

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Killebrew offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Section 760.27, Florida Statutes, is created to
7 read:

8 760.27 Prohibited discrimination in housing provided to
9 persons with a disability or disability-related need for an
10 emotional support animal.-

11 (1) DEFINITIONS.-As used in this section, the term:

12 (a) "Emotional support animal" means an animal that does
13 not require training to do work, perform tasks, provide
14 assistance, or provide therapeutic emotional support by virtue
15 of its presence which alleviates one or more identified symptoms
16 or effects of a person's disability.

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17 (b) "Housing Provider" means any person or entity engaging
18 in conduct covered by the federal Fair Housing Act or s. 504 of
19 the Rehabilitation Act of 1973, including the owner or lessor of
20 a dwelling.

21 (2) REASONABLE ACCOMMODATION REQUESTS.—To the extent
22 required by federal law, rule, or regulation, it is unlawful to
23 discriminate in the provision of housing to a person with a
24 disability or disability-related need for, and who has or at any
25 time obtains, an emotional support animal. A person with a
26 disability or a disability-related need must, upon the person's
27 request and approval by a housing provider, be allowed to keep
28 such animal in his or her dwelling as a reasonable accommodation
29 in housing, and such person may not be required to pay extra
30 compensation for such animal. Unless otherwise prohibited by
31 federal law, rule, or regulation, a housing provider may:

32 (a) Deny a reasonable accommodation request for an
33 emotional support animal if such animal poses a direct threat to
34 the safety or health of others or poses a direct threat of
35 physical damage to the property of others, which threat cannot
36 be reduced or eliminated by another reasonable accommodation.

37 (b) If a person's disability is not readily apparent,
38 request reliable information that reasonably supports that the
39 person has a disability. Supporting information may include:

40 1. A determination of disability from any federal, state,
41 or local government agency.

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42 2. Receipt of disability benefits or services from any
43 federal, state, or local government agency.

44 3. Proof of eligibility for housing assistance or a
45 housing voucher received because of a disability.

46 4. Information from a licensed health care practitioner,
47 as defined in s. 456.001, a telehealth provider as defined in s.
48 456.47, or any other similarly licensed or certified
49 practitioner in good standing with his or her profession's
50 regulatory body in another state. Such information is reliable
51 if the practitioner or provider has personal knowledge of the
52 person's disability and is acting within the scope of his or her
53 practice to provide the supporting information.

54 5. Information from any other source the housing provider
55 reasonably determines to be reliable in accordance with the
56 federal Fair Housing Act and s. 504 of the Rehabilitation Act of
57 1973.

58 (c) If a person's disability-related need for an emotional
59 support animal is not readily apparent, request reliable
60 information that reasonably supports the person's need for the
61 particular emotional support animal being requested. Supporting
62 information may include:

63 1. Information identifying the particular assistance or
64 therapeutic emotional support provided by the specific animal
65 from a licensed health care practitioner, as defined in s.
66 456.001, a telehealth provider, as defined in s. 456.47, or any

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67 other similarly licensed or certified practitioner in good
68 standing with his or her profession's regulatory body in another
69 state. Such information is reliable if the practitioner or
70 provider has personal knowledge of the person's disability and
71 is acting within the scope of his or her practice to provide the
72 supporting information.

73 2. Information from any other source the housing provider
74 reasonably determines to be reliable in accordance with the
75 federal Fair Housing Act and s. 504 of the Rehabilitation Act of
76 1973.

77 (d) If a person requests to keep more than one emotional
78 support animal, request information regarding the specific need
79 for each animal.

80 (e) Require proof of compliance with state and local
81 requirements for licensing and vaccination of each emotional
82 support animal.

83 (3) REQUEST LIMITATIONS.-

84 (a) Notwithstanding the authority to request information
85 under subsection (2), a housing provider is not entitled to
86 request information disclosing the diagnosis or severity of a
87 tenant's disability or medical records relating to the
88 disability. However, a tenant may disclose such information at
89 his or her own will.

