

By the Committee on Commerce and Economic Opportunities; and
Senator Cowin

310-762-02

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; conforming a provision relating to
9 trainers of service dogs; providing an
10 effective date.

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

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14 Section 1. Section 413.08, Florida Statutes, is
15 amended to read:

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

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

30 ~~Nothing in~~ This section does not shall require any person,
31 firm, or corporation, or any agent thereof, to modify or

1 provide any vehicle, premises, facility, or service to a
2 higher degree of accommodation than is required for a person
3 not so disabled.

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

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

25 (2) Any person, firm, or corporation, or the agent of
26 any person, firm, or corporation, who denies or interferes
27 with admittance to, or enjoyment of, the public facilities
28 enumerated in subsection (1) or otherwise interferes with the
29 rights of a deaf person, a hard of hearing person, a totally
30 or partially blind person, a person who is subject to epilepsy
31 or other such seizure disorders, or an otherwise physically

1 disabled person under this section, or the trainer of a dog
2 guide or service dog while engaged in the training of such a
3 dog pursuant to subsection (7), is guilty of a misdemeanor of
4 the second degree, punishable as provided in s. 775.082 or s.
5 775.083.

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

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

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

1 (b) ~~Nothing in~~ This section does not ~~shall~~ require any
2 person renting, leasing, or otherwise providing real property
3 for compensation to modify her or his property in any way or
4 provide a higher degree of care for a deaf person, hard of
5 hearing person, blind person, visually handicapped person, or
6 otherwise physically disabled person than for a person who is
7 not so handicapped.

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

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

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

1 provided in subsection (4) who discriminates against the deaf,
2 hard of hearing, blind, visually handicapped, or otherwise
3 physically disabled is guilty of a misdemeanor of the second
4 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 218

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7 The committee substitute extends the criminal penalties under
8 current law, which enforce the rights of disabled persons, to
9 enforce the right of a person who is subject to epilepsy or
10 other such seizure disorders to be accompanied by a service
11 dog in a public facility; clarifies that seizure-alert and
12 seizure-response dogs are types of service dogs; extends to
13 trainers of seizure-alert and seizure-response dogs the right
14 granted under current law for trainers of service dogs to be
15 accompanied by such dogs while engaged in training; and
16 clarifies that the rights of trainers of service dogs for deaf
17 or hard of hearing, blind, or mobility impaired persons apply
18 to trainers of service dogs for partially blind persons and
19 physically disabled persons who are not mobility impaired.

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