

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Access Subcommittee
3 Representative Kriseman offered the following:
4

5 **Amendment**

6 Remove lines 28-168 and insert:
7 physically disabled, or who has a psychological or neurological
8 disability. As used in this paragraph, the term:

9 1. "Hard of hearing" means an individual who has suffered
10 a permanent hearing impairment that is severe enough to
11 necessitate the use of amplification devices to discriminate
12 speech sounds in verbal communication.

13 2. "Physically disabled" means any person who has a
14 physical, psychological, or neurological disability ~~impairment~~
15 that substantially limits one or more major life activities.

16 (c) "Owner" means a person who owns a service animal or
17 who is authorized by the owner to use a service animal.

18 (d)-(e) "Public accommodation" means a common carrier,
19 airplane, motor vehicle, railroad train, motor bus, streetcar,

Amendment No.1

20 boat, or other public conveyance or mode of transportation;
21 hotel; lodging place; place of public accommodation, amusement,
22 or resort; and other places to which the general public is
23 invited, subject only to the conditions and limitations
24 established by law and applicable alike to all persons.

25 (e)~~(d)~~ "Service animal" means an animal that is trained to
26 perform tasks for an individual with a disability. The tasks may
27 include, but are not limited to, guiding a person who is
28 visually impaired, has low vision, or is blind, alerting a
29 person who is deaf or hard of hearing, pulling a wheelchair,
30 assisting with mobility or balance, alerting and protecting a
31 person who is having a seizure, retrieving objects, helping a
32 person with a psychological or neurological disability by
33 preventing or interrupting impulsive or destructive behaviors,
34 or performing other specialized ~~special~~ tasks. A service animal
35 is not a pet.

36 (2) An individual with a disability is entitled to full
37 and equal accommodations, advantages, facilities, and privileges
38 in all public accommodations. This section does not require any
39 person, firm, business, or corporation, or any agent thereof, to
40 modify or provide any vehicle, premises, facility, or service to
41 a higher degree of accommodation than is required for a person
42 not so disabled. If an individual with a disability or a person
43 who trains service animals is a student at a private or public
44 school in the state, that person has the right to be accompanied
45 by a service animal subject to the conditions established under
46 this section.

Amendment No.1

47 (3) An individual with a disability has the right to be
48 accompanied by a service animal in all areas of a public
49 accommodation that the public or customers are normally
50 permitted to occupy.

51 (a) Documentation that the service animal is trained is
52 not a precondition for providing service to an individual
53 accompanied by a service animal. A public accommodation may ask
54 if an animal is a service animal or what tasks the animal has
55 been trained to perform in order to determine the difference
56 between a service animal and a pet.

57 (b) A public accommodation may not impose a deposit or
58 surcharge on an individual with a disability as a precondition
59 to permitting a service animal to accompany the individual with
60 a disability, even if a deposit is routinely required for pets.

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

65 (d) The care or supervision of a service animal is the
66 responsibility of the individual owner. A public accommodation
67 is not required to provide care or food or a special location
68 for the service animal or assistance with removing animal
69 excrement, unless required by any federal agency, federal law,
70 or federal regulation. In those instances, if a public
71 accommodation has a secured area, the public accommodation must
72 provide a special location for the service animal to relieve
73 itself within those secured areas.

Amendment No.1

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

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

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

Amendment No.1

101 that the particular disability prevents the satisfactory
102 performance of the work involved.

103 (6) An individual with a disability who is accompanied by
104 a service animal is entitled to full and equal advantages,
105 facilities, and privileges in all housing accommodations and is
106 entitled to rent, lease, or purchase, as other members of the
107 general public, any housing accommodations offered for rent,
108 lease, or other compensation in this state, subject to the
109 conditions and limitations established by law and applicable
110 alike to all persons.

111 (a) This section does not require any person renting,
112 leasing, or otherwise providing real property for compensation
113 to modify her or his property in any way or provide a higher
114 degree of care for an individual with a disability than for a
115 person who is not disabled.

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

125 (7) An employer covered under subsection (5) who
126 discriminates against an individual with a disability in
127 employment, unless it is shown that the particular disability
128 prevents the satisfactory performance of the work involved, or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1077 (2012)

Amendment No.1

129 any person, firm, or corporation, or the agent of any person,
130 firm, or corporation, providing housing accommodations as
131 provided in subsection (6) who discriminates against an
132 individual with a disability, commits a misdemeanor of the
133 second degree, punishable as provided in s. 775.082 or s.
134 775.083.

135 (8) Any person who trains ~~trainer of~~ a service animal,
136 while engaged in the training of such an animal, has the same
137 rights and privileges with respect to access to public and
138 housing accommodations ~~facilities~~ and the same liability for
139 damage as is provided for a person ~~those persons~~ described in
140 subsection (3) accompanied by service animals.