90 (b) A housing provider may develop and make available to
91 tenants a routine method for receiving and processing reasonable

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92 accommodation requests for emotional support animals; however, a
93 housing provider may not require the use of a specific form or
94 notarized statements or deny a request solely because a tenant
95 did not follow the housing provider's routine method.

96 (c) An emotional support animal registration of any kind,
97 including, but not limited to, an identification card, patch,
98 certificate, or similar registration obtained from the internet
99 is not, by itself, sufficient information to reliably establish
100 that a person has a disability or disability-related need for an
101 assistance animal.

102 (4) LIABILITY.—

103 (a) A person with a disability or disability-related need
104 is liable for any damage done to the premises or to another
105 person on the premises by his or her emotional support animal.

106 (b) A housing provider is not liable for any damage done
107 to the premises or to any person on the premises by an emotional
108 support animal authorized under this section, the federal Fair
109 Housing Act, s. 504 of the Rehabilitation Act of 1973, or any
110 other federal, state, or local law, unless the housing provider
111 had prior knowledge of objective evidence of the specific
112 animal's dangerous conduct. However, nothing in this paragraph
113 may be interpreted to require a housing provider to seek any
114 information regarding an animal's dangerous conduct.

115 (5) APPLICABILITY.—

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116 (a) This section does not apply to a service animal as
117 defined in s. 413.08.

118 (b) A housing provider should not, based only on the
119 enactment of this section, reassess a reasonable accommodation
120 request previously approved in compliance with the federal Fair
121 Housing Act or s. 504 of the Rehabilitation Act of 1973, unless
122 the housing provider's prior approval was based upon a mistaken
123 belief that an emotional support animal registration, as
124 described in paragraph (3)(c), by itself required the housing
125 provider to approve such request.

126 Section 2. Paragraph (b) of subsection (6) of section
127 413.08, Florida Statutes, is amended to read:

128 413.08 Rights and responsibilities of an individual with a
129 disability; use of a service animal; prohibited discrimination
130 in public employment, public accommodations, and housing
131 accommodations; penalties.—

132 (6) An individual with a disability is entitled to rent,
133 lease, or purchase, as other members of the general public, any
134 housing accommodations offered for rent, lease, or other
135 compensation in this state, subject to the conditions and
136 limitations established by law and applicable alike to all
137 persons.

138 (b) An individual with a disability who has a service
139 animal or who obtains a service animal is entitled to full and
140 equal access to all housing accommodations provided for in this

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141 section, and such individual ~~a person~~ may not be required to pay
142 extra compensation for such animal. However, such individual ~~a~~
143 ~~person~~ is liable for any damage done to the premises or to
144 another individual ~~person~~ on the premises by the animal. A
145 housing accommodation may request proof of compliance with
146 vaccination requirements. This paragraph does not apply to an
147 emotional support animal as defined in s. 760.27.

148 Section 3. Paragraph (e) of subsection (1) of section
149 419.001, Florida Statutes, is amended to read:

150 419.001 Site selection of community residential homes.—

151 (1) For the purposes of this section, the term:

152 (e) "Resident" means any of the following: a frail elder
153 as defined in s. 429.65; a person who has a disability ~~handicap~~
154 as defined in s. 760.22(3)(a) ~~s. 760.22(7)(a)~~; a person who has
155 a developmental disability as defined in s. 393.063; a
156 nondangerous person who has a mental illness as defined in s.
157 394.455; or a child who is found to be dependent as defined in
158 s. 39.01 or s. 984.03, or a child in need of services as defined
159 in s. 984.03 or s. 985.03.

160 Section 4. Paragraph (pp) is added to subsection (1) of
161 section 456.072, Florida Statutes, to read:

162 456.072 Grounds for discipline; penalties; enforcement.—

163 (1) The following acts shall constitute grounds for which
164 the disciplinary actions specified in subsection (2) may be
165 taken:

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166 (pp) Providing information, including written
167 documentation, indicating that a patient has a disability or
168 supporting a patient's need for an emotional support animal
169 under s. 760.27 without personal knowledge of the patient's
170 disability or disability-related need for the specific emotional
171 support animal.

