

A bill to be entitled

An act relating to service animals; amending s. 413.08, F.S.; providing and revising definitions; requiring a public accommodation to permit use of a service animal by an individual with a disability under certain conditions; providing conditions for a public accommodation to exclude or remove a service animal; revising penalties to include community service for certain persons or entities who interfere with use of a service animal in specified circumstances; providing equal access to housing accommodations for an individual with a disability accompanied by an emotional support animal; providing conditions under which a landlord may request documentation of a qualifying disability; providing a penalty for knowing and willful misrepresentation with respect to use or training of a service animal; providing an effective date.

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

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 or emotional support animal; prohibited discrimination in public employment, public

27 accommodations, and ~~or~~ housing accommodations; penalties.-

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

29 (a) "Emotional support animal" means an animal that
 30 provides emotional support to individuals with disabilities who
 31 have a disability-related need for such support or that
 32 alleviates one or more identified symptoms or effects of an
 33 individual's disability. Training is not required for an
 34 emotional support animal.

35 (b)-(a) "Housing accommodation" means any real property or
 36 portion thereof which is used or occupied, or intended,
 37 arranged, or designed to be used or occupied, as the home,
 38 residence, or sleeping place of one or more persons, but does
 39 not include any single-family residence, the occupants of which
 40 rent, lease, or furnish for compensation not more than one room
 41 therein.

42 (c)-(b) "Individual with a disability" means a person who
 43 has a physical or mental impairment that substantially limits
 44 one or more major life activities of the individual ~~is deaf,~~
 45 ~~hard of hearing, blind, visually impaired, or otherwise~~
 46 ~~physically disabled.~~ As used in this paragraph, the term:

47 1. "Major life activity" means a function such as caring
 48 for one's self, performing manual tasks, walking, seeing,
 49 hearing, speaking, breathing, learning, and working ~~"Hard of~~
 50 ~~hearing" means an individual who has suffered a permanent~~
 51 ~~hearing impairment that is severe enough to necessitate the use~~
 52 ~~of amplification devices to discriminate speech sounds in verbal~~

53 ~~communication.~~

54 2. "Physical or mental impairment" means:

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

57 b. A mental or psychological disorder that meets one of
58 the diagnostic categories specified in the most recent edition
59 of the Diagnostic and Statistical Manual of Mental Disorders
60 published by the American Psychiatric Association, such as an
61 intellectual or developmental disability, organic brain
62 syndrome, traumatic brain injury, posttraumatic stress disorder,
63 or an emotional or mental illness ~~"Physically disabled" means~~
64 ~~any person who has a physical impairment that substantially~~
65 ~~limits one or more major life activities.~~

66 (d)(e) "Public accommodation" means a common carrier,
67 airplane, motor vehicle, railroad train, motor bus, streetcar,
68 boat, or other public conveyance or mode of transportation;
69 hotel; lodging place; place of public accommodation, amusement,
70 or resort; and other places to which the general public is
71 invited, subject only to the conditions and limitations
72 established by law and applicable alike to all persons.

73 (e)(d) "Service animal" means an animal that is trained to
74 do work or perform tasks for an individual with a disability,
75 including a physical, sensory, psychiatric, intellectual, or
76 other mental disability. The work done or tasks performed must
77 be directly related to the individual's disability and may
78 include, but are not limited to, guiding an individual ~~a person~~

79 | who is visually impaired or blind, alerting an individual a
80 | ~~person~~ who is deaf or hard of hearing, pulling a wheelchair,
81 | assisting with mobility or balance, alerting and protecting an
82 | individual a ~~person~~ who is having a seizure, retrieving objects,
83 | alerting an individual to the presence of allergens, providing
84 | physical support and assistance with balance and stability to an
85 | individual with a mobility disability, helping an individual
86 | with a psychiatric or neurological disability by preventing or
87 | interrupting impulsive or destructive behaviors, reminding an
88 | individual with mental illness to take prescribed medications,
89 | calming an individual with posttraumatic stress disorder during
90 | an anxiety attack, or doing other specific work or performing
91 | other special tasks. A service animal is not a pet. The crime-
92 | deterrent effect of an animal's presence and the provision of
93 | emotional support, well-being, comfort, or companionship do not
94 | constitute work or tasks for purposes of this definition.

95 | (2) An individual with a disability is entitled to full
96 | and equal accommodations, advantages, facilities, and privileges
97 | in all public accommodations. A public accommodation must modify
98 | its policies, practices, and procedures to permit use of a
99 | service animal by an individual with a disability. This section
100 | does not require any person, firm, business, or corporation, or
101 | any agent thereof, to modify or provide any vehicle, premises,
102 | facility, or service to a higher degree of accommodation than is
103 | required for a person not so disabled.

104 | (3) An individual with a disability has the right to be

105 accompanied by a service animal in all areas of a public
106 accommodation that the public or customers are normally
107 permitted to occupy.

