

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY



COLLEEN HAMPSEY,
RESEARCH ASSISTANT
(904) 255-5151

117 West Duval Street
City Hall, Suite 425
Jacksonville, FL 32202
FAX (904) 630-3403

Bill Type and Number: 2020-614

Introducer/Sponsor(s): Council Member Diamond

Date of Introduction: October 13, 2020

Committee(s) of Reference: NCSPHS

Date of Analysis: October 14, 2020

Type of Action: New Part and Section, *Ordinance Code*

Bill Summary: This bill creates Part 5 (Public Accommodations for those with Service Animals), Chapter 406 (Public Accommodations), *Ordinance Code*. This new part of the ordinance designates that a public accommodation must modify its procedures to permit use of a service animal (dog or miniature horse) that is trained to do work or perform tasks for an individual with a disability (physical, sensory, psychiatric, intellectual, or other mental disability). Any trainer of a service animal, while engaged in the training of such an animal, has the same rights and privileges.

This legislation also creates new Sections 408.206 (Housing Accommodations for those with Service Animals), 408.207 (Prohibited discrimination in housing provided to persons with a disability or disability-related need for an emotional support animal), 408.208 (False or fraudulent proof of need for an emotional support animal), and 408.209 (Compliance with Chapter 462), Part 2 (Fair Housing), Chapter 408 (Fair Housing), *Ordinance Code*. 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 (rent/lease/purchase) and may not be required to pay extra compensation for such animal.

Noncompliance by a public or housing accommodation, or a misrepresentation by an individual or trainer, will be considered a misdemeanor of the second degree, punishable as provided in Section 775.082, *Florida Statutes*, or Section 775.083, *Florida Statutes*, remedied through 30 hours of community service for an organization that serves persons with disabilities or for another entity or organization at the discretion of the court, to be completed within 6 months.

Background Information: The purpose of this legislation is to ensure the rights of disabled individuals or service animal trainers to be accompanied by a service animal at all times. In housing and while in public, the owner/trainer is liable for the animal's behavior and/or damages. A public accommodation may not ask about the nature or extent of an individual's disability. For housing accommodations, if a disability is not readily apparent information may be requested that reasonably supports that the person has a disability.

Policy Impact Area: Service animals - public and housing accommodations for those with disabilities

Fiscal Impact: No direct cost to the City

Analyst: Hampsey