

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 Representative Kriseman offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "Dawson and David  
 7 Caras Act."

8 Section 2. Section 413.08, Florida Statutes, is amended to  
 9 read:

10 413.08 Rights of an individual with a disability; ~~use of a~~  
 11 ~~service animal~~; discrimination in public employment or housing  
 12 accommodations; penalties.-

13 (1) As used in this section ~~and s. 413.081~~, the term:

14 (a) "Housing accommodation" means any real property or  
 15 portion thereof which is used or occupied, or intended,  
 16 arranged, or designed to be used or occupied, as the home,  
 17 residence, or sleeping place of one or more persons, but does  
 18 not include any single-family residence, the occupants of which

Amendment No. 1

19 rent, lease, or furnish for compensation not more than one room  
20 therein.

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

24 1. "Hard of hearing" means an individual who has suffered  
25 a permanent hearing impairment that is severe enough to  
26 necessitate the use of amplification devices to discriminate  
27 speech sounds in verbal communication.

28 2. "Physically disabled" means any person who has a  
29 physical impairment that substantially limits one or more major  
30 life activities.

31 (c) "Public accommodation" means a common carrier,  
32 airplane, motor vehicle, railroad train, motor bus, streetcar,  
33 boat, or other public conveyance or mode of transportation;  
34 hotel; lodging place; place of public accommodation, amusement,  
35 or resort; and other places to which the general public is  
36 invited, subject only to the conditions and limitations  
37 established by law and applicable alike to all persons.

38 ~~(d) "Service animal" means an animal that is trained to~~  
39 ~~perform tasks for an individual with a disability. The tasks may~~  
40 ~~include, but are not limited to, guiding a person who is~~  
41 ~~visually impaired or blind, alerting a person who is deaf or~~  
42 ~~hard of hearing, pulling a wheelchair, assisting with mobility~~  
43 ~~or balance, alerting and protecting a person who is having a~~  
44 ~~seizure, retrieving objects, or performing other special tasks.~~  
45 ~~A service animal is not a pet.~~

## Amendment No. 1

46 (2) An individual with a disability is entitled to full  
47 and equal accommodations, advantages, facilities, and privileges  
48 in all public accommodations. This section does not require any  
49 person, firm, business, or corporation, or any agent thereof, to  
50 modify or provide any vehicle, premises, facility, or service to  
51 a higher degree of accommodation than is required for a person  
52 not so disabled.

53 ~~(3) An individual with a disability has the right to be~~  
54 ~~accompanied by a service animal in all areas of a public~~  
55 ~~accommodation that the public or customers are normally~~  
56 ~~permitted to occupy.~~

57 ~~(a) Documentation that the service animal is trained is~~  
58 ~~not a precondition for providing service to an individual~~  
59 ~~accompanied by a service animal. A public accommodation may ask~~  
60 ~~if an animal is a service animal or what tasks the animal has~~  
61 ~~been trained to perform in order to determine the difference~~  
62 ~~between a service animal and a pet.~~

63 ~~(b) A public accommodation may not impose a deposit or~~  
64 ~~surcharge on an individual with a disability as a precondition~~  
65 ~~to permitting a service animal to accompany the individual with~~  
66 ~~a disability, even if a deposit is routinely required for pets.~~

67 ~~(c) An individual with a disability is liable for damage~~  
68 ~~caused by a service animal if it is the regular policy and~~  
69 ~~practice of the public accommodation to charge nondisabled~~  
70 ~~persons for damages caused by their pets.~~

71 ~~(d) The care or supervision of a service animal is the~~  
72 ~~responsibility of the individual owner. A public accommodation~~  
73 ~~is not required to provide care or food or a special location~~

Amendment No. 1

74 ~~for the service animal or assistance with removing animal~~  
75 ~~excrement.~~

76 ~~(c) A public accommodation may exclude or remove any~~  
77 ~~animal from the premises, including a service animal, if the~~  
78 ~~animal's behavior poses a direct threat to the health and safety~~  
79 ~~of others. Allergies and fear of animals are not valid reasons~~  
80 ~~for denying access or refusing service to an individual with a~~  
81 ~~service animal. If a service animal is excluded or removed for~~  
82 ~~being a direct threat to others, the public accommodation must~~  
83 ~~provide the individual with a disability the option of~~  
84 ~~continuing access to the public accommodation without having the~~  
85 ~~service animal on the premises.~~

86 ~~(3)-(4)~~ Any person, firm, or corporation, or the agent of  
87 any person, firm, or corporation, who denies or interferes with  
88 admittance to, or enjoyment of, a public accommodation or  
89 otherwise interferes with the rights of an individual with a  
90 disability ~~or the trainer of a service animal while engaged in~~  
91 ~~the training of such an animal pursuant to subsection (8),~~  
92 commits a misdemeanor of the second degree, punishable as  
93 provided in s. 775.082 or s. 775.083.

