

1                   A bill to be entitled  
2           An act relating to emotional support animals; creating  
3           s. 760.27, F.S.; providing definitions; prohibiting  
4           discrimination in the rental of a dwelling to a person  
5           with a disability or disability-related need who has  
6           an emotional support animal; prohibiting a landlord  
7           from requiring such person to pay extra compensation  
8           for such animal; providing an exception; authorizing a  
9           landlord to request certain written documentation  
10          under certain circumstances; requiring the Florida  
11          Commission on Human Relations to create the format for  
12          such written documentation by rule; prohibiting the  
13          falsification of written documentation or other  
14          misrepresentation regarding the use of an emotional  
15          support animal; providing penalties; specifying that a  
16          person with a disability or disability-related need is  
17          liable for certain damage done by her or his emotional  
18          support animal; providing applicability; amending s.  
19          413.08, F.S.; providing applicability; amending s.  
20          456.072, F.S.; prohibiting a health care practitioner,  
21          as an exclusive service to a patient, from providing  
22          documentation for an emotional support animal for a  
23          fee; amending s. 760.22, F.S.; revising the definition  
24          of the term "handicap"; amending ss. 419.001, 760.23,  
25          760.24, 760.25, 760.29, and 760.31, F.S.; revising the

26 term "handicap" to "disability" to conform to changes  
 27 made by the act; providing an effective date.

28

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

30

31 Section 1. Section 760.27, Florida Statutes, is created to  
 32 read:

33 760.27 Prohibited discrimination in the rental of housing  
 34 to persons with a disability or disability-related need who use  
 35 an emotional support animal.-

36 (1) As used in this section, the term:

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

42 (b) "Landlord" means the owner or lessor of a dwelling.

43 (2) To the extent required by federal law, rule, or  
 44 regulation, it is unlawful to discriminate in the rental of a  
 45 dwelling to a person with a disability or disability-related  
 46 need who has or obtains an emotional support animal. A person  
 47 with a disability or a disability-related need must, upon the  
 48 person's request and approval by a landlord, be allowed to keep  
 49 such animal in the dwelling as a reasonable accommodation in  
 50 housing, and such person may not be required to pay extra

51 compensation for such animal.

52 (3) Unless otherwise prohibited by federal law, rule, or  
53 regulation, a landlord may:

54 (a) Prohibit an emotional support animal if such animal  
55 poses a direct threat to the safety or health of others or poses  
56 a direct threat of physical damage to the property of others  
57 which cannot be reduced or eliminated by another reasonable  
58 accommodation.

59 (b) If a person's disability or disability-related need is  
60 not readily apparent, request written documentation prepared by  
61 a health care practitioner, as defined in s. 456.001, which  
62 verifies that the person has a disability or a disability-  
63 related need and has been under the practitioner's care or  
64 treatment for such disability or need, and the animal provides  
65 support to alleviate one or more identified symptoms or effects  
66 of the person's disability or disability-related need. If a  
67 person requests to keep more than one emotional support animal,  
68 the landlord may request such written documentation establishing  
69 the need for each animal. The written documentation must be  
70 prepared in a format prescribed by the commission in rule.

71 (c) Require proof of compliance with state and local  
72 requirements for licensing and vaccination of an emotional  
73 support animal.

74 (4) A person who falsifies written documentation, as  
75 described in subsection (3), for an emotional support animal or

76 otherwise knowingly and willfully misrepresents herself or  
77 himself, through conduct or verbal or written notice, as having  
78 a disability or disability-related need and being qualified to  
79 use an emotional support animal commits a misdemeanor of the  
80 second degree, punishable as provided in s. 775.082 or s.  
81 775.083, and must perform 30 hours of community service for an  
82 organization that serves persons with disabilities, or for  
83 another entity or organization at the discretion of the court,  
84 to be completed within 6 months after conviction.

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

88 (b) A landlord is not liable for any damage done to the  
89 premises or to any person on the premises by an emotional  
90 support animal if the landlord approved a reasonable  
91 accommodation request for an emotional support animal and, if  
92 the person's disability or disability-related need was not  
93 readily apparent, the landlord requested written documentation  
94 verifying the disability or disability-related need for an  
95 emotional support animal authorized under this section, the  
96 federal Fair Housing Act, s. 504 of the Rehabilitation Act of  
97 1973, or any other federal, state, or local law.

