

1989

## Session Law 89-317

Florida Senate & House of Representatives

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**H 838 GENERAL BILL/CS by Judiciary; Clements; Smith**

Disabled Persons/Primate Assistance; specifies rights of persons with paraplegia or quadriplegia who are accompanied by specially trained nonhuman primate of genus Cebus; specifies rights of trainers training such primates; provides penalty; provides liability for damage by such primate. Amends 413.08. Effective Date: 10/01/89.

03/15/89 HOUSE Prefiled  
03/22/89 HOUSE Referred to Judiciary; Appropriations  
03/30/89 HOUSE Subreferred to Subcommittee on Court Systems, Probate and Consumer Law  
04/04/89 HOUSE Introduced, referred to Judiciary; Appropriations -HJ 81; Subreferred to Subcommittee on Court Systems, Probate and Consumer Law; On Committee agenda—Judiciary, 04/06/89, 3:30 pm, 413-C—For ratification of referral to subcommittee  
04/13/89 HOUSE On subcommittee agenda—Judiciary, 04/17/89, 10:40 am, 413-C  
04/18/89 HOUSE Subcommittee Recommendation: Favorable  
04/21/89 HOUSE On subcommittee agenda—Judiciary, 04/25/89, 3:45 pm, 413-C—Workshop presentation  
04/25/89 HOUSE On Committee agenda—Judiciary, 04/27/89, 8:30 am, 413-C  
04/27/89 HOUSE Preliminary Committee Action by Judiciary: Favorable as a CS  
05/05/89 HOUSE Comm. Report: CS by Judiciary -HJ 415; CS read first time -HJ 411; Now in Appropriations -HJ 415  
05/16/89 HOUSE Withdrawn from Appropriations -HJ 498; Placed on Calendar  
05/18/89 HOUSE Placed on Special Order Calendar  
05/25/89 HOUSE Read second time; Read third time; CS passed; YEAS 115 NAYS 0 -HJ 653  
05/26/89 SENATE In Messages  
05/30/89 SENATE Received, referred to Community Affairs -SJ 562  
06/01/89 SENATE Withdrawn from Community Affairs -SJ 748; Placed on Calendar  
06/02/89 SENATE Placed on Special Order Calendar -SJ 863; CS passed; YEAS 37 NAYS 0 -SJ 945  
06/02/89 Ordered enrolled  
06/20/89 Signed by officers and presented to Governor  
07/05/89 Approved by Governor, Chapter 89-317

**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h0838-f.jud  
DATE: July 25, 1989

HOUSE OF REPRESENTATIVES  
COMMITTEE ON JUDICIARY  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 838

RELATING TO: Accommodations for disabled persons

SPONSOR(S): Committee on Judiciary and Clements, Smith

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: July 5, 1989

CHAPTER #: 89-317, Laws of Florida

COMPANION BILL(S):

OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2)

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I. SUMMARY:

A. PRESENT SITUATION:

Section 413.08, Florida Statutes, provides for the rights of disabled persons. Included in these statutory rights are the right to equal accommodations, and the right to be accompanied by guide dogs. Specifically, persons who are deaf, blind, visually handicapped, or otherwise disabled, are entitled to equal accommodations on all forms of public transportation, and at all hotels, resorts, or other places of public accommodation where the general public is invited. Every deaf person, or person who is totally or partially blind, also has the right to be accompanied by a guide dog without extra charge; however, the person is liable for any damage done by the guide dog. Similarly, trainers of guide dogs have the right of access to public places while in the process of training the dogs, and the trainers are likewise liable for any damages. Section 413.08(7), Florida Statutes.

Disabled persons also have the right to rent or lease housing accommodations without regard to any physical disability, and disabled persons may not be discriminated against in employment because of their disability. Section 413.08(5), Florida Statutes. Violations of any provision of s.413.08, Florida Statutes, is a misdemeanor of the second degree.

Currently, there is a national program which trains capuchin monkeys to assist paraplegics and quadriplegics by handling simple tasks such as picking up objects, opening doors, turning pages, or turning light switches on and off. Capuchins are small

bald-faced, monkeys of the genus Cebus, native to South America. There is a breeding program at Disney World which supplies these monkeys to Boston University for placement in family situations for training purposes. It appears that on a national level, about 40 disabled persons are being assisted by monkeys. About 70 monkeys are currently in the training program, with 10 being trained in Florida.

**B. EFFECT OF PROPOSED CHANGES:**

CS/HB 838 provides that capuchin monkeys may accompany paraplegics or quadriplegics in public places in the same manner that guide dogs may accompany the deaf or blind. Similarly, trainers of capuchin monkeys will have the same right of access to public places. The trainers must be paid employees of a training organization to receive the access benefits provided by this bill.

**C. SECTION-BY-SECTION ANALYSIS:**

Section 1 of the bill provides that paraplegics and quadriplegics may be accompanied by capuchin monkeys in public places in the same manner, and with the same liability restrictions, as is currently provided for guide dogs for the deaf and blind. This section also extends a right of access to trainers of capuchin monkeys. These trainers must be a paid employee of a training organization, and shall not include volunteers chosen to raise the animals.

Section 2 provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

**1. Non-recurring or First Year Start-Up Effects:**

None

**2. Recurring or Annualized Continuation Effects:**

None

**3. Long Run Effects Other Than Normal Growth:**

None

**4. Appropriations Consequences:**

None

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

**1. Non-recurring or First Year Start-Up Effects:**

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Current law specifically relieves owners of public accommodations from any responsibility to modify buildings to provide access under the provision of s.413.08, Florida Statutes. Accordingly, the bill should not have any direct private sector costs.

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

The bill is consistent with the State Comprehensive Plan in eliminating policies of discrimination in housing. The bill is also consistent with the state health policy of encouraging rehabilitative services.

IV. COMMENTS:

The bill does not directly affect the House policy statement, or the committee mission statement.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

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