



497356

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2012	.	
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	.	

The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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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
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 a
25 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~~



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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.~~

46 (2) An individual with a disability is entitled to full and
47 equal accommodations, advantages, facilities, and privileges in
48 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 not~~
58 ~~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.~~



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

76 ~~(e) A public accommodation may exclude or remove any animal~~
77 ~~from the premises, including a service animal, if the animal's~~
78 ~~behavior poses a direct threat to the health and safety of~~
79 ~~others. Allergies and fear of animals are not valid reasons for~~
80 ~~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)~~ A 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



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

102 (5)~~(6)~~ An individual with a disability is entitled to rent,
103 lease, or purchase, as other members of the general public, any
104 housing accommodations offered for rent, lease, or other
105 compensation in this state, subject to the conditions and
106 limitations established by law and applicable alike to all
107 persons.

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

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

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



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129 second degree, punishable as provided in s. 775.082 or s.
130 775.083.

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

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

138 413.083 Use of a service animal; penalties.-

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

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

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

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



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

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

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

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



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

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

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

213 (3) A person, firm, or corporation, or the agent of any
214 person, firm, or corporation, who denies or interferes with
215 admittance to, or enjoyment of, a public accommodation,



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216 interferes with the renting, leasing, or purchasing of housing
217 accommodations, or otherwise interferes with the rights of an
218 individual requiring assistance while accompanied by a service
219 animal or the trainer of a service animal while engaged in the
220 training of such an animal pursuant to subsection (5):

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

225 (b) For a second or subsequent offense, commits a
226 misdemeanor of the second degree, punishable as provided in s.
227 775.082 or s. 775.083.

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

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

241 (b) An individual requiring assistance who has a service
242 animal or an individual who is the trainer of a service animal
243 is entitled to full and equal access to all housing
244 accommodations provided for in this section, and that individual



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245 is not required to pay extra compensation for the service
246 animal. However, the individual is liable for any damage done to
247 the premises or to another individual on the premises by the
248 service animal. A housing accommodation may request proof of
249 compliance with vaccination requirements.

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

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

261 Section 4. Subsection (3) of section 252.355, Florida
262 Statutes, is amended to read:

263 252.355 Registry of persons with special needs; notice.-

264 (3) A person with special needs must be allowed to bring
265 his or her service animal into a special needs shelter in
266 accordance with s. 413.083 ~~413.08~~.

267 Section 5. This act shall take effect July 1, 2012.

268
269 ===== T I T L E A M E N D M E N T =====

270 And the title is amended as follows:

271 Delete everything before the enacting clause
272 and insert:

273 A bill to be entitled



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274 An act relating to service animals; providing a short
275 title; amending s. 413.08, F.S.; removing provisions
276 related to service animals; creating s. 413.083, F.S.;
277 providing definitions; specifying rights of an
278 individual accompanied by a service animal; providing
279 that documentation that a service animal is trained is
280 not a precondition for providing certain services to
281 an individual accompanied by a service animal;
282 authorizing a public accommodation to make certain
283 inquiries regarding the animal; providing restrictions
284 for a public accommodation imposing a deposit or
285 surcharge; providing for liability of an individual
286 accompanied by or the trainer of a service animal
287 under certain circumstances; providing responsibility
288 for care and supervision of a service animal;
289 providing conditions for exclusion or removal of a
290 service animal from a public accommodation; providing
291 penalties for denying or interfering with admittance
292 to or enjoyment of a public accommodation; specifying
293 rights to housing accommodations for an individual
294 accompanied by a service animal; providing
295 limitations; providing rights of housing to the owner
296 or trainer of a service animal; providing a penalty
297 for misrepresentation as an owner or trainer; amending
298 s. 252.355, F.S.; conforming a cross-reference;
299 providing an effective date.