

By the Committee on Commerce and Tourism; and Senator Altman

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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 conditions; providing conditions for a
7 public accommodation to exclude or remove a service
8 animal; revising penalties to include community
9 service for certain persons or entities who interfere
10 with use of a service animal in specified
11 circumstances; providing equal access to housing
12 accommodations for an individual with a disability
13 accompanied by an emotional support animal; providing
14 conditions under which a landlord may request
15 documentation of a qualifying disability; providing a
16 penalty for knowing and willful misrepresentation with
17 respect to use or training of a service animal;
18 providing an effective date.

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

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

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

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

29 (a) "Emotional support animal" means an animal that

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30 provides emotional support to individuals with disabilities who
31 have a disability-related need for such support and that
32 alleviates one or more identified symptoms or effects of an
33 individual's disability. Training is not required for an
34 emotional support animal.

35 (b)-(a) "Housing accommodation" means any real property or
36 portion thereof which is used or occupied, or intended,
37 arranged, or designed to be used or occupied, as the home,
38 residence, or sleeping place of one or more persons, but does
39 not include any single-family residence, the occupants of which
40 rent, lease, or furnish for compensation not more than one room
41 therein.

42 (c)-(b) "Individual with a disability" means a person who
43 has a physical or mental impairment that substantially limits
44 one or more major life activities of the individual ~~is deaf,~~
45 ~~hard of hearing, blind, visually impaired, or otherwise~~
46 ~~physically disabled.~~ As used in this paragraph, the term:

47 1. "Major life activity" means a function such as caring
48 for oneself, performing manual tasks, walking, seeing, hearing,
49 speaking, breathing, learning, and working "Hard of hearing"
50 ~~means an individual who has suffered a permanent hearing~~
51 ~~impairment that is severe enough to necessitate the use of~~
52 ~~amplification devices to discriminate speech sounds in verbal~~
53 ~~communication.~~

54 2. "Physical or mental impairment" means:

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

57 b. A mental or psychological disorder that meets one of the
58 diagnostic categories specified in the most recent edition of

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59 the Diagnostic and Statistical Manual of Mental Disorders
60 published by the American Psychiatric Association, such as an
61 intellectual or developmental disability, organic brain
62 syndrome, traumatic brain injury, posttraumatic stress disorder,
63 or an emotional or mental illness ~~"Physically disabled" means~~
64 ~~any person who has a physical impairment that substantially~~
65 ~~limits one or more major life activities.~~

66 (d) ~~(e)~~ "Public accommodation" means a common carrier,
67 airplane, motor vehicle, railroad train, motor bus, streetcar,
68 boat, or other public conveyance or mode of transportation;
69 hotel; lodging place; place of public accommodation, amusement,
70 or resort; and other places to which the general public is
71 invited, subject only to the conditions and limitations
72 established by law and applicable alike to all persons.

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

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

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

106 (3) An individual with a disability has the right to be
107 accompanied by a service animal in all areas of a public
108 accommodation that the public or customers are normally
109 permitted to occupy.

110 (a) The service animal must be under the control of its
111 handler and must have a harness, leash, or other tether, unless
112 either the handler is unable because of a disability to use a
113 harness, leash, or other tether, or the use of a harness, leash,
114 or other tether would interfere with the service animal's safe,
115 effective performance of work or tasks, in which case the
116 service animal must be otherwise under the handler's control by

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117 means of voice control, signals, or other effective means.

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

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

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

135 (e)~~(d)~~ The care or supervision of a service animal is the
136 responsibility of the individual owner. A public accommodation
137 is not required to provide care or food or a special location
138 for the service animal or assistance with removing animal
139 excrement.

140 (f)~~(e)~~ A public accommodation may exclude or remove any
141 animal from the premises, including a service animal, if the
142 animal is out of control and the animal's handler does not take
143 effective action to control it, the animal is not housebroken,
144 or the animal's behavior poses a direct threat to the health and
145 safety of others. Allergies and fear of animals are not valid

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146 reasons for denying access or refusing service to an individual
147 with a service animal. If a service animal is excluded or
148 removed for being a direct threat to others, the public
149 accommodation must provide the individual with a disability the
150 option of continuing access to the public accommodation without
151 having the service animal on the premises.

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

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

172 (6) An individual with a disability is entitled to rent,
173 lease, or purchase, as other members of the general public, any
174 housing accommodations offered for rent, lease, or other

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175 compensation in this state, subject to the conditions and
176 limitations established by law and applicable alike to all
177 persons.

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

183 (b) An individual with a disability who has a service
184 animal or an emotional support animal or who obtains a service
185 animal or an emotional support animal is entitled to full and
186 equal access to all housing accommodations provided for in this
187 section, and such a person may not be required to pay extra
188 compensation for such ~~the service~~ animal. However, such a person
189 is liable for any damage done to the premises or to another
190 person on the premises by the ~~such an~~ animal. A housing
191 accommodation may request proof of compliance with vaccination
192 requirements. This section does not limit the rights or remedies
193 of a housing accommodation or a person with a disability which
194 are granted by federal law or another law of this state and
195 which relate to service animals or emotional support animals.

196 (c) Except when the disability and the need for the service
197 or emotional support animal are readily apparent, such as when
198 it is observed guiding, pulling, or providing physical
199 assistance to an individual who is blind, has low vision, uses a
200 wheelchair, or needs the animal for stability, a landlord may
201 request medical documentation that a tenant has a qualifying
202 disability and how the service or emotional support animal
203 alleviates one or more identified symptoms or effects of the

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204 individual's disability.

205 (7) An employer covered under subsection (5) who
206 discriminates against an individual with a disability in
207 employment, unless it is shown that the particular disability
208 prevents the satisfactory performance of the work involved, or
209 any person, firm, or corporation, or the agent of any person,
210 firm, or corporation, providing housing accommodations as
211 provided in subsection (6) who discriminates against an
212 individual with a disability, commits a misdemeanor of the
213 second degree, punishable as provided in s. 775.082 or s.
214 775.083.

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

220 (9) A person who knowingly and willfully misrepresents
221 herself or himself, through conduct or verbal or written notice,
222 as using a service animal and being qualified to use a service
223 animal or as a trainer of a service animal commits a misdemeanor
224 of the second degree, punishable as provided in s. 775.082 or s.
225 775.083 and must perform 30 hours of community service for an
226 organization that serves individuals with disabilities, or for
227 another entity or organization at the discretion of the court,
228 to be completed in not more than 6 months.

229 Section 2. This act shall take effect July 1, 2014.