

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: State Affairs Committee  
 2 Representative Smith offered the following:

3  
 4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 413.08, Florida Statutes, is amended to  
 7 read:

8 413.08 Rights and responsibilities of an individual with a  
 9 disability; use of a service animal; prohibited discrimination  
 10 in public employment, public accommodations, and ~~or~~ housing  
 11 accommodations; penalties.-

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

13 (a) "Housing accommodation" means any real property or  
 14 portion thereof which is used or occupied, or intended,  
 15 arranged, or designed to be used or occupied, as the home,  
 16 residence, or sleeping place of one or more persons, but does  
 17 not include any single-family residence, the occupants of which

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18 rent, lease, or furnish for compensation not more than one room  
19 therein.

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

25 1. "Major life activity" means a function such as caring  
26 for one's self, performing manual tasks, walking, seeing,  
27 hearing, speaking, breathing, learning, and working ~~"Hard of~~  
28 ~~hearing" means an individual who has suffered a permanent~~  
29 ~~hearing impairment that is severe enough to necessitate the use~~  
30 ~~of amplification devices to discriminate speech sounds in verbal~~  
31 ~~communication.~~

32 2. "Physical or mental impairment" means:

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

35 b. A mental or psychological disorder that meets one of  
36 the diagnostic categories specified in the most recent edition  
37 of the Diagnostic and Statistical Manual of Mental Disorders  
38 published by the American Psychiatric Association, such as an  
39 intellectual or developmental disability, organic brain  
40 syndrome, traumatic brain injury, posttraumatic stress disorder,  
41 or an emotional or mental illness ~~"Physically disabled" means~~  
42 ~~any person who has a physical impairment that substantially~~  
43 ~~limits one or more major life activities.~~

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44 (c) "Public accommodation" means a common carrier,  
45 airplane, motor vehicle, railroad train, motor bus, streetcar,  
46 boat, or other public conveyance or mode of transportation;  
47 hotel; a timeshare that is a transient public lodging  
48 establishment as defined in s. 509.013; lodging place; place of  
49 public accommodation, amusement, or resort; and other places to  
50 which the general public is invited, subject only to the  
51 conditions and limitations established by law and applicable  
52 alike to all persons.

53 (d) "Service animal" means an animal that is trained to do  
54 work or perform tasks for an individual with a disability,  
55 including a physical, sensory, psychiatric, intellectual, or  
56 other mental disability. The work done or tasks performed must  
57 be directly related to the individual's disability and may  
58 include, but are not limited to, guiding an individual a person  
59 who is visually impaired or blind, alerting an individual a  
60 person who is deaf or hard of hearing, pulling a wheelchair,  
61 assisting with mobility or balance, alerting and protecting an  
62 individual a person who is having a seizure, retrieving objects,  
63 alerting an individual to the presence of allergens, providing  
64 physical support and assistance with balance and stability to an  
65 individual with a mobility disability, helping an individual  
66 with a psychiatric or neurological disability by preventing or  
67 interrupting impulsive or destructive behaviors, reminding an  
68 individual with mental illness to take prescribed medications,  
69 calming an individual with posttraumatic stress disorder during

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70 an anxiety attack, or doing other specific work or performing  
71 other special tasks. A service animal is not a pet. For purposes  
72 of subsections (2), (3), and (4), a service animal is limited to  
73 a dog or miniature horse, except that the term "service animal"  
74 as applied to an air carrier covered by the Air Carrier Access  
75 Act of 1986, 49 U.S.C. s. 41705, shall be as provided in the act  
76 and by regulations adopted by the United States Department of  
77 Transportation that implement it. The crime-deterrent effect of  
78 an animal's presence and the provision of emotional support,  
79 well-being, comfort, or companionship do not constitute work or  
80 tasks for purposes of this definition.

81 (2) An individual with a disability is entitled to full  
82 and equal accommodations, advantages, facilities, and privileges  
83 in all public accommodations. A public accommodation must modify  
84 its policies, practices, and procedures to permit use of a  
85 service animal by an individual with a disability. This section  
86 does not require any person, firm, business, or corporation, or  
87 any agent thereof, to modify or provide any vehicle, premises,  
88 facility, or service to a higher degree of accommodation than is  
89 required for a person not so disabled.

90 (3) An individual with a disability has the right to be  
91 accompanied by a service animal in all areas of a public  
92 accommodation that the public or customers are normally  
93 permitted to occupy.

94 (a) The service animal must be under the control of its  
95 handler and must have a harness, leash, or other tether, unless

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96 either the handler is unable because of a disability to use a  
97 harness, leash, or other tether, or the use of a harness, leash,  
98 or other tether would interfere with the service animal's safe,  
99 effective performance of work or tasks, in which case the  
100 service animal must be otherwise under the handler's control by  
101 means of voice control, signals, or other effective means.

