



Amendment No.

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| WITHDRAWN | 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: State Affairs Committee
 2 Representative Smith offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

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



Amendment No.

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

20 (b) "Individual with a disability" means a person who has
21 a physical or mental impairment that substantially limits one or
22 more major life activities of the individual ~~is deaf, hard of~~
23 ~~hearing, blind, visually impaired, or otherwise physically~~
24 ~~disabled~~. As used in this paragraph, the term:

25 1. "Major life activity" means a function such as caring
26 for one's self, performing manual tasks, walking, seeing,
27 hearing, speaking, breathing, learning, and working ~~"Hard of~~
28 ~~hearing" means an individual who has suffered a permanent~~
29 ~~hearing impairment that is severe enough to necessitate the use~~
30 ~~of amplification devices to discriminate speech sounds in verbal~~
31 ~~communication.~~

32 2. "Physical or mental impairment" means:

33 a. A physiological disorder or condition, disfigurement,
34 or anatomical loss that affects one or more bodily functions; or

35 b. A mental or psychological disorder that meets one of
36 the diagnostic categories specified in the most recent edition
37 of the Diagnostic and Statistical Manual of Mental Disorders
38 published by the American Psychiatric Association, such as an
39 intellectual or developmental disability, organic brain
40 syndrome, traumatic brain injury, posttraumatic stress disorder,
41 or an emotional or mental illness ~~"Physically disabled" means~~
42 ~~any person who has a physical impairment that substantially~~
43 ~~limits one or more major life activities.~~



Amendment No.

44 (c) "Public accommodation" means a common carrier,
45 airplane, motor vehicle, railroad train, motor bus, streetcar,
46 boat, or other public conveyance or mode of transportation;
47 hotel; a timeshare that is a transient public lodging
48 establishment as defined in s. 509.013; lodging place; place of
49 public accommodation, amusement, or resort; and other places to
50 which the general public is invited, subject only to the
51 conditions and limitations established by law and applicable
52 alike to all persons.

53 (d) "Service animal" means an animal that is trained to do
54 work or perform tasks for an individual with a disability,
55 including a physical, sensory, psychiatric, intellectual, or
56 other mental disability. The work done or tasks performed must
57 be directly related to the individual's disability and may
58 include, but are not limited to, guiding an individual ~~a person~~
59 who is visually impaired or blind, alerting an individual ~~a~~
60 ~~person~~ who is deaf or hard of hearing, pulling a wheelchair,
61 assisting with mobility or balance, alerting and protecting an
62 individual ~~a person~~ who is having a seizure, retrieving objects,
63 alerting an individual to the presence of allergens, providing
64 physical support and assistance with balance and stability to an
65 individual with a mobility disability, helping an individual
66 with a psychiatric or neurological disability by preventing or
67 interrupting impulsive or destructive behaviors, reminding an
68 individual with mental illness to take prescribed medications,
69 calming an individual with posttraumatic stress disorder during



Amendment No.

70 an anxiety attack, or doing other specific work or performing
71 other special tasks. A service animal is not a pet. For purposes
72 of subsections (2), (3), and (4), a service animal is limited to
73 a dog or miniature horse, except that the term "service animal"
74 as applied to an air carrier covered by the Air Carrier Access
75 Act of 1986, 49 U.S.C. s. 41705, shall be as provided in the act
76 and by regulations adopted by the United States Department of
77 Transportation that implement it. The crime-deterrent effect of
78 an animal's presence and the provision of emotional support,
79 well-being, comfort, or companionship do not constitute work or
80 tasks for purposes of this definition.

81 (2) An individual with a disability is entitled to full
82 and equal accommodations, advantages, facilities, and privileges
83 in all public accommodations. A public accommodation must modify
84 its policies, practices, and procedures to permit use of a
85 service animal by an individual with a disability. This section
86 does not require any person, firm, business, or corporation, or
87 any agent thereof, to modify or provide any vehicle, premises,
88 facility, or service to a higher degree of accommodation than is
89 required for a person not so disabled.

90 (3) An individual with a disability has the right to be
91 accompanied by a service animal in all areas of a public
92 accommodation that the public or customers are normally
93 permitted to occupy.

94 (a) The service animal must be under the control of its
95 handler and must have a harness, leash, or other tether, unless



Amendment No.

96 either the handler is unable because of a disability to use a
97 harness, leash, or other tether, or the use of a harness, leash,
98 or other tether would interfere with the service animal's safe,
99 effective performance of work or tasks, in which case the
100 service animal must be otherwise under the handler's control by
101 means of voice control, signals, or other effective means.

102 (b)-(a) Documentation that the service animal is trained is
103 not a precondition for providing service to an individual
104 accompanied by a service animal. A public accommodation may not
105 ask about the nature or extent of an individual's disability. To
106 determine the difference between a service animal and a pet, a
107 public accommodation may ask if an animal is a service animal
108 required because of a disability and what work or what tasks the
109 animal has been trained to perform ~~in order to determine the~~
110 ~~difference between a service animal and a pet.~~

111 (c)-(b) A public accommodation may not impose a deposit or
112 surcharge on an individual with a disability as a precondition
113 to permitting a service animal to accompany the individual with
114 a disability, even if a deposit is routinely required for pets.

