

1 A bill to be entitled
 2 An act relating to service animals; amending s.
 3 413.08, F.S.; revising and providing definitions;
 4 revising designation and duties of a service animal;
 5 providing rights of an individual with a disability
 6 accompanied by a service animal or a person who trains
 7 service animals with regard to public or housing
 8 accommodations under certain conditions; providing a
 9 penalty; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 413.08, Florida Statutes, is amended to
 14 read:

15 413.08 Rights of an individual with a disability; use of a
 16 service animal; discrimination in public employment or housing
 17 accommodations; penalties.—

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

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

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

29 | 1. "Hard of hearing" means an individual who has suffered
 30 | a permanent hearing impairment that is severe enough to
 31 | necessitate the use of amplification devices to discriminate
 32 | speech sounds in verbal communication.

33 | 2. "Physically disabled" means any person who has a
 34 | physical impairment that substantially limits one or more major
 35 | life activities.

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

38 | (d)-(e) "Public accommodation" means a common carrier,
 39 | airplane, motor vehicle, railroad train, motor bus, streetcar,
 40 | boat, or other public conveyance or mode of transportation;
 41 | hotel; lodging place; place of public accommodation, amusement,
 42 | or resort; and other places to which the general public is
 43 | invited, subject only to the conditions and limitations
 44 | established by law and applicable alike to all persons.

45 | (e)-(d) "Service animal" means a dog ~~an animal~~ that is
 46 | trained to perform tasks for an individual with a disability.
 47 | The tasks may include, but are not limited to, guiding a person
 48 | who is visually impaired, has low vision, or is blind, alerting
 49 | a person who is deaf or hard of hearing, pulling a wheelchair,
 50 | assisting with mobility or balance, alerting and protecting a
 51 | person who is having a seizure, retrieving objects, helping a
 52 | person with a psychiatric or neurological disability by
 53 | preventing or interrupting impulsive or destructive behaviors,
 54 | or performing other specialized ~~special~~ tasks. A service animal
 55 | is not a pet.

56 | (2) An individual with a disability is entitled to full

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57 | and equal accommodations, advantages, facilities, and privileges
58 | in all public accommodations. This section does not require any
59 | person, firm, business, or corporation, or any agent thereof, to
60 | modify or provide any vehicle, premises, facility, or service to
61 | a higher degree of accommodation than is required for a person
62 | not so disabled. If an individual with a disability or a person
63 | who trains service animals is a student at a private or public
64 | school in the state, that person has the right to be accompanied
65 | by a service animal subject to the conditions established under
66 | this section.

67 | (3) An individual with a disability has the right to be
68 | accompanied by a service animal in all areas of a public
69 | accommodation that the public or customers are normally
70 | permitted to occupy.

71 | (a) Documentation that the service animal is trained is
72 | not a precondition for providing service to an individual
73 | accompanied by a service animal. A public accommodation may ask
74 | if an animal is a service animal or what tasks the animal has
75 | been trained to perform in order to determine the difference
76 | between a service animal and a pet.

77 | (b) A public accommodation may not impose a deposit or
78 | surcharge on an individual with a disability as a precondition
79 | to permitting a service animal to accompany the individual with
80 | a disability, even if a deposit is routinely required for pets.

81 | (c) An individual with a disability is liable for damage
82 | caused by a service animal if it is the regular policy and
83 | practice of the public accommodation to charge nondisabled
84 | persons for damages caused by their pets.

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85 (d) The care or supervision of a service animal is the
86 responsibility of the individual owner. A public accommodation
87 is not required to provide care or food or a special location
88 for the service animal or assistance with removing animal
89 excrement, unless required by any federal agency, federal law,
90 or federal regulation. In those instances, if a public
91 accommodation has a secured area, the public accommodation must
92 provide a special location for the service animal to relieve
93 itself within those secured areas.

94 (e) A public accommodation may exclude or remove any
95 animal from the premises, including a service animal, if the
96 animal's behavior poses a direct threat to the health and safety
97 of others. Allergies and fear of animals are not valid reasons
98 for denying access or refusing service to an individual with a
99 service animal. If a service animal is excluded or removed for
100 being a direct threat to others, the public accommodation must
101 provide the individual with a disability the option of
102 continuing access to the public accommodation without having the
103 service animal on the premises.

104 (4) Any person, firm, or corporation, or the agent of any
105 person, firm, or corporation, who denies or interferes with
106 admittance to~~7~~ or enjoyment of~~7~~ a public accommodation;
107 interferes with the renting, leasing, or purchasing of housing
108 accommodations; or otherwise interferes with the rights of an
109 individual with a disability or the trainer of a service animal
110 while engaged in the training of such an animal pursuant to
111 subsection (8)~~7~~ commits a misdemeanor of the second degree,
112 punishable as provided in s. 775.082 or s. 775.083.

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113 (5) It is the policy of this state that an individual with
114 a disability be employed in the service of the state or
115 political subdivisions of the state, in the public schools, and
116 in all other employment supported in whole or in part by public
117 funds, and an employer may not refuse employment to such a
118 person on the basis of the disability alone, unless it is shown
119 that the particular disability prevents the satisfactory
120 performance of the work involved.

121 (6) An individual with a disability who is accompanied by
122 a service animal is entitled to full and equal advantages,
123 facilities, and privileges in all housing accommodations and is
124 entitled to rent, lease, or purchase, as other members of the
125 general public, any housing accommodations offered for rent,
126 lease, or other compensation in this state, subject to the
127 conditions and limitations established by law and applicable
128 alike to all persons.

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

134 (b) An individual with a disability who has a service
135 animal, ~~or~~ who obtains a service animal, or who is the trainer
136 of a service animal for an accredited school is entitled to full
137 and equal access to all housing accommodations provided for in
138 this section, and such a person may not be required to pay extra
139 compensation for the service animal. However, such a person is
140 liable for any damage done to the premises or to another person

141 on the premises by such an animal. A housing accommodation may
 142 request proof of compliance with vaccination requirements.

143 (7) An employer covered under subsection (5) who
 144 discriminates against an individual with a disability in
 145 employment, unless it is shown that the particular disability
 146 prevents the satisfactory performance of the work involved, or
 147 any person, firm, or corporation, or the agent of any person,
 148 firm, or corporation, providing housing accommodations as
 149 provided in subsection (6) who discriminates against an
 150 individual with a disability, commits a misdemeanor of the
 151 second degree, punishable as provided in s. 775.082 or s.
 152 775.083.

153 (8) Any person who trains ~~trainer of~~ a service animal,
 154 while engaged in the training of such an animal, has the same
 155 rights and privileges with respect to access to public and
 156 housing accommodations ~~facilities~~ and the same liability for
 157 damage as is provided for a person ~~those persons~~ described in
 158 subsection (3) or subsection (6) who is accompanied by a service
 159 animal, so long as: ~~animals.~~

160 (a) The service animal is being held on a leash and is
 161 under the control of the person training the service animal for
 162 an accredited school for service animals.

163 (b) The person has on her or his person and available for
 164 inspection credentials from the accredited school for which the
 165 service animal is being trained.

166 (c) The service animal is wearing a collar, leash, or
 167 other appropriate apparel that identifies the dog with the
 168 accredited school for which the service animal is being trained.

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169 (9) A person who knowingly and fraudulently represents
170 herself or himself, through her or his conduct or verbal or
171 written notice, as the owner or trainer of a service animal
172 commits a misdemeanor of the second degree, punishable as
173 provided in s. 775.082 or s. 775.083.

174 Section 2. This act shall take effect July 1, 2012.