102 (b)-(a) Documentation that the service animal is trained is  
103 not a precondition for providing service to an individual  
104 accompanied by a service animal. A public accommodation may not  
105 ask about the nature or extent of an individual's disability. To  
106 determine the difference between a service animal and a pet, a  
107 public accommodation may ask if an animal is a service animal  
108 required because of a disability and what work or ~~what~~ tasks the  
109 animal has been trained to perform ~~in order to determine the~~  
110 ~~difference between a service animal and a pet.~~

111 (c)-(b) A public accommodation may not impose a deposit or  
112 surcharge on an individual with a disability as a precondition  
113 to permitting a service animal to accompany the individual with  
114 a disability, even if a deposit is routinely required for pets.

115 (d)-(e) An individual with a disability is liable for  
116 damage caused by a service animal if it is the regular policy  
117 and practice of the public accommodation to charge nondisabled  
118 persons for damages caused by their pets.

119 (e)-(d) The care or supervision of a service animal is the  
120 responsibility of the individual owner. A public accommodation  
121 is not required to provide care or food or a special location

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122 for the service animal or assistance with removing animal  
123 excrement.

124 ~~(f)(e)~~ A public accommodation may exclude or remove any  
125 animal from the premises, including a service animal, if the  
126 animal is out of control and the animal's handler does not take  
127 effective action to control it, the animal is not housebroken,  
128 or the animal's behavior poses a direct threat to the health and  
129 safety of others. Allergies and fear of animals are not valid  
130 reasons for denying access or refusing service to an individual  
131 with a service animal. If a service animal is excluded or  
132 removed for being a direct threat to others, the public  
133 accommodation must provide the individual with a disability the  
134 option of continuing access to the public accommodation without  
135 having the service animal on the premises.

136 (4) Any person, firm, or corporation, or the agent of any  
137 person, firm, or corporation, who denies or interferes with  
138 admittance to, or enjoyment of, a public accommodation or, with  
139 regard to public accommodations, otherwise interferes with the  
140 rights of an individual with a disability or the trainer of a  
141 service animal while engaged in the training of such an animal  
142 pursuant to subsection (8), commits a misdemeanor of the second  
143 degree, punishable as provided in s. 775.082 or s. 775.083 and  
144 must perform 30 hours of community service for an organization  
145 that serves individuals with disabilities, or for another entity  
146 or organization at the discretion of the court, to be completed  
147 in not more than 6 months.

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148 (5) It is the policy of this state that an individual with  
149 a disability be employed in the service of the state or  
150 political subdivisions of the state, in the public schools, and  
151 in all other employment supported in whole or in part by public  
152 funds, and an employer may not refuse employment to such a  
153 person on the basis of the disability alone, unless it is shown  
154 that the particular disability prevents the satisfactory  
155 performance of the work involved.

156 (6) An individual with a disability is entitled to rent,  
157 lease, or purchase, as other members of the general public, any  
158 housing accommodations offered for rent, lease, or other  
159 compensation in this state, subject to the conditions and  
160 limitations established by law and applicable alike to all  
161 persons.

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

167 (b) An individual with a disability who has a service  
168 animal or who obtains a service animal is entitled to full and  
169 equal access to all housing accommodations provided for in this  
170 section, and such a person may not be required to pay extra  
171 compensation for such ~~the~~ service animal. However, such a person  
172 is liable for any damage done to the premises or to another  
173 person on the premises by the ~~such an~~ animal. A housing

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174 accommodation may request proof of compliance with vaccination  
175 requirements.

176 (c) This subsection does not limit the rights or remedies  
177 of a housing accommodation or a person with a disability that  
178 are granted by federal law or another law of this state with  
179 regard to other assistance animals.

180 (7) An employer covered under subsection (5) who  
181 discriminates against an individual with a disability in  
182 employment, unless it is shown that the particular disability  
183 prevents the satisfactory performance of the work involved, or  
184 any person, firm, or corporation, or the agent of any person,  
185 firm, or corporation, providing housing accommodations as  
186 provided in subsection (6) who discriminates against an  
187 individual with a disability, commits a misdemeanor of the  
188 second degree, punishable as provided in s. 775.082 or s.  
189 775.083.

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

195 (9) A person who knowingly and willfully misrepresents  
196 herself or himself, through conduct or verbal or written notice,  
197 as using a service animal and being qualified to use a service  
198 animal or as a trainer of a service animal commits a misdemeanor  
199 of the second degree, punishable as provided in s. 775.082 or s.



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200 775.083 and must perform 30 hours of community service for an  
201 organization that serves individuals with disabilities, or for  
202 another entity or organization at the discretion of the court,  
203 to be completed in not more than 6 months.

204 Section 2. This act shall take effect July 1, 2014.  
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209 **T I T L E A M E N D M E N T**

210 Remove everything before the enacting clause and insert:  
211 An act relating to service animals; amending s. 413.08,  
212 F.S.; providing and revising definitions; requiring a  
213 public accommodation to permit use of a service animal by  
214 an individual with a disability under certain conditions;  
215 providing conditions for a public accommodation to exclude  
216 or remove a service animal; revising penalties to include  
217 community service for certain persons or entities who  
218 interfere with use of a service animal in specified  
219 circumstances; providing a penalty for knowing and willful  
220 misrepresentation with respect to use or training of a  
221 service animal; providing an effective date.  
222