

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 housing accommodation 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 and 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. For purposes  
92 | of subsections (2), (3), and (4), a service animal is limited to  
93 | a dog or miniature horse. The crime-deterrent effect of an  
94 | animal's presence and the provision of emotional support, well-  
95 | being, comfort, or companionship do not constitute work or tasks  
96 | for purposes of this definition.

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

105 required for a person not so disabled.

106 (3) An individual with a disability has the right to be  
107 accompanied by a service animal in all areas of a public  
108 accommodation that the public or customers are normally  
109 permitted to occupy.

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

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

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

131        (d)~~(e)~~ An individual with a disability is liable for  
132 damage caused by a service animal if it is the regular policy  
133 and practice of the public accommodation to charge nondisabled  
134 persons for damages caused by their pets.

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

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

152        (4) Any person, firm, or corporation, or the agent of any  
153 person, firm, or corporation, who denies or interferes with  
154 admittance to, or enjoyment of, a public accommodation or  
155 otherwise interferes with the rights of an individual with a  
156 disability or the trainer of a service animal while engaged in

157 the training of such an animal pursuant to subsection (8),  
158 commits a misdemeanor of the second degree, punishable as  
159 provided in s. 775.082 or s. 775.083 and must perform 30 hours  
160 of community service for an organization that serves individuals  
161 with disabilities, or for another entity or organization at the  
162 discretion of the court, to be completed in not more than 6  
163 months.

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

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

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

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

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

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



209 individual with a disability, commits a misdemeanor of the  
210 second degree, punishable as provided in s. 775.082 or s.  
211 775.083.

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

217 (9) A person who knowingly and willfully misrepresents  
218 herself or himself, through conduct or verbal or written notice,  
219 as using a service animal and being qualified to use a service  
220 animal or as a trainer of a service animal commits a misdemeanor  
221 of the second degree, punishable as provided in s. 775.082 or s.  
222 775.083 and must perform 30 hours of community service for an  
223 organization that serves individuals with disabilities, or for  
224 another entity or organization at the discretion of the court,  
225 to be completed in not more than 6 months.

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