

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: November 5, 1997 Revised: \_\_\_\_\_

Subject: Dog Guides and Service Dogs

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Dugger</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

SB 136 expands the coverage of the second degree misdemeanor offense of interfering with a disabled person’s rights under s. 413.08(2), F.S., by also including interference with a person who is training a dog guide or service dog. Thus, under the bill, a person who interferes with the enumerated rights in s. 413.08(7), F.S., of a dog guide or service dog trainer while engaged in such training, commits a second degree misdemeanor, punishable by potential incarceration in jail not exceeding 60 days, and a potential fine not exceeding \$500.

This bill substantially amends s. 413.08 of the Florida Statutes.

**II. Present Situation:**

Section 413.08(1), F.S., provides that the deaf, hard of hearing, blind, visually handicapped, and otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges on common carriers and other public modes of transportation, hotels, places of public accommodation, amusement, and other places to which the general public is invited, subject only to lawful limitations applicable to all persons. In addition, such disabled persons have the right to be accompanied by a specially trained dog guide or service dog in any of these enumerated places, as long as the animal can be easily identified as a special service animal.

Section 413.08(2), F.S., makes it a second degree misdemeanor for any person, firm, or corporation, or any agent of such entities, to deny or interfere with such disabled person’s admittance to or enjoyment of the previously mentioned public facilities, or to otherwise interfere with their rights under this section. (A second degree misdemeanor is punishable by potential imprisonment in jail not exceeding 60 days, and a potential fine not exceeding \$500 under sections 775.082 and 775.083, F.S.)

Although s. 413.08(7), F.S., provides that any trainer of a dog guide or service dog, while engaged in training such dog, has the same rights and privileges with respect to access to public facilities as a disabled person, the criminal penalty provision in s. 413.08(2), F.S., does not specifically cover interfering with the right's of such trainer while engaged in training.

### **III. Effect of Proposed Changes:**

SB 136 would expand the coverage of the second degree misdemeanor offense of interfering with a disabled person's rights under s. 413.08(2), F.S., by also including interference with a person who is training a dog guide or service dog. Thus, under the bill, a person who interferes with the enumerated rights in s. 413.08(7), F.S., of a dog guide or service dog trainer while engaged in such training, commits a second degree misdemeanor. (A second degree misdemeanor is punishable by potential incarceration in jail not exceeding 60 days, and a potential fine not exceeding \$500 under sections 775.082 and 775.083, F.S.)

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

Persons interfering with a service dog or guide dog trainer while engaged in such training could be subject to a fine not exceeding \$500.

#### **C. Government Sector Impact:**

Any fiscal impact associated with this bill is estimated to be minimal.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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