172 Section 5. Subsections (3) through (6) of section 760.22,
173 Florida Statutes, are renumbered as subsections (4) through (7),
174 respectively, and present subsection (7) of that section is
175 amended, to read:

176 760.22 Definitions.—As used in ss. 760.20–760.37, the
177 term:

178 (3)~~(7)~~ "Disability" ~~"Handicap"~~ means:

179 (a) A person has a physical or mental impairment which
180 substantially limits one or more major life activities, or he or
181 she has a record of having, or is regarded as having, such
182 physical or mental impairment; or

183 (b) A person has a developmental disability as defined in
184 s. 393.063.

185 Section 6. Section 760.23, Florida Statutes, is amended to
186 read:

187 760.23 Discrimination in the sale or rental of housing and
188 other prohibited practices.—

189 (1) It is unlawful to refuse to sell or rent after the
190 making of a bona fide offer, to refuse to negotiate for the sale

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191 or rental of, or otherwise to make unavailable or deny a
192 dwelling to any person because of race, color, national origin,
193 sex, disability ~~handicap~~, familial status, or religion.

194 (2) It is unlawful to discriminate against any person in
195 the terms, conditions, or privileges of sale or rental of a
196 dwelling, or in the provision of services or facilities in
197 connection therewith, because of race, color, national origin,
198 sex, disability ~~handicap~~, familial status, or religion.

199 (3) It is unlawful to make, print, or publish, or cause to
200 be made, printed, or published, any notice, statement, or
201 advertisement with respect to the sale or rental of a dwelling
202 that indicates any preference, limitation, or discrimination
203 based on race, color, national origin, sex, disability ~~handicap~~,
204 familial status, or religion or an intention to make any such
205 preference, limitation, or discrimination.

206 (4) It is unlawful to represent to any person because of
207 race, color, national origin, sex, disability ~~handicap~~, familial
208 status, or religion that any dwelling is not available for
209 inspection, sale, or rental when such dwelling is in fact so
210 available.

211 (5) It is unlawful, for profit, to induce or attempt to
212 induce any person to sell or rent any dwelling by a
213 representation regarding the entry or prospective entry into the
214 neighborhood of a person or persons of a particular race, color,

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215 national origin, sex, disability ~~handicap~~, familial status, or
216 religion.

217 (6) The protections afforded under ss. 760.20-760.37
218 against discrimination on the basis of familial status apply to
219 any person who is pregnant or is in the process of securing
220 legal custody of any individual who has not attained the age of
221 18 years.

222 (7) It is unlawful to discriminate in the sale or rental
223 of, or to otherwise make unavailable or deny, a dwelling to any
224 buyer or renter because of a disability ~~handicap~~ of:

225 (a) That buyer or renter;

226 (b) A person residing in or intending to reside in that
227 dwelling after it is sold, rented, or made available; or

228 (c) Any person associated with the buyer or renter.

229 (8) It is unlawful to discriminate against any person in
230 the terms, conditions, or privileges of sale or rental of a
231 dwelling, or in the provision of services or facilities in
232 connection with such dwelling, because of a disability ~~handicap~~
233 of:

234 (a) That buyer or renter;

235 (b) A person residing in or intending to reside in that
236 dwelling after it is sold, rented, or made available; or

237 (c) Any person associated with the buyer or renter.

238 (9) For purposes of subsections (7) and (8),
239 discrimination includes:

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240 (a) A refusal to permit, at the expense of the ~~handicapped~~
241 person with a disability, reasonable modifications of existing
242 premises occupied or to be occupied by such person if such
243 modifications may be necessary to afford such person full
244 enjoyment of the premises; or

245 (b) A refusal to make reasonable accommodations in rules,
246 policies, practices, or services, when such accommodations may
247 be necessary to afford such person equal opportunity to use and
248 enjoy a dwelling.

249 (10) Covered multifamily dwellings as defined herein which
250 are intended for first occupancy after March 13, 1991, shall be
251 designed and constructed to have at least one building entrance
252 on an accessible route unless it is impractical to do so because
253 of the terrain or unusual characteristics of the site as
254 determined by commission rule. Such buildings shall also be
255 designed and constructed in such a manner that:

256 (a) The public use and common use portions of such
257 dwellings are readily accessible to and usable by ~~handicapped~~
258 persons with disabilities.

