

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:

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23           Section 1. Paragraphs (a) through (d) of subsection (1) of  
24           section 413.08, Florida Statutes, are redesignated as paragraphs  
25           (b) through (e), respectively, present paragraph (d) of

26 subsection (1) and paragraph (b) of subsection (6) are amended,  
27 a new paragraph (a) is added to subsection (1), and subsection  
28 (10) is added to that section, to read:

29 413.08 Rights and responsibilities of an individual with a  
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  
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, or a similarly licensed health care  
88 practitioner in another state, which verifies that the  
89 individual has a disability or a disability-related need and has  
90 been under the practitioner's care or treatment for such  
91 disability or need, and the animal provides support to alleviate  
92 one or more identified symptoms or effects of the individual's  
93 disability or disability-related need.

94        b. The written documentation, as specified in sub-  
95 subparagraph a., must be prepared in a format prescribed by the  
96 Department of Health in rule and may not be prepared by a health  
97 care practitioner whose exclusive service to the individual with  
98 a disability is preparation of the written documentation in

99 exchange for a fee. The Department of Health may adopt rules to  
 100 administer this sub-subparagraph.

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

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

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

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