

STORAGE NAME: h3147a.cp
DATE: February 12, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIME AND PUNISHMENT
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3147

RELATING TO: Dog Guides and Service Dogs

SPONSOR(S): Rep. Heyman

COMPANION BILL(S): SB 136

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CRIME AND PUNISHMENT YEAS 7 NAYS 0
 - (2) COMMUNITY AFFAIRS
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill 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 including trainers of guide dogs and service dogs. Thus, under the bill, a trainer may not be excluded from a public establishment when entering thereon for the purpose of training a guide dog or a service dog. Such interference constitutes a second-degree misdemeanor, punishable by potential incarceration in jail not exceeding 60 days, and a potential fine not exceeding \$500.

The bill provides an effective date of **July 1, 1998.**

II. SUBSTANTIVE RESEARCH:

A. 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 guide dog 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 guide dog 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 interference with the right's of a trainer while engaged in training.

B. EFFECT OF PROPOSED CHANGES:

The bill 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 including trainers of guide dogs and service dogs. Thus, under the bill, a trainer may not be excluded from a public establishment when entering thereon for the purpose of training a guide dog or a service dog. Such interference constitutes a second-degree misdemeanor, punishable by potential incarceration in jail not exceeding 60 days, and a potential fine not exceeding \$500.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

It requires private business to accommodate the presence of guide and service dogs for training purposes.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 413.08, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Amends s. 413.08, F.S. to include the trainers of guide and service dogs.

Section 2: Provides an effective date.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See, Fiscal Comments.

2. Recurring Effects:

See, Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See, Fiscal Comments.

4. Total Revenues and Expenditures:

See, Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See, Fiscal Comments.

2. Recurring Effects:

See, Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See, Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

See, Fiscal Comments.

2. Direct Private Sector Benefits:

See, Fiscal Comments.

3. Effects on Competition, Private Enterprise and Employment Markets:

See, Fiscal Comments.

STORAGE NAME: h3147a.cp

DATE: February 12, 1998

PAGE 7

D. FISCAL COMMENTS:

The Criminal Justice Estimating Conference has not met on this bill as of this date; but, it is anticipated that there will be an insignificant or no fiscal impact.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Because the bill concerns a criminal statute, it is exempt from the mandates provision.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce revenue raising authority.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the state tax shared with counties and municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The bill passed favorably out of the Crime & Punishment Committee with no amendments, on February 3, 1998.

VII. SIGNATURES:

COMMITTEE ON CRIME AND PUNISHMENT:

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