98 (6) This section does not apply to a service animal as  
99 defined in s. 413.08.

100 Section 2. Paragraph (b) of subsection (6) of section

101 413.08, Florida Statutes, is amended to read:

102 413.08 Rights and responsibilities of an individual with a  
103 disability; use of a service animal; prohibited discrimination  
104 in public employment, public accommodations, and housing  
105 accommodations; penalties.—

106 (6) An individual with a disability is entitled to rent,  
107 lease, or purchase, as other members of the general public, any  
108 housing accommodations offered for rent, lease, or other  
109 compensation in this state, subject to the conditions and  
110 limitations established by law and applicable alike to all  
111 persons.

112 (b) An individual with a disability who has a service  
113 animal or who obtains a service animal is entitled to full and  
114 equal access to all housing accommodations provided for in this  
115 section, and such individual ~~a person~~ may not be required to pay  
116 extra compensation for such animal. However, such individual ~~a~~  
117 ~~person~~ is liable for any damage done to the premises or to  
118 another individual ~~person~~ on the premises by the animal. A  
119 housing accommodation may request proof of compliance with  
120 vaccination requirements. This paragraph does not apply to an  
121 emotional support animal as defined in s. 760.27.

122 Section 3. Paragraph (e) of subsection (1) of section  
123 419.001, Florida Statutes, is amended to read:

124 419.001 Site selection of community residential homes.—

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

126 (e) "Resident" means any of the following: a frail elder  
127 as defined in s. 429.65; a person who has a disability ~~handicap~~  
128 as defined in s. 760.22(3)(a) ~~s. 760.22(7)(a)~~; a person who has  
129 a developmental disability as defined in s. 393.063; a  
130 nondangerous person who has a mental illness as defined in s.  
131 394.455; or a child who is found to be dependent as defined in  
132 s. 39.01 or s. 984.03, or a child in need of services as defined  
133 in s. 984.03 or s. 985.03.

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

136 456.072 Grounds for discipline; penalties; enforcement.—

137 (1) The following acts shall constitute grounds for which  
138 the disciplinary actions specified in subsection (2) may be  
139 taken:

140 (pp) Providing a written document for an emotional support  
141 animal under s. 760.27 to a patient for whom the exclusive  
142 service by the health care practitioner is the preparation of  
143 the written document in exchange for a fee.

144 Section 5. Subsections (3) through (6) of section 760.22,  
145 Florida Statutes, are renumbered as subsections (4) through (7),  
146 respectively, and present subsection (7) of that section is  
147 amended, to read:

148 760.22 Definitions.—As used in ss. 760.20–760.37, the  
149 term:

150 (3)(7) "Disability" ~~"Handicap"~~ means:

151 (a) A person has a physical or mental impairment which  
152 substantially limits one or more major life activities, or he or  
153 she has a record of having, or is regarded as having, such  
154 physical or mental impairment; or

155 (b) A person has a developmental disability as defined in  
156 s. 393.063.

157 Section 6. Section 760.23, Florida Statutes, is amended to  
158 read:

159 760.23 Discrimination in the sale or rental of housing and  
160 other prohibited practices.—

161 (1) It is unlawful to refuse to sell or rent after the  
162 making of a bona fide offer, to refuse to negotiate for the sale  
163 or rental of, or otherwise to make unavailable or deny a  
164 dwelling to any person because of race, color, national origin,  
165 sex, disability ~~handicap~~, familial status, or religion.

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

171 (3) It is unlawful to make, print, or publish, or cause to  
172 be made, printed, or published, any notice, statement, or  
173 advertisement with respect to the sale or rental of a dwelling  
174 that indicates any preference, limitation, or discrimination  
175 based on race, color, national origin, sex, disability ~~handicap~~,

176 familial status, or religion or an intention to make any such  
 177 preference, limitation, or discrimination.

