to pay extra compensation for such
3 a nonhuman primate. However, the ~~such~~ person ~~is~~ ~~shall be~~
4 liable for any damage done to the premises by such a nonhuman
5 primate.

6 (5) Any employer covered under subsection (3) who
7 discriminates against the deaf, hard of hearing, blind,
8 visually handicapped, or otherwise physically disabled in
9 employment, unless it is shown that the particular disability
10 prevents the satisfactory performance of the work involved, or
11 any person, firm, or corporation, or the agent of any person,
12 firm, or corporation, providing housing accommodations as
13 provided in subsection (4) who discriminates against the deaf,
14 hard of hearing, blind, visually handicapped, or otherwise
15 physically disabled is guilty of a misdemeanor of the second
16 degree, punishable as provided in s. 775.082 or s. 775.083.

17 (6)(a) As used in ~~For the purposes of~~ this section,
18 the term "physically disabled person" means any person who has
19 ~~having~~ a physical impairment that substantially limits one or
20 more major life activities.

21 (b) As used in ~~For the purposes of~~ this section, the
22 term "hard of hearing person" means an individual who has
23 suffered a permanent hearing impairment that ~~which~~ is severe
24 enough to necessitate the use of amplification devices to
25 discriminate speech sounds in verbal communication.

26 (7) Any trainer of a dog guide or service dog, while
27 engaged in the training of such a dog, has the same rights and
28 privileges with respect to access to public facilities and the
29 same liability for damage as is provided for those ~~deaf or~~
30 ~~hard of hearing or blind or mobility impaired~~ persons
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1 described in paragraph (1)(b)accompanied by dog guides or
2 service dogs.

3 (8) Any trainer of a nonhuman primate of the genus
4 Cebus, while engaged in training such a nonhuman primate to
5 provide personal care services to a person with paraplegia or
6 quadriplegia, has the same rights and privileges with respect
7 to access to public facilities and the same liability for
8 damage as is provided for a person ~~persons~~ with paraplegia or
9 quadriplegia who is accompanied by nonhuman primates of the
10 genus Cebus. As used in this ~~the~~ subsection, the term "trainer
11 of a nonhuman primate of the genus Cebus" means a paid
12 employee of a training organization, and does not include
13 volunteers chosen to raise the animals.

14 Section 4. This act shall take effect July 1, 2002.
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