94 ~~(4)-(5)~~ It is the policy of this state that an individual  
95 with a disability be employed in the service of the state or  
96 political subdivisions of the state, in the public schools, and  
97 in all other employment supported in whole or in part by public  
98 funds, and an employer may not refuse employment to such a  
99 person on the basis of the disability alone, unless it is shown  
100 that the particular disability prevents the satisfactory  
101 performance of the work involved.

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Amendment No. 1

102        (5)~~(6)~~ An individual with a disability is entitled to  
103 rent, lease, or purchase, as other members of the general  
104 public, any housing accommodations offered for rent, lease, or  
105 other compensation in this state, subject to the conditions and  
106 limitations established by law and applicable alike to all  
107 persons. ~~(a)~~ This section does not require any person renting,  
108 leasing, or otherwise providing real property for compensation  
109 to modify her or his property in any way or provide a higher  
110 degree of care for an individual with a disability than for a  
111 person who is not disabled.

112        ~~(b) An individual with a disability who has a service  
113 animal or who obtains a service animal is entitled to full and  
114 equal access to all housing accommodations provided for in this  
115 section, and such a person may not be required to pay extra  
116 compensation for the service animal. However, such a person is  
117 liable for any damage done to the premises or to another person  
118 on the premises by such an animal. A housing accommodation may  
119 request proof of compliance with vaccination requirements.~~

120        (6)~~(7)~~ An employer covered under subsection (4)~~(5)~~ who  
121 discriminates against an individual with a disability in  
122 employment, unless it is shown that the particular disability  
123 prevents the satisfactory performance of the work involved, or  
124 any person, firm, or corporation, or the agent of any person,  
125 firm, or corporation, providing housing accommodations as  
126 provided in subsection (5)~~(6)~~ who discriminates against an  
127 individual with a disability, commits a misdemeanor of the  
128 second degree, punishable as provided in s. 775.082 or s.  
129 775.083.

Amendment No. 1

130 ~~(8) Any trainer of a service animal, while engaged in the~~  
131 ~~training of such an animal, has the same rights and privileges~~  
132 ~~with respect to access to public facilities and the same~~  
133 ~~liability for damage as is provided for those persons described~~  
134 ~~in subsection (3) accompanied by service animals.~~

135 Section 3. Section 413.083, Florida Statutes, is created  
136 to read:

137 413.083 Use of a service animal; penalties.--

138 (1) For use in this section and section 413.081, the term:

139 (a) "Individual requiring assistance" means any person who  
140 is deaf, hard of hearing as defined in s. 413.08(1)(b)1., blind,  
141 visually impaired, physically disabled as defined in s.  
142 413.08(1)(b)2., or who has a psychological or neurological  
143 disability.

144 (b) "Owner" means a person who owns a service animal or  
145 who is authorized by the owner to use a service animal.

146 (c) "Service animal" means any domesticated animal that is  
147 individually trained to do work or perform tasks for the benefit  
148 of an individual with a disability, including a physical,  
149 sensory, psychiatric, intellectual, or other mental disability.  
150 The work or tasks performed by a service animal must be directly  
151 related to the handler's disability. Examples of work or tasks  
152 include, but are not limited to, assisting individuals who are  
153 blind or have low vision with navigation and other tasks,  
154 alerting individuals who are deaf or hard of hearing to the  
155 presence of people or sounds, providing non-violent protection  
156 or rescue work, pulling a wheelchair, assisting an individual  
157 during a seizure, alerting individuals to the presence of

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Amendment No. 1

158 allergens, retrieving items such as medicine or the telephone,  
159 providing physical support and assistance with balance and  
160 stability to individuals with mobility disabilities, and helping  
161 persons with psychiatric and neurological disabilities by  
162 preventing or interrupting impulsive or destructive behaviors.  
163 The crime deterrent effects of an animal's presence and the  
164 provision of emotional support, well-being, comfort, or  
165 companionship do not constitute work or tasks for the purposes  
166 of this definition.

167 (2) An individual requiring assistance has the right to be  
168 accompanied by a service animal in all areas of a public  
169 accommodation that the public or customers are normally  
170 permitted to occupy. If an individual requiring assistance or a  
171 person who trains service animals is a student at a private or  
172 public school in the state, that person has the right to be  
173 accompanied by a service animal subject to the conditions  
174 established under this section.

175 (a) Documentation that the service animal is trained is  
176 not a precondition for providing service to an individual  
177 accompanied by a service animal. A public accommodation may ask  
178 if an animal is a service animal or what tasks the animal has  
179 been trained to perform in order to determine the difference  
180 between a service animal and a pet.

181 (b) A public accommodation may not impose a deposit or  
182 surcharge on an individual requiring assistance as a  
183 precondition to permitting a service animal to accompany the  
184 individual requiring assistance, even if a deposit is routinely  
185 required for pets.