259 (b) All doors designed to allow passage into and within
260 all premises within such dwellings are sufficiently wide to
261 allow passage by a person in a wheelchair.

262 (c) All premises within such dwellings contain the
263 following features of adaptive design:

264 1. An accessible route into and through the dwelling.

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265 2. Light switches, electrical outlets, thermostats, and
266 other environmental controls in accessible locations.

267 3. Reinforcements in bathroom walls to allow later
268 installation of grab bars.

269 4. Usable kitchens and bathrooms such that a person in a
270 wheelchair can maneuver about the space.

271 (d) Compliance with the appropriate requirements of the
272 American National Standards Institute for buildings and
273 facilities providing accessibility and usability for persons
274 with physical disabilities ~~physically handicapped people~~,
275 commonly cited as ANSI A117.1-1986, suffices to satisfy the
276 requirements of paragraph (c).

277
278 State agencies with building construction regulation
279 responsibility or local governments, as appropriate, shall
280 review the plans and specifications for the construction of
281 covered multifamily dwellings to determine consistency with the
282 requirements of this subsection.

283 Section 7. Section 760.24, Florida Statutes, is amended to
284 read:

285 760.24 Discrimination in the provision of brokerage
286 services.—It is unlawful to deny any person access to, or
287 membership or participation in, any multiple-listing service,
288 real estate brokers' organization, or other service,
289 organization, or facility relating to the business of selling or

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290 renting dwellings, or to discriminate against him or her in the
291 terms or conditions of such access, membership, or
292 participation, on account of race, color, national origin, sex,
293 disability ~~handicap~~, familial status, or religion.

294 Section 8. Subsection (1) and paragraph (a) of subsection
295 (2) of section 760.25, Florida Statutes, are amended to read:

296 760.25 Discrimination in the financing of housing or in
297 residential real estate transactions.—

298 (1) It is unlawful for any bank, building and loan
299 association, insurance company, or other corporation,
300 association, firm, or enterprise the business of which consists
301 in whole or in part of the making of commercial real estate
302 loans to deny a loan or other financial assistance to a person
303 applying for the loan for the purpose of purchasing,
304 constructing, improving, repairing, or maintaining a dwelling,
305 or to discriminate against him or her in the fixing of the
306 amount, interest rate, duration, or other term or condition of
307 such loan or other financial assistance, because of the race,
308 color, national origin, sex, disability ~~handicap~~, familial
309 status, or religion of such person or of any person associated
310 with him or her in connection with such loan or other financial
311 assistance or the purposes of such loan or other financial
312 assistance, or because of the race, color, national origin, sex,
313 disability ~~handicap~~, familial status, or religion of the present
314 or prospective owners, lessees, tenants, or occupants of the

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315 dwelling or dwellings in relation to which such loan or other
316 financial assistance is to be made or given.

317 (2) (a) It is unlawful for any person or entity whose
318 business includes engaging in residential real estate
319 transactions to discriminate against any person in making
320 available such a transaction, or in the terms or conditions of
321 such a transaction, because of race, color, national origin,
322 sex, disability ~~handicap~~, familial status, or religion.

323 Section 9. Paragraph (a) of subsection (1) and paragraph
324 (a) of subsection (5) of section 760.29, Florida Statutes, are
325 amended to read:

326 760.29 Exemptions.—

327 (1) (a) Nothing in ss. 760.23, ~~and~~ 760.25, and 760.27
328 applies to:

329 1. Any single-family house sold or rented by its owner,
330 provided such private individual owner does not own more than
331 three single-family houses at any one time. In the case of the
332 sale of a single-family house by a private individual owner who
333 does not reside in such house at the time of the sale or who was
334 not the most recent resident of the house prior to the sale, the
335 exemption granted by this paragraph applies only with respect to
336 one sale within any 24-month period. In addition, the bona fide
337 private individual owner shall not own any interest in, nor
338 shall there be owned or reserved on his or her behalf, under any
339 express or voluntary agreement, title to, or any right to all or

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340 a portion of the proceeds from the sale or rental of, more than
341 three single-family houses at any one time. The sale or rental
342 of any single-family house shall be excepted from the
343 application of ss. 760.20-760.37 only if the house is sold or
344 rented:

345 a. Without the use in any manner of the sales or rental
346 facilities or the sales or rental services of any real estate
347 licensee or such facilities or services of any person in the
348 business of selling or renting dwellings, or of any employee or
349 agent of any such licensee or person; and

350 b. Without the publication, posting, or mailing, after
351 notice, of any advertisement or written notice in violation of
352 s. 760.23(3).