115 (d)-(e) An individual with a disability is liable for
116 damage caused by a service animal if it is the regular policy
117 and practice of the public accommodation to charge nondisabled
118 persons for damages caused by their pets.

119 (e)-(d) The care or supervision of a service animal is the
120 responsibility of the individual owner. A public accommodation
121 is not required to provide care or food or a special location



Amendment No.

122 for the service animal or assistance with removing animal
123 excrement.

124 ~~(f)(e)~~ A public accommodation may exclude or remove any
125 animal from the premises, including a service animal, if the
126 animal is out of control and the animal's handler does not take
127 effective action to control it, the animal is not housebroken,
128 or the animal's behavior poses a direct threat to the health and
129 safety of others. Allergies and fear of animals are not valid
130 reasons for denying access or refusing service to an individual
131 with a service animal. If a service animal is excluded or
132 removed for being a direct threat to others, the public
133 accommodation must provide the individual with a disability the
134 option of continuing access to the public accommodation without
135 having the service animal on the premises.

136 (4) Any person, firm, or corporation, or the agent of any
137 person, firm, or corporation, who denies or interferes with
138 admittance to, or enjoyment of, a public accommodation or, with
139 regard to public accommodations, otherwise interferes with the
140 rights of an individual with a disability or the trainer of a
141 service animal while engaged in the training of such an animal
142 pursuant to subsection (8), commits a misdemeanor of the second
143 degree, punishable as provided in s. 775.082 or s. 775.083 and
144 must perform 30 hours of community service for an organization
145 that serves individuals with disabilities, or for another entity
146 or organization at the discretion of the court, to be completed
147 in not more than 6 months.



Amendment No.

148 (5) It is the policy of this state that an individual with
149 a disability be employed in the service of the state or
150 political subdivisions of the state, in the public schools, and
151 in all other employment supported in whole or in part by public
152 funds, and an employer may not refuse employment to such a
153 person on the basis of the disability alone, unless it is shown
154 that the particular disability prevents the satisfactory
155 performance of the work involved.

156 (6) An individual with a disability is entitled to rent,
157 lease, or purchase, as other members of the general public, any
158 housing accommodations offered for rent, lease, or other
159 compensation in this state, subject to the conditions and
160 limitations established by law and applicable alike to all
161 persons.

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

167 (b) An individual with a disability who has a service
168 animal or who obtains a service animal is entitled to full and
169 equal access to all housing accommodations provided for in this
170 section, and such a person may not be required to pay extra
171 compensation for such ~~the~~ service animal. However, such a person
172 is liable for any damage done to the premises or to another
173 person on the premises by the ~~such an~~ animal. A housing



Amendment No.

174 accommodation may request proof of compliance with vaccination
175 requirements.

176 (c) This subsection does not limit the rights or remedies
177 of a housing accommodation or a person with a disability that
178 are granted by federal law or another law of this state with
179 regard to other assistance animals.

180 (7) An employer covered under subsection (5) who
181 discriminates against an individual with a disability in
182 employment, unless it is shown that the particular disability
183 prevents the satisfactory performance of the work involved, or
184 any person, firm, or corporation, or the agent of any person,
185 firm, or corporation, providing housing accommodations as
186 provided in subsection (6) who discriminates against an
187 individual with a disability, commits a misdemeanor of the
188 second degree, punishable as provided in s. 775.082 or s.
189 775.083.

190 (8) Any trainer of a service animal, while engaged in the
191 training of such an animal, has the same rights and privileges
192 with respect to access to public facilities and the same
193 liability for damage as is provided for those persons described
194 in subsection (3) accompanied by service animals.

195 (9) A person who knowingly and willfully misrepresents
196 herself or himself, through conduct or verbal or written notice,
197 as using a service animal and being qualified to use a service
198 animal or as a trainer of a service animal commits a misdemeanor
199 of the second degree, punishable as provided in s. 775.082 or s.



Amendment No.

200 775.083 and must perform 30 hours of community service for an
201 organization that serves individuals with disabilities, or for
202 another entity or organization at the discretion of the court,
203 to be completed in not more than 6 months.

204 Section 2. This act shall take effect July 1, 2014.
205
206
207

208 -----

209 **T I T L E A M E N D M E N T**

210 Remove everything before the enacting clause and insert:

211 An act relating to service animals; amending s. 413.08,
212 F.S.; providing and revising definitions; requiring a
213 public accommodation to permit use of a service animal by
214 an individual with a disability under certain conditions;
215 providing conditions for a public accommodation to exclude
216 or remove a service animal; revising penalties to include
217 community service for certain persons or entities who
218 interfere with use of a service animal in specified
219 circumstances; providing a penalty for knowing and willful
220 misrepresentation with respect to use or training of a
221 service animal; providing an effective date.
222