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413.08 Rights and responsibilities of an individual with a disability; use of a service animal; prohibited discrimination

in public employment, public accommodations, and or housing

accommodations; penalties.—

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

(a) "Housing accommodation" means any real property or

portion thereof which is used or occupied, or intended,

arranged, or designed to be used or occupied, as the home,

residence, or sleeping place of one or more persons, but does

not include any single-family residence, the occupants of which

rent, lease, or furnish for compensation not more than one room

therein.

(b) "Individual with a disability" means a person who has

a physical or mental impairment that substantially limits one or

more major life activities of the individual is deaf, hard of

hearing, blind, visually impaired, or otherwise physically

disabled. As used in this paragraph, the term:

1. "Major life activity" means a function such as caring

for one's self, performing manual tasks, walking, seeing,

hearing, speaking, breathing, learning, and working "Hard of

hearing" means an individual who has suffered a permanent

hearing impairment that is severe enough to necessitate the use

of amplification devices to discriminate speech sounds in verbal

communication.

2. "Physical or mental impairment" means:

a. A physiological disorder or condition, disfigurement,

or anatomical loss that affects one or more bodily functions; or

b. A mental or psychological disorder that meets one of

the diagnostic categories specified in the most recent edition

of the Diagnostic and Statistical Manual of Mental Disorders

published by the American Psychiatric Association, such as an

intellectual or developmental disability, organic brain

syndrome, traumatic brain injury, posttraumatic stress disorder,

or an emotional or mental illness

"Physically disabled" means

any person who has a physical impairment that substantially

limits one or more major life activities.

(c) "Public accommodation" means a common carrier,

airplane, motor vehicle, railroad train, motor bus, streetcar,

boat, or other public conveyance or mode of transportation;

hotel; a timeshare that is a transient public lodging

establishment as defined in s. 509.013; lodging place; place of

public accommodation, amusement, or resort; and other places to

which the general public is invited, subject only to the

conditions and limitations established by law and applicable

alike to all persons. The term does not include air carriers

covered by the Air Carrier Access Act of 1986, 49 U.S.C. s.

41705, and by regulations adopted by the United States

Department of Transportation to implement such act.

(d) "Service animal" means an animal that is trained to do

work or perform tasks for an individual with a disability,

including a physical, sensory, psychiatric, intellectual, or

other mental disability. The work done or tasks performed must

be directly related to the individual's disability and may

include, but are not limited to, guiding an individual a person

who is visually impaired or blind, alerting an individual a

person who is deaf or hard of hearing, pulling a wheelchair,

assisting with mobility or balance, alerting and protecting an

individual a person who is having a seizure, retrieving objects,

alerting an individual to the presence of allergens, providing

physical support and assistance with balance and stability to an

individual with a mobility disability, helping an individual

with a psychiatric or neurological disability by preventing or

interrupting impulsive or destructive behaviors, reminding an

individual with mental illness to take prescribed medications,

calming an individual with posttraumatic stress disorder during

an anxiety attack, or doing other specific work or performing

other special tasks. A service animal is not a pet. For purposes

of subsections (2), (3), and (4), the term "service animal" is

limited to a dog or miniature horse. The crime-deterrent effect

of an animal's presence and the provision of emotional support,

well-being, comfort, or companionship do not constitute work or

tasks for purposes of this definition.

(2) An individual with a disability is entitled to full

and equal accommodations, advantages, facilities, and privileges

in all public accommodations. A public accommodation must modify

its policies, practices, and procedures to permit use of a

service animal by an individual with a disability. This section

does not require any person, firm, business, or corporation, or

any agent thereof, to modify or provide any vehicle, premises,

facility, or service to a higher degree of accommodation than is

required for a person not so disabled.

(3) An individual with a disability has the right to be

accompanied by a service animal in all areas of a public

accommodation that the public or customers are normally

permitted to occupy.

