

1                                   A bill to be entitled  
2           An act relating to individuals with  
3           disabilities; amending s. 413.08, F.S.;  
4           providing definitions; providing that an  
5           individual with a disability has full and equal  
6           access to and enjoyment of public  
7           accommodations; providing that an individual  
8           with a disability may be accompanied by a  
9           service animal in places of public  
10          accommodation; requiring that a service animal  
11          be given access to all areas of a public  
12          accommodation that the public or customers are  
13          normally permitted to occupy; directing that  
14          documentation that a service animal is trained  
15          may not be a precondition for providing service  
16          to an individual accompanied by a service  
17          animal; prohibiting a public accommodation from  
18          imposing a deposit or surcharge on an  
19          individual with a disability as a precondition  
20          to permitting a service animal to accompany the  
21          individual; providing that an individual with a  
22          disability may be liable for damage caused by a  
23          service animal; providing that the animal's  
24          owner is responsible for the care and  
25          supervision of a service animal; providing that  
26          the public accommodation is not required to  
27          provide care or food or a special location for  
28          a service animal; providing that a public  
29          accommodation may exclude or remove any animal  
30          from the premises if the animal's behavior  
31          poses a direct threat to the health and safety

1 of others; providing that the trainer of a  
 2 service animal has the same rights and  
 3 privileges as a person with a disability while  
 4 training the service animal; providing that a  
 5 housing accommodation may request proof of  
 6 compliance with vaccination requirements;  
 7 amending s. 413.081, F.S.; conforming  
 8 provisions to changes made by the act;  
 9 directing the Florida Americans with  
 10 Disabilities Act Working Group and the  
 11 Commission on Human Relations to provide  
 12 recommendations to the Executive Office of the  
 13 Governor; providing an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17 Section 1. Section 413.08, Florida Statutes, is  
 18 amended to read:

19 413.08 Rights of an individual with a disability;  
 20 ~~physically disabled persons;~~ use of a dog guides or service  
 21 animal dogs or nonhuman primates of the genus Cebus;  
 22 discrimination in public employment or housing accommodations;  
 23 penalties.--

24 (1) As used in ss. 413.08 and 413.081, the term:

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

1           (b) "Individual with a disability" means a person who  
 2 is deaf, hard of hearing, blind, visually impaired, or  
 3 otherwise physically disabled. As used in this paragraph, the  
 4 term:

5           1. "Hard of hearing" means an individual who has  
 6 suffered a permanent hearing impairment that is severe enough  
 7 to necessitate the use of amplification devices to  
 8 discriminate speech sounds in verbal communication.

9           2. "Physically disabled" means any person who has a  
 10 physical impairment that substantially limits one or more  
 11 major life activities.

12           (c) "Public accommodation" means a common carrier,  
 13 airplane, motor vehicle, railroad train, motor bus, streetcar,  
 14 boat, or other public conveyance or mode of transportation;  
 15 hotel; lodging place; place of public accommodation,  
 16 amusement, or resort; and other places to which the general  
 17 public is invited, subject only to the conditions and  
 18 limitations established by law and applicable alike to all  
 19 persons.

20           (d) "Service animal" means an animal that is trained  
 21 to perform tasks for an individual with a disability. The  
 22 tasks may include, but are not limited to, guiding a person  
 23 who is visually impaired or blind, alerting a person who is  
 24 deaf or hard of hearing, pulling a wheelchair, assisting with  
 25 mobility or balance, alerting and protecting a person who is  
 26 having a seizure, retrieving objects, or performing other  
 27 special tasks. A service animal is not a pet.

