

By Senator Bennett

21-01254-12

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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           or raises service animals with regard to public or  
8           housing accommodations under certain conditions;  
9           providing penalties; providing an effective date.

10  
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 a

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30 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 who  
37 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 and  
57 equal accommodations, advantages, facilities, and privileges in  
58 all public accommodations. This section does not require any

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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 or raises service animals is a student at a private  
64 or public school in the state, that person has the right to be  
65 accompanied by a service animal subject to the conditions  
66 established under 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 not  
72 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.

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

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88 for the service animal or assistance with removing animal  
89 excrement.

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

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

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

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117 performance of the work involved.

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

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

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

141 (7) An employer covered under subsection (5) who  
142 discriminates against an individual with a disability in  
143 employment, unless it is shown that the particular disability  
144 prevents the satisfactory performance of the work involved, or  
145 any person, firm, or corporation, or the agent of any person,

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146 firm, or corporation, providing housing accommodations as  
147 provided in subsection (6) who discriminates against an  
148 individual with a disability, commits a misdemeanor of the  
149 second degree, punishable as provided in s. 775.082 or s.  
150 775.083.

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

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

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

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

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

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