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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, ~~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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