

By 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 circumstances; prohibiting a public
7 accommodation from inquiring about the nature or
8 extent of an individual's disability; providing
9 conditions for a public accommodation to exclude or
10 remove a service animal; revising penalties for
11 certain persons or entities who interfere with use of
12 a service animal in specified circumstances;
13 specifying that the act does not limit certain rights
14 or remedies granted under federal or state law;
15 providing a penalty for knowing and willful
16 misrepresentation with respect to use or training of a
17 service animal; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 413.08, Florida Statutes, is amended to
22 read:

23 413.08 Rights and responsibilities of an individual with a
24 disability; use of a service animal; prohibited discrimination
25 in public employment, public accommodations, and ~~or~~ housing
26 accommodations; penalties.—

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

28 (a) "Housing accommodation" means any real property or
29 portion thereof which is used or occupied, or intended,

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30 arranged, or designed to be used or occupied, as the home,
31 residence, or sleeping place of one or more persons, but does
32 not include any single-family residence, the occupants of which
33 rent, lease, or furnish for compensation not more than one room
34 therein.

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

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

47 2. "Physical or mental impairment" means:

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

50 b. A mental or psychological disorder that meets one of the
51 diagnostic categories specified in the most recent edition of
52 the Diagnostic and Statistical Manual of Mental Disorders
53 published by the American Psychiatric Association, such as an
54 intellectual or developmental disability, organic brain
55 syndrome, traumatic brain injury, posttraumatic stress disorder,
56 or an emotional or mental illness ~~"Physically disabled" means~~
57 ~~any person who has a physical impairment that substantially~~
58 ~~limits one or more major life activities.~~

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59 (c) "Public accommodation" means a common carrier,
60 airplane, motor vehicle, railroad train, motor bus, streetcar,
61 boat, or other public conveyance or mode of transportation;
62 hotel; a timeshare that is a transient public lodging
63 establishment as defined in s. 509.013; lodging place; place of
64 public accommodation, amusement, or resort; and other places to
65 which the general public is invited, subject only to the
66 conditions and limitations established by law and applicable
67 alike to all persons.

68 (d) "Service animal" means an animal that is trained to do
69 work or perform tasks for an individual with a disability,
70 including a physical, sensory, psychiatric, intellectual, or
71 other mental disability. The work done or tasks performed must
72 be directly related to the individual's disability and may
73 include, but are not limited to, guiding an individual ~~a person~~
74 who is visually impaired or blind, alerting an individual ~~a~~
75 ~~person~~ who is deaf or hard of hearing, pulling a wheelchair,
76 assisting with mobility or balance, alerting and protecting an
77 individual ~~a person~~ who is having a seizure, retrieving objects,
78 alerting an individual to the presence of allergens, providing
79 physical support and assistance with balance and stability to an
80 individual with a mobility disability, helping an individual
81 with a psychiatric or neurological disability by preventing or
82 interrupting impulsive or destructive behaviors, reminding an
83 individual with mental illness to take prescribed medications,
84 calming an individual with posttraumatic stress disorder during
85 an anxiety attack, or doing other specific work or performing
86 other special tasks. A service animal is not a pet. For purposes
87 of subsections (2), (3), and (4), the term "service animal" is

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88 limited to a dog or miniature horse, except that the term, as
89 applied to an air carrier covered by the Air Carrier Access Act
90 of 1986, 49 U.S.C. s. 41705, shall be as provided in the act and
91 by regulations adopted by the United States Department of
92 Transportation that implement the act. The crime-deterrent
93 effect of an animal's presence and the provision of emotional
94 support, well-being, comfort, or companionship do not constitute
95 work or tasks for purposes of this definition.

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

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

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

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

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

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

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

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

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

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

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

171 (6) An individual with a disability is entitled to rent,
172 lease, or purchase, as other members of the general public, any
173 housing accommodations offered for rent, lease, or other
174 compensation in this state, subject to the conditions and

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175 limitations established by law and applicable alike to all
176 persons.

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

182 (b) An individual with a disability who has a service
183 animal or who obtains a service animal is entitled to full and
184 equal access to all housing accommodations provided for in this
185 section, and such a person may not be required to pay extra
186 compensation for such ~~the service~~ animal. However, such a person
187 is liable for any damage done to the premises or to another
188 person on the premises by the ~~such an~~ animal. A housing
189 accommodation may request proof of compliance with vaccination
190 requirements.

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

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

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204 775.083.

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

210 (9) A person who knowingly and willfully misrepresents
211 herself or himself, through conduct or verbal or written notice,
212 as using a service animal and being qualified to use a service
213 animal or as a trainer of a service animal commits a misdemeanor
214 of the second degree, punishable as provided in s. 775.082 or s.
215 775.083, and must perform 30 hours of community service for an
216 organization that serves individuals with disabilities, or for
217 another entity or organization at the discretion of the court,
218 to be completed in not more than 6 months.

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