

Committee on Commerce and Tourism

CS/HB 71 — Service Animals

by Judiciary Committee and Rep. Smith and others (CS/SB 414 by Commerce and Tourism Committee and Senator Altman)

The bill amends Florida’s law related to service animals and aligns it with similar provisions in the American with Disabilities Act and the Fair Housing Act. The bill redefines “service animal,” and for the purposes of public accommodation, limits the term to a dog or miniature horse. The bill amends the definition of public accommodation to include a timeshare that is a transient public lodging establishment, and exempts air carriers covered by the Air Carrier Access Act of 1986.

The bill requires a business to modify its policies to accommodate the use of a service animal by an individual with a disability. Although a business may not ask about the nature of an individual’s disability, it may ask if the service animal is required because of a disability and what tasks the service animal is trained to perform. A service animal must be on a leash or harness unless it would interfere with the service animal’s ability to perform the tasks it is trained to do, and it must be under the handler’s control. If an animal is not under the handler’s control, is not housebroken, or poses a threat, the business may request its removal. In addition to the criminal penalties in current law, the bill requires a business unlawfully denying or interfering with an individual’s right to use or train a service animal to perform 30 hours of community service with an organization that serves individuals with disabilities.

The bill creates a second-degree misdemeanor for a person who knowingly and willfully misrepresents that he or she is qualified to use a service animal or is a trainer of service animals. In addition to the criminal penalty, an individual in violation of this provision must also perform 30 hours of community service with an organization that serves individuals with disabilities.

If approved by the Governor, these provisions take effect July 1, 2015

Vote: Senate 38-0; House 112-0