178 (4) It is unlawful to represent to any person because of  
 179 race, color, national origin, sex, disability ~~handicap~~, familial  
 180 status, or religion that any dwelling is not available for  
 181 inspection, sale, or rental when such dwelling is in fact so  
 182 available.

183 (5) It is unlawful, for profit, to induce or attempt to  
 184 induce any person to sell or rent any dwelling by a  
 185 representation regarding the entry or prospective entry into the  
 186 neighborhood of a person or persons of a particular race, color,  
 187 national origin, sex, disability ~~handicap~~, familial status, or  
 188 religion.

189 (6) The protections afforded under ss. 760.20-760.37  
 190 against discrimination on the basis of familial status apply to  
 191 any person who is pregnant or is in the process of securing  
 192 legal custody of any individual who has not attained the age of  
 193 18 years.

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

- 197 (a) That buyer or renter;
- 198 (b) A person residing in or intending to reside in that  
 199 dwelling after it is sold, rented, or made available; or
- 200 (c) Any person associated with the buyer or renter.



201 (8) It is unlawful to discriminate against any person in  
 202 the terms, conditions, or privileges of sale or rental of a  
 203 dwelling, or in the provision of services or facilities in  
 204 connection with such dwelling, because of a disability ~~handicap~~  
 205 of:

- 206 (a) That buyer or renter;
- 207 (b) A person residing in or intending to reside in that  
 208 dwelling after it is sold, rented, or made available; or
- 209 (c) Any person associated with the buyer or renter.

210 (9) For purposes of subsections (7) and (8),  
 211 discrimination includes:

212 (a) A refusal to permit, at the expense of the ~~handicapped~~  
 213 person with a disability, reasonable modifications of existing  
 214 premises occupied or to be occupied by such person if such  
 215 modifications may be necessary to afford such person full  
 216 enjoyment of the premises; or

217 (b) A refusal to make reasonable accommodations in rules,  
 218 policies, practices, or services, when such accommodations may  
 219 be necessary to afford such person equal opportunity to use and  
 220 enjoy a dwelling.

221 (10) Covered multifamily dwellings as defined herein which  
 222 are intended for first occupancy after March 13, 1991, shall be  
 223 designed and constructed to have at least one building entrance  
 224 on an accessible route unless it is impractical to do so because  
 225 of the terrain or unusual characteristics of the site as

226 | determined by commission rule. Such buildings shall also be  
227 | designed and constructed in such a manner that:

228 |       (a) The public use and common use portions of such  
229 | dwellings are readily accessible to and usable by ~~handicapped~~  
230 | persons with disabilities.

231 |       (b) All doors designed to allow passage into and within  
232 | all premises within such dwellings are sufficiently wide to  
233 | allow passage by a person in a wheelchair.

234 |       (c) All premises within such dwellings contain the  
235 | following features of adaptive design:

236 |           1. An accessible route into and through the dwelling.

237 |           2. Light switches, electrical outlets, thermostats, and  
238 | other environmental controls in accessible locations.

239 |           3. Reinforcements in bathroom walls to allow later  
240 | installation of grab bars.

241 |           4. Usable kitchens and bathrooms such that a person in a  
242 | wheelchair can maneuver about the space.

243 |       (d) Compliance with the appropriate requirements of the  
244 | American National Standards Institute for buildings and  
245 | facilities providing accessibility and usability for persons  
246 | with a physical disability ~~physically handicapped people,~~  
247 | commonly cited as ANSI A117.1-1986, suffices to satisfy the  
248 | requirements of paragraph (c).

249 |  
250 | State agencies with building construction regulation

251 responsibility or local governments, as appropriate, shall  
 252 review the plans and specifications for the construction of  
 253 covered multifamily dwellings to determine consistency with the  
 254 requirements of this subsection.

255 Section 7. Section 760.24, Florida Statutes, is amended to  
 256 read:

257 760.24 Discrimination in the provision of brokerage  
 258 services.—It is unlawful to deny any person access to, or  
 259 membership or participation in, any multiple-listing service,  
 260 real estate brokers' organization, or other service,  
 261 organization, or facility relating to the business of selling or  
 262 renting dwellings, or to discriminate against him or her in the  
 263 terms or conditions of such access, membership, or  
 264 participation, on account of race, color, national origin, sex,  
 265 disability ~~handicap~~, familial status, or religion.

