

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 housing provided to a person with a
5 disability or disability-related need for an emotional
6 support animal; specifying that such person may not be
7 required to pay extra compensation for such animal;
8 providing an exception; authorizing a housing provider
9 to request specified information under certain
10 circumstances; providing restrictions for such
11 request; specifying liability for owners of emotional
12 support animals relating to damage done by his or her
13 emotional support animal; providing applicability;
14 amending s. 413.08, F.S.; providing applicability;
15 amending s. 456.072, F.S.; prohibiting a health care
16 practitioner from providing information for an
17 emotional support animal without personal knowledge of
18 a person's need for the animal; amending s. 760.22,
19 F.S.; revising the definition of the term "handicap";
20 amending ss. 419.001, 760.23, 760.24, 760.25, 760.29,
21 and 760.31, F.S.; revising the term "handicap" to
22 "disability" to conform to changes made by the act;
23 creating s. 817.265, F.S.; prohibiting the
24 falsification of information or other fraudulent
25 misrepresentation regarding the use of an emotional

26 support animal; providing penalties; providing an
 27 effective date.

28
 29 Be It Enacted by the Legislature of the State of Florida:

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

33 760.27 Prohibited discrimination in housing provided to
 34 persons with a disability or disability-related need for an
 35 emotional support animal.-

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

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

42 (b) "Housing provider" means any person or entity engaging
 43 in conduct covered by the federal Fair Housing Act or s. 504 of
 44 the Rehabilitation Act of 1973, including the owner or lessor of
 45 a dwelling.

46 (2) REASONABLE ACCOMMODATION REQUESTS.-To the extent
 47 required by federal law, rule, or regulation, it is unlawful to
 48 discriminate in the provision of housing to a person with a
 49 disability or disability-related need for, and who has or at any
 50 time obtains, an emotional support animal. A person with a

51 disability or a disability-related need must, upon the person's
52 request and approval by a housing provider, be allowed to keep
53 such animal in his or her dwelling as a reasonable accommodation
54 in housing, and such person may not be required to pay extra
55 compensation for such animal. Unless otherwise prohibited by
56 federal law, rule, or regulation, a housing provider may:

57 (a) Deny a reasonable accommodation request for an
58 emotional support animal if such animal poses a direct threat to
59 the safety or health of others or poses a direct threat of
60 physical damage to the property of others, which threat cannot
61 be reduced or eliminated by another reasonable accommodation.

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

65 1. A determination of disability from any federal, state,
66 or local government agency.

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

69 3. Proof of eligibility for housing assistance or a
70 housing voucher received because of a disability.

71 4. Information from a health care practitioner, as defined
72 in s. 456.001; a telehealth provider, as defined in s. 456.47;
73 or any other similarly licensed or certified practitioner or
74 provider in good standing with his or her profession's
75 regulatory body in another state but only if such out-of-state

76 practitioner has provided in-person care or services to the
77 tenant on at least one occasion. Such information is reliable if
78 the practitioner or provider has personal knowledge of the
79 person's disability and is acting within the scope of his or her
80 practice to provide the supporting information.

81 5. Information from any other source that the housing
82 provider reasonably determines to be reliable in accordance with
83 the federal Fair Housing Act and s. 504 of the Rehabilitation
84 Act of 1973.

85 (c) If a person's disability-related need for an emotional
86 support animal is not readily apparent, request reliable
87 information that reasonably supports the person's need for the
88 particular emotional support animal being requested. Supporting
89 information may include:

90 1. Information identifying the particular assistance or
91 therapeutic emotional support provided by the specific animal
92 from a health care practitioner, as defined in s. 456.001; a
93 telehealth provider, as defined in s. 456.47; or any other
94 similarly licensed or certified practitioner or provider in good
95 standing with his or her profession's regulatory body in another
96 state. Such information is reliable if the practitioner or
97 provider has personal knowledge of the person's disability and
98 is acting within the scope of his or her practice to provide the
99 supporting information.

100 2. Information from any other source that the housing

101 provider reasonably determines to be reliable in accordance with
102 the federal Fair Housing Act and s. 504 of the Rehabilitation
103 Act of 1973.

