

Bill No. CS for CS for SB 434

Barcode 820374

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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2	1/AD/2R	.	
3	03/17/2005 03:10 PM	.	
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11 Senator Wise moved the following amendment:

12  
13 **Senate Amendment**

14 On page 5, line 24, through  
15 page 11, line 17, delete those lines

16  
17 and insert:

18 (i) "Substantially limits" means the impact of the  
19 condition renders the individual unable to perform an activity  
20 compared to an average person in the general population.  
21 Factors to consider in determining whether an impairment  
22 substantially limits a major life activity include the nature  
23 and severity of the impairment, how long it will last or is  
24 expected to last, and its permanent or long-term impact or  
25 expected impact.

26 (j) "Undue burden" means a significant difficulty or  
27 expense that is determined by considering:

28 1. The nature and costs of the action needed under  
29 this part;

30 2. The overall financial resources of the site  
31 involved in the action, the number of persons employed at the

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1 site; the effect on expenses and resources; safety  
 2 requirements that are necessary for safe operation, including  
 3 crime-prevention measures, and the impact of the action upon  
 4 the operation of the site;

5 3. The geographic separation and the administrative or  
 6 fiscal relationship of the site in question to a parent  
 7 corporation or entity;

8 4. If applicable, the overall financial resources of a  
 9 parent corporation or entity; the overall size of the parent  
 10 corporation or entity with respect to its number of employees;  
 11 and the number, type, and location of its facilities; and

12 5. If applicable, the type of operations of a parent  
 13 corporation or entity, including the composition, structure,  
 14 and functions of the workforce of the parent corporation or  
 15 entity.

16 ~~(2)(1)(a) An individual with a disability is The deaf,~~  
 17 ~~hard of hearing, blind, visually handicapped, and otherwise~~  
 18 ~~physically disabled are entitled to full and equal~~  
 19 accommodations, advantages, benefits, facilities, and  
 20 privileges on all common carriers, airplanes, motor vehicles,  
 21 railroad trains, motor buses, streetcars, boats, and other  
 22 public conveyances or modes of transportation; in all state  
 23 and local government facilities, programs, services, and  
 24 activities; and at ~~hotels, lodging places,~~ places of public  
 25 accommodations ~~accommodation, amusement, or resort,~~ and other  
 26 places to which the general public is invited, subject only to  
 27 the conditions and limitations established by law and  
 28 applicable alike to all persons. ~~This section does not require~~  
 29 ~~any person, firm, or corporation, or any agent thereof, to~~  
 30 ~~modify or provide any vehicle, premises, facility, or service~~  
 31 ~~to a higher degree of accommodation than is required for a~~

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1 ~~person not so disabled.~~

2       ~~(3)(b) Every individual with a disability deaf or hard~~  
3 ~~of hearing person, totally or partially blind person, person~~  
4 ~~who is subject to epilepsy or other such seizure disorders, or~~  
5 ~~physically disabled person~~ has the right to be accompanied by  
6 a ~~dog guide or service animal dog~~, specially trained for the  
7 purpose, in any place of public accommodation or state or  
8 local government facility, program, service, or activity ~~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 liable for any damage done to the premises or~~  
12 ~~facilities by such a dog. The dog guide or service dog must be~~  
13 ~~capable of being properly identified as being from a~~  
14 ~~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       (4) State and local governmental entities and public  
18 accommodations must accommodate service animals that assist  
19 individuals with disabilities unless doing so would result in  
20 an undue burden or fundamental alteration to the nature of the  
21 program, activity, service, facility, or business.

22       (5) Documentation that the service animal is trained  
23 is not a precondition for providing service to an individual  
24 accompanied by a service animal. A public accommodation or  
25 government entity may ask if an animal is a service animal or  
26 what tasks the animal has been trained to perform in order to  
27 determine the difference between a service animal and a pet.

28       (6) A service animal may accompany the individual with  
29 a disability to all areas of a government facility or public  
30 accommodation that the public or customers are normally  
31 permitted to occupy. An individual with a service animal may

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1 not be segregated or treated in a manner that is unequal to  
2 that extended to other customers or the public.

3 (7)(a) A public accommodation may not impose a deposit  
4 or surcharge on an individual with a disability as a  
5 precondition to permitting a service animal to accompany the  
6 individual with a disability, even if a deposit is routinely  
7 required for pets.

8 (b) An individual with a disability is liable for  
9 damage caused by a service animal if it is the regular policy  
10 and practice of the public accommodation to charge nondisabled  
11 persons for damages caused by their pets.

12 (8) The care or supervision of a service animal is the  
13 responsibility of the individual owner. A public accommodation  
14 or government entity is not required to provide care or food  
15 or a special location for the service animal or assistance  
16 with removing animal excrement.

17 (9)(a) A public accommodation or government entity may  
18 exclude or remove any animal from the premises, including a  
19 service animal, if the animal's behavior poses a direct threat  
20 to the health and safety of others. Allergies and fear of  
21 animals are not valid reasons for denying access or refusing  
22 service to an individual with a service animal. The perception  
23 of a threat or fear based on past experience does not  
24 constitute a direct threat.

25 (b) If a service animal is excluded or removed as  
26 being a direct threat to others, the public accommodation or  
27 government entity must provide the individual with a  
28 disability the option of continuing access to the public  
29 accommodation or government entity without having the service  
30 animal on the premises.