353

354 Nothing in this provision prohibits the use of attorneys, escrow
355 agents, abstractors, title companies, and other such
356 professional assistance as is necessary to perfect or transfer
357 the title.

358 2. Rooms or units in dwellings containing living quarters
359 occupied or intended to be occupied by no more than four
360 families living independently of each other, if the owner
361 actually maintains and occupies one of such living quarters as
362 his or her residence.

363 (5) Nothing in ss. 760.20-760.37:

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364 (a) Prohibits a person engaged in the business of
365 furnishing appraisals of real property from taking into
366 consideration factors other than race, color, national origin,
367 sex, disability ~~handicap~~, familial status, or religion.

368 Section 10. Subsection (5) of section 760.31, Florida
369 Statutes, is amended to read:

370 760.31 Powers and duties of commission.—The commission
371 shall:

372 (5) Adopt rules necessary to implement ss. 760.20-760.37
373 and govern the proceedings of the commission in accordance with
374 chapter 120. Commission rules shall clarify terms used with
375 regard to ~~handicapped~~ accessibility for persons with
376 disabilities, exceptions from accessibility requirements based
377 on terrain or site characteristics, and requirements related to
378 housing for older persons. Commission rules shall specify the
379 fee and the forms and procedures to be used for the registration
380 required by s. 760.29(4)(e).

381 Section 11. Section 817.27, Florida Statutes, is created
382 to read:

383 817.27 False or fraudulent proof of need for an emotional
384 support animal.—A person who falsifies information or written
385 documentation or knowingly provides fraudulent information or
386 written documentation for an emotional support animal under s.
387 760.27, or otherwise knowingly and willfully misrepresents
388 herself or himself, through conduct or verbal or written notice,

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389 as having a disability or a disability-related need for an
390 emotional support animal, or being otherwise qualified to use an
391 emotional support animal, commits a misdemeanor of the second
392 degree, punishable as provided in s. 775.082 or s. 775.083.
393 Within 6 months after a conviction under this section, a person
394 must perform 30 hours of community service for an organization
395 that serves persons with disabilities, or for another entity or
396 organization the court determines is appropriate.

397 Section 12. This act shall take effect July 1, 2020.

398 -----

399 **T I T L E A M E N D M E N T**

400 Remove everything before the enacting clause and insert:

401 An act relating to emotional support animals; creating s.
402 760.27, F.S.; providing definitions; prohibiting discrimination
403 in housing provided to a person with a disability or disability-
404 related need for an emotional support animal; prohibiting a
405 housing provider from requiring such person to pay extra
406 compensation for such animal; providing an exception;
407 authorizing a housing provider to request certain information
408 under certain circumstances; specifying liability for housing
409 providers and owners owner of emotional support animals relating
410 to damage done by an emotional support animal; providing
411 applicability; amending s. 413.08, F.S.; providing
412 applicability; amending s. 456.072, F.S.; prohibiting a health
413 care practitioner from providing information for an emotional

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 209 (2020)

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414 support animal without personal knowledge of a person's need for
415 the animal; amending s. 760.22, F.S.; revising the definition of
416 the term "handicap"; amending ss. 419.001, 760.23, 760.24,
417 760.25, 760.29, and 760.31, F.S.; revising the term "handicap"
418 to "disability" to conform to changes made by the act; creating
419 s. 817.27, F.S.; prohibiting the falsification of information or
420 other fraudulent misrepresentation regarding the use of an
421 emotional support animal; providing penalties; providing an
422 effective date