

By Senator Cowin

11-279-02

1                                   A bill to be entitled  
2           An act relating to the rights of physically  
3           disabled persons; amending s. 413.08, F.S.;  
4           extending to people who have seizure disorders  
5           the right to be accompanied by a trained  
6           service dog in specified circumstances;  
7           providing penalties for violations of this  
8           section; providing an effective date.

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

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12           Section 1. Section 413.08, Florida Statutes, is  
13 amended to read:

14           413.08 Rights of physically disabled persons; use of  
15 dog guides or service dogs or nonhuman primates of the genus  
16 Cebus; discrimination in public employment or housing  
17 accommodations; penalties.--

18           (1)(a) The deaf, hard of hearing, blind, visually  
19 handicapped, and otherwise physically disabled are entitled to  
20 full and equal accommodations, advantages, facilities, and  
21 privileges on all common carriers, airplanes, motor vehicles,  
22 railroad trains, motor buses, streetcars, boats, and other  
23 public conveyances or modes of transportation and at hotels,  
24 lodging places, places of public accommodation, amusement, or  
25 resort, and other places to which the general public is  
26 invited, subject only to the conditions and limitations  
27 established by law and applicable alike to all persons.

28 ~~Nothing in~~ This section does not ~~shall~~ require any person,  
29 firm, or corporation, or any agent thereof, to modify or  
30 provide any vehicle, premises, facility, or service to a  
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1 higher degree of accommodation than is required for a person  
2 not so disabled.

3 (b) Every deaf or hard of hearing person, totally or  
4 partially blind person, person who is subject to epilepsy or  
5 other such seizure disorders, or physically disabled person  
6 has ~~shall have~~ the right to be accompanied by a dog guide or  
7 service dog, specially trained for the purpose, in any of the  
8 places listed in paragraph (a) without being required to pay  
9 an extra charge for the dog guide or service dog; however,  
10 such a person is ~~shall be~~ liable for any damage done to the  
11 premises or facilities by such a dog. The dog guide or service  
12 dog must be capable of being properly identified as being from  
13 a recognized school for seeing-eye dogs, hearing-ear dogs,  
14 service dogs, including, but not limited to, seizure dogs, or  
15 guide dogs.

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

24 (2) Any person, firm, or corporation, or the agent of  
25 any person, firm, or corporation, who denies or interferes  
26 with admittance to, or enjoyment of, the public facilities  
27 enumerated in subsection (1) or otherwise interferes with the  
28 rights of a deaf person, a hard of hearing person, a totally  
29 or partially blind person, or an otherwise physically disabled  
30 person under this section, or the trainer of a dog guide or  
31 service dog while engaged in the training of such a dog

1 pursuant to subsection (7), is guilty of a misdemeanor of the  
2 second degree, punishable as provided in s. 775.082 or s.  
3 775.083.

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

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

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

30 (b) ~~Nothing in~~ This section does not ~~shall~~ require any  
31 person renting, leasing, or otherwise providing real property

1 for compensation to modify her or his property in any way or  
2 provide a higher degree of care for a deaf person, hard of  
3 hearing person, blind person, visually handicapped person, or  
4 otherwise physically disabled person than for a person who is  
5 not so handicapped.

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

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

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

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

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

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

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

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

29 Section 2. This act shall take effect July 1, 2002.  
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SENATE SUMMARY

Extends to people who have seizure disorders such as epilepsy the right to be accompanied by a trained service dog in specified circumstances. Provides penalties for violations of rights set forth in s. 413.08, F.S.