(a) The service animal must be under the control of its

handler and must have a harness, leash, or other tether, unless

either the handler is unable because of a disability to use a

harness, leash, or other tether, or the use of a harness, leash,

or other tether would interfere with the service animal's safe,

effective performance of work or tasks, in which case the

service animal must be otherwise under the handler's control by

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

(b) Documentation that the service animal is trained is

not a precondition for providing service to an individual

accompanied by a service animal. A public accommodation may not

ask about the nature or extent of an individual's disability. To

determine the difference between a service animal and a pet, a

public accommodation may ask if an animal is a service animal

required because of a disability and what work or what tasks the

animal has been trained to perform in order to determine the

difference between a service animal and a pet.

(c) A public accommodation may not impose a deposit or

surcharge on an individual with a disability as a precondition

to permitting a service animal to accompany the individual with

a disability, even if a deposit is routinely required for pets.

(d) An individual with a disability is liable for

damage caused by a service animal if it is the regular policy

and practice of the public accommodation to charge nondisabled

persons for damages caused by their pets.

(e) The care or supervision of a service animal is the

responsibility of the individual owner. A public accommodation

is not required to provide care or food or a special location

for the service animal or assistance with removing animal

excrement.

(f) A public accommodation may exclude or remove any

animal from the premises, including a service animal, if the

animal is out of control and the animal's handler does not take

effective action to control it, the animal is not housebroken,

or the animal's behavior poses a direct threat to the health and

safety of others. Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual

with a service animal. If a service animal is excluded or

removed for being a direct threat to others, the public

accommodation must provide the individual with a disability the

option of continuing access to the public accommodation without

having the service animal on the premises.

(4) Any person, firm, or corporation, or the agent of any

person, firm, or corporation, who denies or interferes with

admittance to, or enjoyment of, a public accommodation or, with

regard to a public accommodation, otherwise interferes with the

rights of an individual with a disability or the trainer of a

service animal while engaged in the training of such an animal

pursuant to subsection (8), commits a misdemeanor of the second

degree, punishable as provided in s. 775.082 or s. 775.083 and

must perform 30 hours of community service for an organization

that serves individuals with disabilities, or for another entity

or organization at the discretion of the court, to be completed

in not more than 6 months.

(5) It is the policy of this state that an individual with

a disability be employed in the service of the state or

political subdivisions of the state, in the public schools, and

in all other employment supported in whole or in part by public

funds, and an employer may not refuse employment to such a

person on the basis of the disability alone, unless it is shown

that the particular disability prevents the satisfactory

performance of the work involved.

(6) An individual with a disability is entitled to rent,

lease, or purchase, as other members of the general public, any

housing accommodations offered for rent, lease, or other

compensation in this state, subject to the conditions and

limitations established by law and applicable alike to all

persons.

(a) This section does not require any person renting,

leasing, or otherwise providing real property for compensation

to modify her or his property in any way or provide a higher

degree of care for an individual with a disability than for a

person who is not disabled.

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

animal or who obtains a service animal is entitled to full and

equal access to all housing accommodations provided for in this

section, and such a person may not be required to pay extra

compensation for such the service animal. However, such a person

is liable for any damage done to the premises or to another

person on the premises by the such an animal. A housing

accommodation may request proof of compliance with vaccination

requirements.

(c) This subsection does not limit the rights or remedies

of a housing accommodation or an individual with a disability

that are granted by federal law or another law of this state

with regard to other assistance animals.

(7) An employer covered under subsection (5) who

discriminates against an individual with a disability in

employment, unless it is shown that the particular disability

prevents the satisfactory performance of the work involved, or

any person, firm, or corporation, or the agent of any person,

firm, or corporation, providing housing accommodations as

provided in subsection (6) who discriminates against an

individual with a disability, commits a misdemeanor of the

second degree, punishable as provided in s. 775.082 or s.

775.083.

(8) Any trainer of a service animal, while engaged in the

training of such an animal, has the same rights and privileges

with respect to access to public facilities and the same

liability for damage as is provided for those persons described

in subsection (3) accompanied by service animals.

(9) A person who knowingly and willfully misrepresents

herself or himself, through conduct or verbal or written notice,

as using a service animal and being qualified to use a service

animal or as a trainer of a service animal commits a misdemeanor

of the second degree, punishable as provided in s. 775.082 or s.

775.083 and must perform 30 hours of community service for an

organization that serves individuals with disabilities, or for

another entity or organization at the discretion of the court,

to be completed in not more than 6 months.

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