28           ~~(2)(1)(a)~~ An individual with a disability is ~~The deaf,~~  
 29 ~~hard of hearing, blind, visually handicapped, and otherwise~~  
 30 ~~physically disabled~~ are entitled to full and equal  
 31 accommodations, advantages, facilities, and privileges in or

1 all public accommodations ~~common carriers, airplanes, motor~~  
2 ~~vehicles, railroad trains, motor buses, streetcars, boats, and~~  
3 ~~other public conveyances or modes of transportation and at~~  
4 ~~hotels, lodging places, places of public accommodation,~~  
5 ~~amusement, or resort, and other places to which the general~~  
6 ~~public is invited, subject only to the conditions and~~  
7 ~~limitations established by law and applicable alike to all~~  
8 ~~persons~~. This section does not require any person, firm,  
9 business, or corporation, or any agent thereof, to modify or  
10 provide any vehicle, premises, facility, or service to a  
11 higher degree of accommodation than is required for a person  
12 not so disabled.

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

29 (a) Documentation that the service animal is trained  
30 is not a precondition for providing service to an individual  
31 accompanied by a service animal. A public accommodation may

1 ask if an animal is a service animal or what tasks the animal  
2 has been trained to perform in order to determine the  
3 difference between a service animal and a pet.

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

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

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

18 (e) A public accommodation may exclude or remove any  
19 animal from the premises, including a service animal, if the  
20 animal's behavior poses a direct threat to the health and  
21 safety of others. Allergies and fear of animals are not valid  
22 reasons for denying access or refusing service to an  
23 individual with a service animal. If a service animal is  
24 excluded or removed for being a direct threat to others, the  
25 public accommodation must provide the individual with a  
26 disability the option of continuing access to the public  
27 accommodation without having the service animal on the  
28 premises.

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

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

5 ~~(4)(2)~~ Any person, firm, or corporation, or the agent  
 6 of any person, firm, or corporation, who denies or interferes  
 7 with admittance to, or enjoyment of, a ~~the~~ public  
 8 ~~accommodation facilities enumerated in subsection (1) or~~  
 9 otherwise interferes with the rights of an individual with a  
 10 disability ~~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 animal ~~dog~~ while engaged in the training of  
 15 such an animal ~~such a dog~~ pursuant to subsection ~~(8)(7)~~,  
 16 ~~commits is guilty of~~ a misdemeanor of the second degree,  
 17 punishable as provided in s. 775.082 or s. 775.083.

18 ~~(5)(3)~~ It is the policy of this state that an  
 19 individual with a disability ~~the deaf, hard of hearing, blind,~~  
 20 ~~visually handicapped, and otherwise physically disabled shall~~  
 21 be employed in the service of the state or political  
 22 subdivisions of the state, in the public schools, and in all  
 23 other employment supported in whole or in part by public  
 24 funds, and an employer may not refuse employment to such a  
 25 person ~~the deaf, the hard of hearing, the blind, the visually~~  
 26 ~~handicapped, or the otherwise physically disabled~~ on the basis  
 27 of the disability alone, unless it is shown that the  
 28 particular disability prevents the satisfactory performance of  
 29 the work involved.

30 ~~(6)(4)~~ An individual with a disability is Deaf  
 31 ~~persons, hard of hearing persons, blind persons, visually~~

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

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

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

22 ~~(b)(c)~~ An individual with a disability ~~Each deaf~~  
 23 ~~person, hard of hearing person, totally or partially blind~~  
 24 ~~person, or otherwise physically disabled person~~ who has a  
 25 service animal ~~dog guide,~~ or who obtains a service animal ~~dog~~  
 26 ~~guide,~~ is entitled to full and equal access to all housing  
 27 accommodations provided for in this section, and such a person  
 28 may ~~shall~~ not be required to pay extra compensation for the  
 29 service animal ~~dog guide.~~ However, such a person is liable for  
 30 any damage done to the premises or to another person on the  
 31 premises by such an animal ~~a dog guide.~~ A housing

1 accommodation may request proof of compliance with vaccination  
 2 requirements.