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

268 760.25 Discrimination in the financing of housing or in  
 269 residential real estate transactions.—

270 (1) It is unlawful for any bank, building and loan  
 271 association, insurance company, or other corporation,  
 272 association, firm, or enterprise the business of which consists  
 273 in whole or in part of the making of commercial real estate  
 274 loans to deny a loan or other financial assistance to a person  
 275 applying for the loan for the purpose of purchasing,

276 constructing, improving, repairing, or maintaining a dwelling,  
277 or to discriminate against him or her in the fixing of the  
278 amount, interest rate, duration, or other term or condition of  
279 such loan or other financial assistance, because of the race,  
280 color, national origin, sex, disability ~~handicap~~, familial  
281 status, or religion of such person or of any person associated  
282 with him or her in connection with such loan or other financial  
283 assistance or the purposes of such loan or other financial  
284 assistance, or because of the race, color, national origin, sex,  
285 disability ~~handicap~~, familial status, or religion of the present  
286 or prospective owners, lessees, tenants, or occupants of the  
287 dwelling or dwellings in relation to which such loan or other  
288 financial assistance is to be made or given.

289 (2) (a) It is unlawful for any person or entity whose  
290 business includes engaging in residential real estate  
291 transactions to discriminate against any person in making  
292 available such a transaction, or in the terms or conditions of  
293 such a transaction, because of race, color, national origin,  
294 sex, disability ~~handicap~~, familial status, or religion.

295 Section 9. Paragraph (a) of subsection (1) and paragraph  
296 (a) of subsection (5) of section 760.29, Florida Statutes, are  
297 amended to read:

298 760.29 Exemptions.—

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

301           1. Any single-family house sold or rented by its owner,  
302 provided such private individual owner does not own more than  
303 three single-family houses at any one time. In the case of the  
304 sale of a single-family house by a private individual owner who  
305 does not reside in such house at the time of the sale or who was  
306 not the most recent resident of the house prior to the sale, the  
307 exemption granted by this paragraph applies only with respect to  
308 one sale within any 24-month period. In addition, the bona fide  
309 private individual owner shall not own any interest in, nor  
310 shall there be owned or reserved on his or her behalf, under any  
311 express or voluntary agreement, title to, or any right to all or  
312 a portion of the proceeds from the sale or rental of, more than  
313 three single-family houses at any one time. The sale or rental  
314 of any single-family house shall be excepted from the  
315 application of ss. 760.20-760.37 only if the house is sold or  
316 rented:

317           a. Without the use in any manner of the sales or rental  
318 facilities or the sales or rental services of any real estate  
319 licensee or such facilities or services of any person in the  
320 business of selling or renting dwellings, or of any employee or  
321 agent of any such licensee or person; and

322           b. Without the publication, posting, or mailing, after  
323 notice, of any advertisement or written notice in violation of  
324 s. 760.23(3).  
325

326 Nothing in this provision prohibits the use of attorneys, escrow  
 327 agents, abstractors, title companies, and other such  
 328 professional assistance as is necessary to perfect or transfer  
 329 the title.

330 2. Rooms or units in dwellings containing living quarters  
 331 occupied or intended to be occupied by no more than four  
 332 families living independently of each other, if the owner  
 333 actually maintains and occupies one of such living quarters as  
 334 his or her residence.

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

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

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

342 760.31 Powers and duties of commission.—The commission  
 343 shall:

344 (5) Adopt rules necessary to implement ss. 760.20-760.37  
 345 and govern the proceedings of the commission in accordance with  
 346 chapter 120. Commission rules shall clarify terms used with  
 347 regard to ~~handicapped~~ accessibility for persons with  
 348 disabilities, exceptions from accessibility requirements based  
 349 on terrain or site characteristics, and requirements related to  
 350 housing for older persons. Commission rules shall specify the

351 fee and the forms and procedures to be used for the registration  
352 required by s. 760.29(4)(e).

353       Section 11. This act shall take effect July 1, 2020.