31 (c) ~~Every person with paraplegia or quadriplegia has~~

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

7       (10)(2) Any person, firm, business, or corporation, or  
 8 the agent of any person, firm, business, or corporation, who  
 9 denies or interferes with admittance to, or enjoyment of, the  
 10 public accommodation of, facilities enumerated in subsection  
 11 ~~(1)~~ or otherwise interferes with the rights of, an individual  
 12 with a disability ~~a deaf person, a hard of hearing person, a~~  
 13 ~~totally or partially blind person, a person who is subject to~~  
 14 ~~epilepsy or other such seizure disorders, or an otherwise~~  
 15 ~~physically disabled person~~ under this section, or the trainer  
 16 of a ~~dog guide or service animal~~ dog while engaged in the  
 17 training of the animal under ~~such a dog pursuant to~~ subsection  
 18 ~~(14)(7)~~, commits is guilty of a misdemeanor of the second  
 19 degree for the first offense and a misdemeanor of the first  
 20 degree for each subsequent offense, punishable as provided in  
 21 s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

22       (11)(3) It is the policy of this state that  
 23 individuals with disabilities ~~the deaf, hard of hearing,~~  
 24 ~~blind, visually handicapped, and otherwise physically disabled~~  
 25 ~~shall~~ be employed in the service of the state or political  
 26 subdivisions of the state, in the public schools, and in all  
 27 other employment supported in whole or in part by public  
 28 funds, and an employer may not refuse employment to an  
 29 individual with a disability ~~the deaf, the hard of hearing,~~  
 30 ~~the blind, the visually handicapped, or the otherwise~~  
 31 ~~physically disabled~~ on the basis of the disability alone,

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1 ~~unless it is shown that the particular disability prevents the~~  
2 ~~satisfactory performance of the work involved.~~

3       ~~(12)(4) Each individual with a disability is Deaf~~  
4 ~~persons, hard of hearing persons, blind persons, visually~~  
5 ~~handicapped persons, and otherwise physically disabled persons~~  
6 ~~are~~ entitled to rent, lease, or purchase, as other members of  
7 the general public, any housing accommodations offered for  
8 rent, lease, or other compensation in this state, subject to  
9 the conditions and limitations established by law and  
10 applicable alike to all persons.

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

18       ~~(b) This section does not require any person renting,~~  
19 ~~leasing, or otherwise providing real property for compensation~~  
20 ~~to modify her or his property in any way or provide a higher~~  
21 ~~degree of care for a deaf person, hard of hearing person,~~  
22 ~~blind person, visually handicapped person, or otherwise~~  
23 ~~physically disabled person than for a person who is not so~~  
24 ~~handicapped.~~

25       ~~(13)(c) Each individual with a disability deaf person,~~  
26 ~~hard of hearing person, totally or partially blind person, or~~  
27 ~~otherwise physically disabled person who has a service animal~~  
28 ~~dog guide, or who obtains a service animal dog guide, is~~  
29 entitled to full and equal access to all housing  
30 accommodations provided for in this section, and ~~the~~ such a  
31 person may ~~shall~~ not be required to pay extra compensation for

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1 the service animal dog guide. However, an individual with a  
 2 disability such a person is liable for any damage done to the  
 3 premises or another person by ~~such a service animal dog guide.~~  
 4 A housing accommodation may request proof of compliance with  
 5 vaccination requirements.

6 ~~(d) Each person with paraplegia or quadriplegia who~~  
 7 ~~has or obtains a nonhuman primate of the genus Cebus,~~  
 8 ~~specially trained for the purpose of providing personal care~~  
 9 ~~services, is entitled to full and equal access to all housing~~  
 10 ~~accommodations provided for in this section, and she or he~~  
 11 ~~shall not be required to pay extra compensation for such a~~  
 12 ~~nonhuman primate. However, the person is liable for any damage~~  
 13 ~~done to the premises by such a nonhuman primate.~~

14 ~~(14)(5) An~~ Any employer covered under subsection (11)  
 15 ~~(3) who discriminates against an individual with a disability~~  
 16 ~~the deaf, hard of hearing, blind, visually handicapped, or~~  
 17 ~~otherwise physically disabled in employment, unless it is~~  
 18 ~~shown that the particular disability prevents the satisfactory~~  
 19 ~~performance of the work involved, or any person, firm, or~~  
 20 ~~corporation, or the agent of any person, firm, business, or~~  
 21 ~~corporation, providing housing accommodations as provided in~~  
 22 ~~subsection(12)(4) who discriminates against an individual~~  
 23 ~~with a disability commits the deaf, hard of hearing, blind,~~  
 24 ~~visually handicapped, or otherwise physically disabled is~~  
 25 ~~guilty of a misdemeanor of the second degree for the first~~  
 26 ~~offense and a misdemeanor of the first degree for each~~  
 27 ~~subsequent offense, punishable as provided in s. 775.082, or~~  
 28 ~~s. 775.083, or s. 755.084.~~

29 ~~(6)(a) As used in this section, the term "physically~~  
 30 ~~disabled person" means any person who has a physical~~  
 31 ~~impairment that substantially limits one or more major life~~

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1 ~~activities.~~

2       ~~(b) As used in this section, the term "hard of hearing~~  
3 ~~person" means an individual who has suffered a permanent~~  
4 ~~hearing impairment that is severe enough to necessitate the~~  
5 ~~use of amplification devices to discriminate speech sounds in~~  
6 ~~verbal communication.~~

7       ~~(15)(7)~~ Any trainer of a ~~dog guide~~ or service animal

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