

By the Committee on Commerce and Tourism; and Senator Altman

577-03102-15

2015414c1

1 A bill to be entitled
2 An act relating to service animals; amending s.
3 413.08, F.S.; providing and revising definitions;
4 requiring a public accommodation to permit use of a
5 service animal by an individual with a disability
6 under certain circumstances; prohibiting a public
7 accommodation from inquiring about the nature or
8 extent of an individual's disability; providing
9 conditions for a public accommodation to exclude or
10 remove a service animal; revising penalties for
11 certain persons or entities who interfere with use of
12 a service animal in specified circumstances;
13 specifying that the act does not limit certain rights
14 or remedies granted under federal or state law;
15 providing a penalty for knowing and willful
16 misrepresentation with respect to use or training of a
17 service animal; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 413.08, Florida Statutes, is amended to
22 read:

23 413.08 Rights and responsibilities of an individual with a
24 disability; use of a service animal; prohibited discrimination
25 in public employment, public accommodations, and ~~or~~ housing
26 accommodations; penalties.—

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

28 (a) "Housing accommodation" means any real property or
29 portion thereof which is used or occupied, or intended,

577-03102-15

2015414c1

30 arranged, or designed to be used or occupied, as the home,
31 residence, or sleeping place of one or more persons, but does
32 not include any single-family residence, the occupants of which
33 rent, lease, or furnish for compensation not more than one room
34 therein.

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

40 1. "Major life activity" means a function such as caring
41 for one's self, performing manual tasks, walking, seeing,
42 hearing, speaking, breathing, learning, and working ~~"Hard of~~
43 ~~hearing" means an individual who has suffered a permanent~~
44 ~~hearing impairment that is severe enough to necessitate the use~~
45 ~~of amplification devices to discriminate speech sounds in verbal~~
46 ~~communication.~~

47 2. "Physical or mental impairment" means:

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

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

577-03102-15

2015414c1

59 (c) "Public accommodation" means a common carrier,
60 airplane, motor vehicle, railroad train, motor bus, streetcar,
61 boat, or other public conveyance or mode of transportation;
62 hotel; a timeshare that is a transient public lodging
63 establishment as defined in s. 509.013; lodging place; place of
64 public accommodation, amusement, or resort; and other places to
65 which the general public is invited, subject only to the
66 conditions and limitations established by law and applicable
67 alike to all persons. The term does not include air carriers
68 covered by the Air Carrier Access Act of 1986, 49 U.S.C. s.
69 41705, and by regulations that implement such act that are
70 adopted by the United States Department of Transportation.

71 (d) "Service animal" means an animal that is trained to do
72 work or perform tasks for an individual with a disability,
73 including a physical, sensory, psychiatric, intellectual, or
74 other mental disability. The work done or tasks performed must
75 be directly related to the individual's disability and may
76 include, but are not limited to, guiding an individual ~~a person~~
77 who is visually impaired or blind, alerting an individual ~~a~~
78 ~~person~~ who is deaf or hard of hearing, pulling a wheelchair,
79 assisting with mobility or balance, alerting and protecting an
80 individual ~~a person~~ who is having a seizure, retrieving objects,
81 alerting an individual to the presence of allergens, providing
82 physical support and assistance with balance and stability to an
83 individual with a mobility disability, helping an individual
84 with a psychiatric or neurological disability by preventing or
85 interrupting impulsive or destructive behaviors, reminding an
86 individual with mental illness to take prescribed medications,
87 calming an individual with posttraumatic stress disorder during

577-03102-15

2015414c1

88 an anxiety attack, or doing other specific work or performing
89 other special tasks. For purposes of subsections (2), (3), and
90 (4), the term is limited to a dog or miniature horse. A service
91 animal is not a pet. The crime-deterrent effect of an animal's
92 presence and the provision of emotional support, well-being,
93 comfort, or companionship do not constitute work or tasks for
94 purposes of this definition.

95 (2) An individual with a disability is entitled to full and
96 equal accommodations, advantages, facilities, and privileges in
97 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

577-03102-15

2015414c1

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 damage
130 caused by a service animal if it is the regular policy and
131 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

577-03102-15

2015414c1

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, with
153 regard to a public accommodation, otherwise interferes with the
154 rights of an individual with a disability or the trainer of a
155 service animal while engaged in the training of such an animal
156 pursuant to subsection (8), commits a misdemeanor of the second
157 degree, punishable as provided in s. 775.082 or s. 775.083, and
158 must perform 30 hours of community service for an organization
159 that serves individuals with disabilities, or for another entity
160 or organization at the discretion of the court, to be completed
161 in not more than 6 months.

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

577-03102-15

2015414c1

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

190 (c) This subsection does not limit the rights or remedies
191 of a housing accommodation or an individual with a disability
192 that are granted by federal law or another law of this state
193 with regard to other assistance animals.

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

577-03102-15

2015414c1

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

209 (9) A person who knowingly and willfully misrepresents
210 herself or himself, through conduct or verbal or written notice,
211 as using a service animal and being qualified to use a service
212 animal or as a trainer of a service animal commits a misdemeanor
213 of the second degree, punishable as provided in s. 775.082 or s.
214 775.083, and must perform 30 hours of community service for an
215 organization that serves individuals with disabilities, or for
216 another entity or organization at the discretion of the court,
217 to be completed in not more than 6 months.

218 Section 2. This act shall take effect July 1, 2015.