

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; providing conditions for
 7 a public accommodation to exclude or remove a service
 8 animal; revising penalties for certain persons or
 9 entities who interfere with use of a service animal in
 10 specified circumstances; providing a penalty for
 11 knowing and willful misrepresentation with respect to
 12 use or training of a service animal; providing an
 13 effective date.

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

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

19 413.08 Rights and responsibilities of an individual with a
 20 disability; use of a service animal; prohibited discrimination
 21 in public employment, public accommodations, and ~~or~~ housing
 22 accommodations; penalties.-

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

24 (a) "Housing accommodation" means any real property or
 25 portion thereof which is used or occupied, or intended,
 26 arranged, or designed to be used or occupied, as the home,

27 residence, or sleeping place of one or more persons, but does
 28 not include any single-family residence, the occupants of which
 29 rent, lease, or furnish for compensation not more than one room
 30 therein.

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

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

43 2. "Physical or mental impairment" means:

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

46 b. A mental or psychological disorder that meets one of
 47 the diagnostic categories specified in the most recent edition
 48 of the Diagnostic and Statistical Manual of Mental Disorders
 49 published by the American Psychiatric Association, such as an
 50 intellectual or developmental disability, organic brain
 51 syndrome, traumatic brain injury, posttraumatic stress disorder,
 52 or an emotional or mental illness ~~"Physically disabled" means~~

53 ~~any person who has a physical impairment that substantially~~
 54 ~~limits one or more major life activities.~~

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

67 (d) "Service animal" means an animal that is trained to do
 68 work or perform tasks for an individual with a disability,
 69 including a physical, sensory, psychiatric, intellectual, or
 70 other mental disability. The work done or tasks performed must
 71 be directly related to the individual's disability and may
 72 include, but are not limited to, guiding an individual ~~a person~~
 73 who is visually impaired or blind, alerting an individual ~~a~~
 74 ~~person~~ who is deaf or hard of hearing, pulling a wheelchair,
 75 assisting with mobility or balance, alerting and protecting an
 76 individual ~~a person~~ who is having a seizure, retrieving objects,
 77 alerting an individual to the presence of allergens, providing
 78 physical support and assistance with balance and stability to an

79 individual with a mobility disability, helping an individual
80 with a psychiatric or neurological disability by preventing or
81 interrupting impulsive or destructive behaviors, reminding an
82 individual with mental illness to take prescribed medications,
83 calming an individual with posttraumatic stress disorder during
84 an anxiety attack, or doing other specific work or performing
85 other special tasks. A service animal is not a pet. For purposes
86 of subsections (2), (3), and (4), the term "service animal" is
87 limited to a dog or miniature horse. The crime-deterrent effect
88 of an animal's presence and the provision of emotional support,
89 well-being, comfort, or companionship do not constitute work or
90 tasks for purposes of this definition.

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

100 (3) An individual with a disability has the right to be
101 accompanied by a service animal in all areas of a public
102 accommodation that the public or customers are normally
103 permitted to occupy.

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

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

121 (c)~~(b)~~ A public accommodation may not impose a deposit or
122 surcharge on an individual with a disability as a precondition
123 to permitting a service animal to accompany the individual with
124 a disability, even if a deposit is routinely required for pets.

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

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

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

146 (4) Any person, firm, or corporation, or the agent of any
147 person, firm, or corporation, who denies or interferes with
148 admittance to, or enjoyment of, a public accommodation or, with
149 regard to a public accommodation, otherwise interferes with the
150 rights of an individual with a disability or the trainer of a
151 service animal while engaged in the training of such an animal
152 pursuant to subsection (8), commits a misdemeanor of the second
153 degree, punishable as provided in s. 775.082 or s. 775.083 and
154 must perform 30 hours of community service for an organization

155 that serves individuals with disabilities, or for another entity
156 or organization at the discretion of the court, to be completed
157 in not more than 6 months.

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

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

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

177 (b) An individual with a disability who has a service
178 animal or who obtains a service animal is entitled to full and
179 equal access to all housing accommodations provided for in this
180 section, and such a person may not be required to pay extra

181 compensation for such ~~the~~ service animal. However, such a person
182 is liable for any damage done to the premises or to another
183 person on the premises by the ~~such an~~ animal. A housing
184 accommodation may request proof of compliance with vaccination
185 requirements.

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

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

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

205 (9) A person who knowingly and willfully misrepresents
206 herself or himself, through conduct or verbal or written notice,

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207 as using a service animal and being qualified to use a service
208 animal or as a trainer of a service animal commits a misdemeanor
209 of the second degree, punishable as provided in s. 775.082 or s.
210 775.083 and must perform 30 hours of community service for an
211 organization that serves individuals with disabilities, or for
212 another entity or organization at the discretion of the court,
213 to be completed in not more than 6 months.

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