

## Council Substitute for House Bill No. 1819

An act relating to guide dogs and service animals; providing a short title; prohibiting persons from interfering with, injuring, or killing guide dogs or service animals; providing penalties; defining the terms “guide dog” and “service animal” for purposes of the act; amending s. 413.08, F.S.; extending to people who have seizure disorders the right to be accompanied by a trained service dog in specified circumstances; providing penalties for violations of this section; conforming a provision relating to trainers of service dogs; providing an effective date.

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

Section 1. This act may be cited as “Scanner’s Law.”

Section 2. (1) Any person who, with reckless disregard, interferes, or permits a dog that he or she owns or is in the immediate control of to interfere, with the use of a guide dog or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the animal or its user is guilty of a misdemeanor of the second degree for the first offense and a misdemeanor of the first degree for each subsequent offense, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

(2) Any person who, with reckless disregard, injures or kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill, a guide dog or service animal is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

(3) Any person who intentionally injures or kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill, a guide dog or service animal is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

(4)(a) A person who is convicted of a violation of this section, in addition to any other penalty, must make full restitution for all damages that arise out of or are related to the offense, including incidental and consequential damages incurred by the guide dog or service animal’s user.

(b) Restitution includes the value of the animal; replacement and training or retraining expenses for the animal and the user; veterinary and other medical and boarding expenses for the animal; medical expenses for the user; and lost wages or income incurred by the user during any period that the user is without the services of such an animal.

(5) As used in this section, the term:

(a) “Guide dog” means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.

(b) “Service animal” means an animal that is trained for the purposes of assisting or accommodating a disabled person’s sensory, mental, or physical disability.

Section 3. Section 413.08, Florida Statutes, is amended to read:

413.08 Rights of physically disabled persons; use of dog guides or service dogs or nonhuman primates of the genus Cebus; discrimination in public employment or housing accommodations; penalties.—

(1)(a) The deaf, hard of hearing, blind, visually handicapped, and otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges on all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, and other public conveyances or modes of transportation and at hotels, lodging places, places 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. ~~Nothing in~~ This section does not shall require any person, firm, 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.

(b) Every deaf or hard of hearing person, totally or partially blind person, person who is subject to epilepsy or other such seizure disorders, or physically disabled person ~~has shall have~~ the right to be accompanied by a dog guide or service dog, specially trained for the purpose, in any of the places listed in paragraph (a) without being required to pay an extra charge for the dog guide or service dog; however, such a person is shall be liable for any damage done to the premises or facilities by such a dog. The dog guide or service dog must be capable of being properly identified as being from a recognized school for seeing-eye dogs, hearing-ear dogs, service dogs, including, but not limited to, seizure-alert and seizure-response dogs, or guide dogs.

(c) Every person with paraplegia or quadriplegia ~~has shall have~~ the right to be accompanied by a nonhuman primate of the genus Cebus, specially trained for the purpose of providing personal care services, in any of the places listed in paragraph (a) without being required to pay an extra charge for the nonhuman primate; however, such a person is shall be liable for any damage done to the premises or facilities by such nonhuman primate.

(2) Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies or interferes with admittance to, or enjoyment of, the public facilities enumerated in subsection (1) or otherwise interferes with the rights of a deaf person, a hard of hearing person, a totally or partially blind person, a person who is subject to epilepsy or other such seizure disorders, or an otherwise physically disabled person under this section, or the trainer of a dog guide or service dog while engaged in the training of such a dog pursuant to subsection (7), is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) It is the policy of this state that the deaf, hard of hearing, blind, visually handicapped, and otherwise physically disabled shall 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~~ ~~no~~ employer may not shall refuse employment to the deaf, the hard of hearing, the blind, the visually handicapped, or the otherwise physically disabled on the basis of the disability alone, unless it is shown that the particular disability prevents the satisfactory performance of the work involved.

(4) Deaf persons, hard of hearing persons, blind persons, visually handicapped persons, and otherwise physically disabled persons are shall be 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) As used in this subsection, the term "housing accommodations" 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 human beings, 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) ~~Nothing in~~ This section does not shall 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 a deaf person, hard of hearing person, blind person, visually handicapped person, or otherwise physically disabled person than for a person who is not so handicapped.

(c) Each deaf person, hard of hearing person, totally or partially blind person, or otherwise physically disabled person who has a dog guide, or who obtains a dog guide, is shall be entitled to full and equal access to all housing accommodations provided for in this section, and such a person shall not be required to pay extra compensation for the such dog guide. However, such a person is shall be liable for any damage done to the premises by such a dog guide.

(d) Each person with paraplegia or quadriplegia who has or obtains a nonhuman primate of the genus Cebus, specially trained for the purpose of providing personal care services, is shall be entitled to full and equal access to all housing accommodations provided for in this section, and she or he shall not be required to pay extra compensation for such a nonhuman primate. However, the such person is shall be liable for any damage done to the premises by such a nonhuman primate.

(5) Any employer covered under subsection (3) who discriminates against the deaf, hard of hearing, blind, visually handicapped, or otherwise physically disabled 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 (4) who discriminates against the deaf, hard of hearing, blind, visually handicapped, or otherwise physically disabled is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) ~~As used in For the purposes of~~ this section, the term “physically disabled person” means any person who has ~~having~~ a physical impairment that substantially limits one or more major life activities.

(b) ~~As used in For the purposes of~~ this section, the term “hard of hearing person” means an individual who has suffered a permanent hearing impairment that ~~which~~ is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.

(7) Any trainer of a dog guide or service dog, while engaged in the training of such a dog, has the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for those deaf or hard of hearing or blind or mobility impaired persons described in paragraph (1)(b) ~~those deaf or hard of hearing or blind or mobility impaired persons~~ accompanied by dog guides or service dogs.

(8) Any trainer of a nonhuman primate of the genus Cebus, while engaged in training such a nonhuman primate to provide personal care services to a person with paraplegia or quadriplegia, has the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for a person ~~persons~~ with paraplegia or quadriplegia who is accompanied by nonhuman primates of the genus Cebus. As used in this ~~the~~ subsection, the term “trainer of a nonhuman primate of the genus Cebus” means a paid employee of a training organization, and does not include volunteers chosen to raise the animals.

Section 4. This act shall take effect July 1, 2002.

Approved by the Governor April 24, 2002.

Filed in Office Secretary of State April 24, 2002.