

By the Committee on Rules; and Senator Diaz

595-04135-19

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1 A bill to be entitled
2 An act relating to emotional support animals; amending
3 s. 413.08, F.S.; revising and providing definitions;
4 providing that an individual with a disability who has
5 an emotional support animal or obtains an emotional
6 support animal is entitled to full and equal access to
7 all housing accommodations; providing an exception;
8 prohibiting a housing accommodation from requiring
9 such individual to pay extra compensation for such
10 animal; authorizing a housing accommodation to request
11 certain written documentation under certain
12 circumstances; authorizing the Department of Health to
13 adopt rules; specifying that an individual with a
14 disability is liable for certain damage done by her or
15 his emotional support animal; prohibiting the
16 falsification of written documentation or other
17 misrepresentation regarding the use of an emotional
18 support animal; providing penalties; providing an
19 effective date.

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

22
23 Section 1. Present paragraphs (a) through (d) of subsection
24 (1) of section 413.08, Florida Statutes, are redesignated as
25 paragraphs (b) through (e), respectively, present paragraph (d)
26 of subsection (1) and paragraph (b) of subsection (6) are
27 amended, a new paragraph (a) is added to subsection (1), and
28 subsection (10) is added to that section, to read:

29 413.08 Rights and responsibilities of an individual with a

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30 disability; use of a service animal or an emotional support
31 animal; prohibited discrimination in public employment, public
32 accommodations, and housing accommodations; penalties.—

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

34 (a) "Emotional support animal" means an animal that does
35 not require training to do specific work or perform special
36 tasks for an individual with a disability but, by virtue of its
37 presence, provides support to alleviate one or more identified
38 symptoms or effects of an individual's disability.

39 (e)~~(d)~~ "Service animal" means an animal that is trained to
40 do work or perform tasks for an individual with a disability,
41 including a physical, sensory, psychiatric, intellectual, or
42 other mental disability. The work done or tasks performed must
43 be directly related to the individual's disability and may
44 include, but are not limited to, guiding an individual who is
45 visually impaired or blind, alerting an individual who is deaf
46 or hard of hearing, pulling a wheelchair, assisting with
47 mobility or balance, alerting and protecting an individual who
48 is having a seizure, retrieving objects, alerting an individual
49 to the presence of allergens, providing physical support and
50 assistance with balance and stability to an individual with a
51 mobility disability, helping an individual with a psychiatric or
52 neurological disability by preventing or interrupting impulsive
53 or destructive behaviors, reminding an individual with mental
54 illness to take prescribed medications, calming an individual
55 with posttraumatic stress disorder during an anxiety attack, or
56 doing other specific work or performing other special tasks. A
57 service animal is not a pet. For purposes of subsections (2),
58 (3), and (4), the term "service animal" is limited to a dog or

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59 miniature horse. The crime-deterrent effect of an animal's
60 presence and the provision of emotional support, well-being,
61 comfort, or companionship do not constitute work or tasks for
62 purposes of this definition.

63 (6) An individual with a disability is entitled to rent,
64 lease, or purchase, as other members of the general public, any
65 housing accommodations offered for rent, lease, or other
66 compensation in this state, subject to the conditions and
67 limitations established by law and applicable alike to all
68 persons.

69 (b)1. An individual with a disability who has a service
70 animal or who obtains a service animal is entitled to full and
71 equal access to all housing accommodations provided for in this
72 section, and such individual ~~a person~~ may not be required to pay
73 extra compensation for such animal. This subparagraph does not
74 apply to an emotional support animal.

75 2.a. An individual with a disability who has an emotional
76 support animal or who obtains an emotional support animal is
77 entitled to full and equal access to all housing accommodations
78 provided for in this section, unless the specific animal poses a
79 direct threat to the safety or health of others or poses a
80 direct threat of physical damage to the property of others which
81 cannot be reduced or eliminated by another reasonable
82 accommodation, and such individual may not be required to pay
83 extra compensation for such animal. If an individual's
84 disability or disability-related need is not readily apparent to
85 a housing accommodation, the housing accommodation may request
86 written documentation prepared by a health care practitioner, as
87 defined in s. 456.001, which verifies that the individual has a

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88 disability or a disability-related need and has been under the
89 practitioner's care or treatment for such disability or need,
90 and the animal provides support to alleviate one or more
91 identified symptoms or effects of the individual's disability or
92 disability-related need.

93 b. The written documentation, as specified in sub-
94 paragraph a., must be prepared in a format prescribed by the
95 Department of Health in rule and may not be prepared by a health
96 care practitioner whose exclusive service to the individual with
97 a disability is preparation of the written documentation in
98 exchange for a fee. The Department of Health may adopt rules to
99 administer this sub-paragraph.

100 c. This subparagraph does not apply to a service animal.

101 3. An individual with a disability ~~However, such a person~~
102 ~~is liable for any damage done to the premises or to another~~
103 ~~person on the premises by her or his service ~~the~~ animal or~~
104 ~~emotional support animal. A housing accommodation may request~~
105 ~~proof of compliance with vaccination requirements.~~

106 (10) A person who falsifies written documentation, as
107 specified in sub-paragraph (6)(b)2.a., for an emotional
108 support animal or otherwise knowingly and willfully
109 misrepresents herself or himself, through conduct or verbal or
110 written notice, as using an emotional support animal and being
111 qualified to use an emotional support animal commits a
112 misdemeanor of the second degree, punishable as provided in s.
113 775.082 or s. 775.083, and must perform 30 hours of community
114 service for an organization that serves individuals with
115 disabilities, or for another entity or organization at the
116 discretion of the court, to be completed in not more than 6

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117 months.

118 Section 2. This act shall take effect July 1, 2019.