Amendment No. 1

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

190 (d) The care or supervision of a service animal is the  
191 responsibility of the individual owner. A public accommodation  
192 is not required to provide care or food or a special location  
193 for the service animal or assistance with removing animal  
194 excrement unless required by any federal agency, federal law, or  
195 federal regulation. In those instances, if a public  
196 accommodation has a secured area, the public accommodation must  
197 provide a special location for the service animal to relieve  
198 itself within that secured area.

199 (e) A public accommodation may exclude or remove any  
200 animal from the premises, including a service animal, if the  
201 animal fails to remain under the control of the handler or if  
202 the animal's behavior is inappropriate, including, but not  
203 limited to, growling, excessive barking, or biting, or poses a  
204 direct threat to the health and safety of others. Allergies and  
205 fear of animals are not valid reasons for denying access or  
206 refusing service to an individual with a service animal. If a  
207 service animal is excluded or removed for being a direct threat  
208 to others, the public accommodation must provide the individual  
209 requiring assistance the option of continuing access to the  
210 public accommodation without having the service animal on the  
211 premises.

212 (3) Any person, firm, or corporation, or the agent of any  
213 person, firm, or corporation, who denies or interferes with



Amendment No. 1

214 admittance to, or enjoyment of, a public accommodation,  
215 interferes with the renting, leasing, or purchasing of housing  
216 accommodations, or otherwise interferes with the rights of an  
217 individual requiring assistance while using a service animal or  
218 the trainer of a service animal while engaged in the training of  
219 such an animal pursuant to subsection (5):

220 (a) On the first offense, commits a noncriminal violation  
221 punishable as provided in s. 775.083. The offender may contest  
222 the citation or may, within 30 days after receiving the  
223 citation, elect to pay a civil penalty of \$50 plus court costs.

224 (b) On a second or subsequent offense, commits a  
225 misdemeanor of the second degree, punishable as provided in s.  
226 775.082 or s. 775.083.

227 (4) An individual requiring assistance who is accompanied  
228 by a service animal is entitled to full and equal advantages,  
229 facilities, and privileges in all housing accommodations and is  
230 entitled to rent, lease, or purchase, as other members of the  
231 general public, any housing accommodations offered for rent,  
232 lease, or other compensation in this state, subject to the  
233 conditions and limitations established by law and applicable  
234 alike to all persons.

235 (a) This section does not require any person renting,  
236 leasing, or otherwise providing real property for compensation  
237 to modify her or his property in any way or provide a higher  
238 degree of care for an individual requiring assistance than for a  
239 person who is not disabled.

240 (b) An individual requiring assistance who has a service  
241 animal, who obtains a service animal, or an individual who is

Amendment No. 1

242 the trainer of a service animal is entitled to full and equal  
243 access to all housing accommodations provided for in this  
244 section, and such a person may not be required to pay extra  
245 compensation for the service animal. However, such a person is  
246 liable for any damage done to the premises or to another person  
247 on the premises by such an animal. A housing accommodation may  
248 request proof of compliance with vaccination requirements.

249 (5) Any person who trains a service animal, while engaged  
250 in the training of such an animal, has the same rights and  
251 privileges with respect to access to public facilities and  
252 housing accommodations and the same liability for damage as is  
253 provided for a person described in subsection (2) accompanied by  
254 service animals.

255 (6) A person who knowingly and fraudulently represents  
256 herself or himself, through her or his conduct or verbal or  
257 written notice, as the owner or trainer of a service animal  
258 commits a misdemeanor of the second degree, punishable as  
259 provided in s. 775.082 or s. 775.083.

260 Section 4. This act shall take effect July 1, 2012.

261  
262  
263 -----  
264 **T I T L E A M E N D M E N T**

265 Remove the entire title and insert:

266 An act relating to service animals; providing a short title;  
267 amending s. 413.08, F.S.; removing definitions; removing  
268 provisions related to service animals; renumbering subsequent  
269 subsections; creating s. 413.083, F.S.; providing definitions;

699069 - h1077-strike.docx

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1077 (2012)

Amendment No. 1

270 providing rights for an individual with a service animal to be  
271 accompanied by the service animal; providing requirements for  
272 documentation; providing restrictions for a public accommodation  
273 imposing a deposit or surcharge; providing for liability of a  
274 service animal; providing responsibility of supervision of a  
275 service animal; providing conditions for exclusion or removal of  
276 a service animal from a public accommodation; providing a  
277 penalty for denying or interfering with the right to enjoy a  
278 public accommodation; providing for rights to housing  
279 accommodations for an owner of a service animal; providing  
280 limitations; providing rights of housing to the owner or trainer  
281 of a service animal with liability; providing rights to a  
282 trainer of service animals; providing a penalty for  
283 misrepresentation as a trainer; providing an effective date.