

1 A bill to be entitled
 2 An act relating to service animals; providing a short
 3 title; amending s. 413.08, F.S.; revising and
 4 providing definitions; revising designation and duties
 5 of a service animal; providing rights of an individual
 6 with a disability accompanied by a service animal or a
 7 person who trains service animals with regard to
 8 public or housing accommodations under certain
 9 conditions; providing a penalty; providing an
 10 effective date.

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 12 Be It Enacted by the Legislature of the State of Florida:

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 14 Section 1. This act may be cited as the "Dawson and David
 15 Caras Act."

16 Section 2. Section 413.08, Florida Statutes, is amended to
 17 read:

18 413.08 Rights of an individual with a disability; use of a
 19 service animal; discrimination in public employment or housing
 20 accommodations; penalties.—

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

22 (a) "Housing accommodation" means any real property or
 23 portion thereof which is used or occupied, or intended,
 24 arranged, or designed to be used or occupied, as the home,
 25 residence, or sleeping place of one or more persons, but does
 26 not include any single-family residence, the occupants of which
 27 rent, lease, or furnish for compensation not more than one room
 28 therein.

29 (b) "Individual with a disability" means a person who is
 30 deaf, hard of hearing, blind, visually impaired, or otherwise
 31 physically disabled or who has a psychological or neurological
 32 disability. As used in this paragraph, the term:

33 1. "Hard of hearing" means an individual who has suffered
 34 a permanent hearing impairment that is severe enough to
 35 necessitate the use of amplification devices to discriminate
 36 speech sounds in verbal communication.

37 2. "Physically disabled" means any person who has a
 38 physical, psychological, or neurological disability ~~impairment~~
 39 that substantially limits one or more major life activities.

40 (c) "Owner" means a person who owns a service animal or
 41 who is authorized by the owner to use a service animal.

42 (d) ~~(e)~~ "Public accommodation" means a common carrier,
 43 airplane, motor vehicle, railroad train, motor bus, streetcar,
 44 boat, or other public conveyance or mode of transportation;
 45 hotel; lodging place; place of public accommodation, amusement,
 46 or resort; and other places to which the general public is
 47 invited, subject only to the conditions and limitations
 48 established by law and applicable alike to all persons.

49 (e) ~~(d)~~ "Service animal" means an animal that is trained to
 50 perform tasks for an individual with a disability. The tasks may
 51 include, but are not limited to, guiding a person who is
 52 visually impaired, has low vision, or is blind, alerting a
 53 person who is deaf or hard of hearing, pulling a wheelchair,
 54 assisting with mobility or balance, alerting and protecting a
 55 person who is having a seizure, retrieving objects, helping a
 56 person with a psychological or neurological disability by

57 preventing or interrupting impulsive or destructive behaviors,
58 or performing other specialized ~~special~~ tasks. A service animal
59 is not a pet.

60 (2) An individual with a disability is entitled to full
61 and equal accommodations, advantages, facilities, and privileges
62 in all public accommodations. This section does not require any
63 person, firm, business, or corporation, or any agent thereof, to
64 modify or provide any vehicle, premises, facility, or service to
65 a higher degree of accommodation than is required for a person
66 not so disabled. If an individual with a disability or a person
67 who trains service animals is a student at a private or public
68 school in the state, that person has the right to be accompanied
69 by a service animal subject to the conditions established under
70 this section.

71 (3) An individual with a disability has the right to be
72 accompanied by a service animal in all areas of a public
73 accommodation that the public or customers are normally
74 permitted to occupy.

75 (a) Documentation that the service animal is trained is
76 not a precondition for providing service to an individual
77 accompanied by a service animal. A public accommodation may ask
78 if an animal is a service animal or what tasks the animal has
79 been trained to perform in order to determine the difference
80 between a service animal and a pet.

81 (b) A public accommodation may not impose a deposit or
82 surcharge on an individual with a disability as a precondition
83 to permitting a service animal to accompany the individual with
84 a disability, even if a deposit is routinely required for pets.