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

11 ~~(7)(5)~~ An Any employer covered under subsection (5)  
 12 ~~(3)~~ who discriminates against an individual with a disability  
 13 ~~the deaf, hard of hearing, blind, visually handicapped, or~~  
 14 ~~otherwise physically disabled~~ in employment, unless it is  
 15 shown that the particular disability prevents the satisfactory  
 16 performance of the work involved, or any person, firm, or  
 17 corporation, or the agent of any person, firm, or corporation,  
 18 providing housing accommodations as provided in subsection  
 19 ~~(6)(4)~~ who discriminates against an individual with a  
 20 disability ~~commits~~ ~~the deaf, hard of hearing, blind, visually~~  
 21 ~~handicapped, or otherwise physically disabled~~ is guilty of a  
 22 misdemeanor of the second degree, punishable as provided in s.  
 23 775.082 or s. 775.083.

24 ~~(6)(a)~~ As used in this section, the term "physically  
 25 disabled person" means any person who has a physical  
 26 impairment that substantially limits one or more major life  
 27 activities.

28 ~~(b)~~ As used in this section, the term "hard of hearing  
 29 person" means an individual who has suffered a permanent  
 30 hearing impairment that is severe enough to necessitate the  
 31



1 ~~use of amplification devices to discriminate speech sounds in~~  
 2 ~~verbal communication.~~

3 ~~(8)(7)~~ Any trainer of a ~~dog guide or service animal~~  
 4 ~~dog~~, while engaged in the training of such an animal ~~a dog~~ ,  
 5 has the same rights and privileges with respect to access to  
 6 public facilities and the same liability for damage as is  
 7 provided for those persons described in subsection (3)  
 8 ~~paragraph (1)(b)~~ accompanied by service animals ~~dog guides or~~  
 9 ~~service dogs~~.

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

21 Section 2. Section 413.081, Florida Statutes, is  
 22 amended to read:

23 413.081 Interference with or injury to a guide dog or  
 24 service animal; penalties; restitution.--

25 (1) A ~~Any~~ person who, with reckless disregard,  
 26 interferes with, or permits a dog that he or she owns or is in  
 27 the immediate control of to interfere~~7~~, with, the use of a  
 28 ~~guide dog or service animal~~ by obstructing, intimidating, or  
 29 otherwise jeopardizing the safety of the service animal or its  
 30 user commits is guilty of a misdemeanor of the second degree  
 31 for the first offense and a misdemeanor of the first degree

1 for each subsequent offense, punishable as provided in s.  
2 775.082 or s. 775.083.

3 (2) ~~A Any~~ person who, with reckless disregard, injures  
4 or kills, or permits a dog that he or she owns or is in the  
5 immediate control of to injure or kill, a ~~guide dog or~~ service  
6 animal commits ~~is guilty of~~ a misdemeanor of the first degree,  
7 punishable as provided in s. 775.082 or s. 775.083.

8 (3) ~~A Any~~ person who intentionally injures or kills,  
9 or permits a dog that he or she owns or is in the immediate  
10 control of to injure or kill, a ~~guide dog or~~ service animal  
11 commits ~~is guilty of~~ a felony of the third degree, punishable  
12 as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

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

18 (b) Restitution includes the value of the service  
19 animal; replacement and training or retraining expenses for  
20 the service animal and the user; veterinary and other medical  
21 and boarding expenses for the service animal; medical expenses  
22 for the user; and lost wages or income incurred by the user  
23 during any period that the user is without the services of the  
24 service ~~such an~~ animal.

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

26 ~~(a) "Guide dog" means a dog that is trained for the~~  
27 ~~purpose of guiding blind persons or a dog trained for the~~  
28 ~~purpose of assisting hearing impaired persons.~~

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

1           Section 3. The Florida Americans with Disabilities Act  
2 Working Group and the Commission on Human Relations, jointly,  
3 are directed to provide to the Executive Office of the  
4 Governor recommendations that identify specific policies that  
5 the state can implement to ensure the effectiveness of this  
6 act and improve access for individuals with disabilities who  
7 are accompanied by service animals.

8           Section 4. This act shall take effect July 1, 2005.  
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