108 (a) The service animal must be under the control of its
109 handler and must have a harness, leash, or other tether, unless
110 either the handler is unable because of a disability to use a
111 harness, leash, or other tether, or the use of a harness, leash,
112 or other tether would interfere with the service animal's safe,
113 effective performance of work or tasks, in which case the
114 service animal must be otherwise under the handler's control by
115 means of voice control, signals, or other effective means.

116 (b)-(a) Documentation that the service animal is trained is
117 not a precondition for providing service to an individual
118 accompanied by a service animal. A public accommodation may not
119 ask about the nature or extent of an individual's disability. To
120 determine the difference between a service animal and a pet, a
121 public accommodation may ask if an animal is a service animal
122 required because of a disability and what work or what tasks the
123 animal has been trained to perform ~~in order to determine the~~
124 ~~difference between a service animal and a pet.~~

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

129 (d)-(e) An individual with a disability is liable for
130 damage caused by a service animal if it is the regular policy

131 and practice of the public accommodation to charge nondisabled
132 persons for damages caused by their pets.

133 (e)~~(d)~~ The care or supervision of a service animal is the
134 responsibility of the individual owner. A public accommodation
135 is not required to provide care or food or a special location
136 for the service animal or assistance with removing animal
137 excrement.

138 (f)~~(e)~~ A public accommodation may exclude or remove any
139 animal from the premises, including a service animal, if the
140 animal is out of control and the animal's handler does not take
141 effective action to control it, the animal is not housebroken,
142 or the animal's behavior poses a direct threat to the health and
143 safety of others. Allergies and fear of animals are not valid
144 reasons for denying access or refusing service to an individual
145 with a service animal. If a service animal is excluded or
146 removed for being a direct threat to others, the public
147 accommodation must provide the individual with a disability the
148 option of continuing access to the public accommodation without
149 having the service animal on the premises.

150 (4) Any person, firm, or corporation, or the agent of any
151 person, firm, or corporation, who denies or interferes with
152 admittance to, or enjoyment of, a public accommodation or
153 otherwise interferes with the rights of an individual with a
154 disability or the trainer of a service animal while engaged in
155 the training of such an animal pursuant to subsection (8),
156 commits a misdemeanor of the second degree, punishable as

157 | provided in s. 775.082 or s. 775.083 and must perform 30 hours
158 | of community service for an organization that serves individuals
159 | with disabilities, or for another entity or organization at the
160 | discretion of the court, to be completed in not more than 1
161 | year.

162 | (5) It is the policy of this state that an individual with
163 | a disability be employed in the service of the state or
164 | political subdivisions of the state, in the public schools, and
165 | in all other employment supported in whole or in part by public
166 | funds, and an employer may not refuse employment to such a
167 | person on the basis of the disability alone, unless it is shown
168 | that the particular disability prevents the satisfactory
169 | performance of the work involved.

170 | (6) An individual with a disability is entitled to rent,
171 | lease, or purchase, as other members of the general public, any
172 | housing accommodations offered for rent, lease, or other
173 | compensation in this state, subject to the conditions and
174 | limitations established by law and applicable alike to all
175 | persons.

176 | (a) This section does not require any person renting,
177 | leasing, or otherwise providing real property for compensation
178 | to modify her or his property in any way or provide a higher
179 | degree of care for an individual with a disability than for a
180 | person who is not disabled.

181 | (b) An individual with a disability who has a service
182 | animal or an emotional support animal or who obtains a service

183 animal or an emotional support animal is entitled to full and
184 equal access to all housing accommodations provided for in this
185 section, and such a person may not be required to pay extra
186 compensation for such ~~the service~~ animal. However, such a person
187 is liable for any damage done to the premises or to another
188 person on the premises by the ~~such an~~ animal. A housing
189 accommodation may request proof of compliance with vaccination
190 requirements.

191 (c) Except when the disability and the need for the
192 service or emotional support animal is readily apparent, such as
193 when it is observed guiding, pulling, or providing physical
194 assistance to an individual who is blind, has low vision, uses a
195 wheelchair, or needs the animal for stability, a landlord may
196 request medical documentation that a tenant has a qualifying
197 disability and how the service or emotional support animal
198 benefits the individual with a disability.

199 (7) An employer covered under subsection (5) who
200 discriminates against an individual with a disability in
201 employment, unless it is shown that the particular disability
202 prevents the satisfactory performance of the work involved, or
203 any person, firm, or corporation, or the agent of any person,
204 firm, or corporation, providing housing accommodations as
205 provided in subsection (6) who discriminates against an
206 individual with a disability, commits a misdemeanor of the
207 second degree, punishable as provided in s. 775.082 or s.
208 775.083.

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

214 (9) A person who knowingly and willfully misrepresents
215 herself or himself, through conduct or verbal or written notice,
216 as using a service animal and being qualified to use a service
217 animal or as a trainer of a service animal commits a misdemeanor
218 of the second degree, punishable as provided in s. 775.082 or s.
219 775.083 and must perform 30 hours of community service for an
220 organization that serves individuals with disabilities, or for
221 another entity or organization at the discretion of the court,
222 to be completed in not more than 1 year.

223 Section 2. This act shall take effect July 1, 2014.