85 (c) An individual with a disability is liable for damage
86 caused by a service animal if it is the regular policy and
87 practice of the public accommodation to charge nondisabled
88 persons for damages caused by their pets.

89 (d) The care or supervision of a service animal is the
90 responsibility of the individual owner. A public accommodation
91 is not required to provide care or food or a special location
92 for the service animal or assistance with removing animal
93 excrement unless required by any federal agency, federal law, or
94 federal regulation. In those instances, if a public
95 accommodation has a secured area, the public accommodation must
96 provide a special location for the service animal to relieve
97 itself within that secured area.

98 (e) A public accommodation may exclude or remove any
99 animal from the premises, including a service animal, if the
100 animal fails to remain under the control of the handler or if
101 the animal's behavior is inappropriate, including, but not
102 limited to, growling, excessive barking, or biting, or poses a
103 direct threat to the health and safety of others. Allergies and
104 fear of animals are not valid reasons for denying access or
105 refusing service to an individual with a service animal. If a
106 service animal is excluded or removed for being a direct threat
107 to others, the public accommodation must provide the individual
108 with a disability the option of continuing access to the public
109 accommodation without having the service animal on the premises.

110 (4) Any person, firm, or corporation, or the agent of any
111 person, firm, or corporation, who denies or interferes with
112 admittance to, or enjoyment of, a public accommodation;

113 interferes with the renting, leasing, or purchasing of housing
 114 accommodations; or otherwise interferes with the rights of an
 115 individual with a disability or the trainer of a service animal
 116 while engaged in the training of such an animal pursuant to
 117 subsection (8),~~7~~ commits a misdemeanor of the second degree,
 118 punishable as provided in s. 775.082 or s. 775.083.

119 (5) It is the policy of this state that an individual with
 120 a disability be employed in the service of the state or
 121 political subdivisions of the state, in the public schools, and
 122 in all other employment supported in whole or in part by public
 123 funds, and an employer may not refuse employment to such a
 124 person on the basis of the disability alone, unless it is shown
 125 that the particular disability prevents the satisfactory
 126 performance of the work involved.

127 (6) An individual with a disability who is accompanied by
 128 a service animal is entitled to full and equal advantages,
 129 facilities, and privileges in all housing accommodations and is
 130 entitled to rent, lease, or purchase, as other members of the
 131 general public, any housing accommodations offered for rent,
 132 lease, or other compensation in this state, subject to the
 133 conditions and limitations established by law and applicable
 134 alike to all persons.

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

140 (b) An individual with a disability who has a service

141 animal, ~~or~~ who obtains a service animal, or who is the trainer
142 of a service animal is entitled to full and equal access to all
143 housing accommodations provided for in this section, and such a
144 person may not be required to pay extra compensation for the
145 service animal. However, such a person is liable for any damage
146 done to the premises or to another person on the premises by
147 such an animal. A housing accommodation may request proof of
148 compliance with vaccination requirements.

149 (7) An employer covered under subsection (5) who
150 discriminates against an individual with a disability in
151 employment, unless it is shown that the particular disability
152 prevents the satisfactory performance of the work involved, or
153 any person, firm, or corporation, or the agent of any person,
154 firm, or corporation, providing housing accommodations as
155 provided in subsection (6) who discriminates against an
156 individual with a disability, commits a misdemeanor of the
157 second degree, punishable as provided in s. 775.082 or s.
158 775.083.

159 (8) Any person who trains ~~trainer of~~ a service animal,
160 while engaged in the training of such an animal, has the same
161 rights and privileges with respect to access to public and
162 housing accommodations ~~facilities~~ and the same liability for
163 damage as is provided for a person ~~those persons~~ described in
164 subsection (3) accompanied by service animals.

165 (9) A person who knowingly and fraudulently represents
166 herself or himself, through her or his conduct or verbal or
167 written notice, as the owner or trainer of a service animal
168 commits a misdemeanor of the second degree, punishable as

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169 provided in s. 775.082 or s. 775.083.

170 Section 3. This act shall take effect July 1, 2012.