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

107 (e) Require proof of compliance with state and local
108 requirements for licensing and vaccinating each emotional
109 support animal.

110 (3) REQUEST LIMITATIONS.—

111 (a) Notwithstanding the authority to request information
112 under subsection (2), a housing provider may not request
113 information that discloses the diagnosis or severity of a
114 tenant's disability or any medical records relating to the
115 disability. However, a tenant may disclose such information or
116 medical records to the housing provider at his or her
117 discretion.

118 (b) A housing provider may develop and make available to
119 tenants a routine method for receiving and processing reasonable
120 accommodation requests for emotional support animals; however, a
121 housing provider may not require the use of a specific form or
122 notarized statement, or deny a request solely because a tenant
123 did not follow the housing provider's routine method.

124 (c) An emotional support animal registration of any kind,
125 including, but not limited to, an identification card, patch,

126 certificate, or similar registration obtained from the Internet
127 is not, by itself, sufficient information to reliably establish
128 that a person has a disability or disability-related need for an
129 emotional support animal.

130 (4) LIABILITY.—A person with a disability or disability-
131 related need is liable for any damage done to the premises or to
132 another person on the premises by his or her emotional support
133 animal.

134 (5) APPLICABILITY.—This section does not apply to a
135 service animal as defined in s. 413.08.

136 Section 2. Paragraph (b) of subsection (6) of section
137 413.08, Florida Statutes, is amended to read:

138 413.08 Rights and responsibilities of an individual with a
139 disability; use of a service animal; prohibited discrimination
140 in public employment, public accommodations, and housing
141 accommodations; penalties.—

142 (6) An individual with a disability is entitled to rent,
143 lease, or purchase, as other members of the general public, any
144 housing accommodations offered for rent, lease, or other
145 compensation in this state, subject to the conditions and
146 limitations established by law and applicable alike to all
147 persons.

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

151 section, and such individual ~~a person~~ may not be required to pay
152 extra compensation for such animal. However, such individual ~~a~~
153 ~~person~~ is liable for any damage done to the premises or to
154 another individual ~~person~~ on the premises by the animal. A
155 housing accommodation may request proof of compliance with
156 vaccination requirements. This paragraph does not apply to an
157 emotional support animal as defined in s. 760.27.

158 Section 3. Paragraph (e) of subsection (1) of section
159 419.001, Florida Statutes, is amended to read:

160 419.001 Site selection of community residential homes.—

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

162 (e) "Resident" means any of the following: a frail elder
163 as defined in s. 429.65; a person who has a disability ~~handicap~~
164 as defined in s. 760.22(3)(a) ~~s. 760.22(7)(a)~~; a person who has
165 a developmental disability as defined in s. 393.063; a
166 nondangerous person who has a mental illness as defined in s.
167 394.455; or a child who is found to be dependent as defined in
168 s. 39.01 or s. 984.03, or a child in need of services as defined
169 in s. 984.03 or s. 985.03.

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

172 456.072 Grounds for discipline; penalties; enforcement.—

173 (1) The following acts shall constitute grounds for which
174 the disciplinary actions specified in subsection (2) may be
175 taken:

176 (pp) Providing information, including written
 177 documentation, indicating that a patient has a disability or
 178 supporting a patient's need for an emotional support animal
 179 under s. 760.27 without personal knowledge of the patient's
 180 disability or disability-related need for the specific emotional
 181 support animal.

182 Section 5. Subsections (3) through (6) of section 760.22,
 183 Florida Statutes, are renumbered as subsections (4) through (7),
 184 respectively, and present subsection (7) of that section is
 185 amended, to read:

186 760.22 Definitions.—As used in ss. 760.20–760.37, the
 187 term:

188 (3)~~(7)~~ "Disability" ~~"Handicap"~~ means:

189 (a) A person has a physical or mental impairment which
 190 substantially limits one or more major life activities, or he or
 191 she has a record of having, or is regarded as having, such
 192 physical or mental impairment; or

193 (b) A person has a developmental disability as defined in
 194 s. 393.063.

195 Section 6. Section 760.23, Florida Statutes, is amended to
 196 read:

197 760.23 Discrimination in the sale or rental of housing and
 198 other prohibited practices.—

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

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

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

209 (3) It is unlawful to make, print, or publish, or cause to
210 be made, printed, or published, any notice, statement, or
211 advertisement with respect to the sale or rental of a dwelling
212 that indicates any preference, limitation, or discrimination
213 based on race, color, national origin, sex, disability ~~handicap~~,
214 familial status, or religion or an intention to make any such
215 preference, limitation, or discrimination.

216 (4) It is unlawful to represent to any person because of
217 race, color, national origin, sex, disability ~~handicap~~, familial
218 status, or religion that any dwelling is not available for
219 inspection, sale, or rental when such dwelling is in fact so
220 available.

221 (5) It is unlawful, for profit, to induce or attempt to
222 induce any person to sell or rent any dwelling by a
223 representation regarding the entry or prospective entry into the
224 neighborhood of a person or persons of a particular race, color,
225 national origin, sex, disability ~~handicap~~, familial status, or

226 religion.

227 (6) The protections afforded under ss. 760.20-760.37
228 against discrimination on the basis of familial status apply to
229 any person who is pregnant or is in the process of securing
230 legal custody of any individual who has not attained the age of
231 18 years.

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

235 (a) That buyer or renter;

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

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

239 (8) It is unlawful to discriminate against any person in
240 the terms, conditions, or privileges of sale or rental of a
241 dwelling, or in the provision of services or facilities in
242 connection with such dwelling, because of a disability ~~handicap~~
243 of:

244 (a) That buyer or renter;

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

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

248 (9) For purposes of subsections (7) and (8),

249 discrimination includes:

250 (a) A refusal to permit, at the expense of the ~~handicapped~~

251 person with a disability, reasonable modifications of existing
252 premises occupied or to be occupied by such person if such
253 modifications may be necessary to afford such person full
254 enjoyment of the premises; or

255 (b) A refusal to make reasonable accommodations in rules,
256 policies, practices, or services, when such accommodations may
257 be necessary to afford such person equal opportunity to use and
258 enjoy a dwelling.

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

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

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

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

- 274 1. An accessible route into and through the dwelling.
275 2. Light switches, electrical outlets, thermostats, and

276 other environmental controls in accessible locations.

277 3. Reinforcements in bathroom walls to allow later
278 installation of grab bars.

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

281 (d) Compliance with the appropriate requirements of the
282 American National Standards Institute for buildings and
283 facilities providing accessibility and usability for persons
284 with physical disabilities ~~physically handicapped people~~,
285 commonly cited as ANSI A117.1-1986, suffices to satisfy the
286 requirements of paragraph (c).

287
288 State agencies with building construction regulation
289 responsibility or local governments, as appropriate, shall
290 review the plans and specifications for the construction of
291 covered multifamily dwellings to determine consistency with the
292 requirements of this subsection.

293 Section 7. Section 760.24, Florida Statutes, is amended to
294 read:

295 760.24 Discrimination in the provision of brokerage
296 services.—It is unlawful to deny any person access to, or
297 membership or participation in, any multiple-listing service,
298 real estate brokers' organization, or other service,
299 organization, or facility relating to the business of selling or
300 renting dwellings, or to discriminate against him or her in the

301 terms or conditions of such access, membership, or
302 participation, on account of race, color, national origin, sex,
303 disability ~~handicap~~, familial status, or religion.

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

306 760.25 Discrimination in the financing of housing or in
307 residential real estate transactions.—

308 (1) It is unlawful for any bank, building and loan
309 association, insurance company, or other corporation,
310 association, firm, or enterprise the business of which consists
311 in whole or in part of the making of commercial real estate
312 loans to deny a loan or other financial assistance to a person
313 applying for the loan for the purpose of purchasing,
314 constructing, improving, repairing, or maintaining a dwelling,
315 or to discriminate against him or her in the fixing of the
316 amount, interest rate, duration, or other term or condition of
317 such loan or other financial assistance, because of the race,
318 color, national origin, sex, disability ~~handicap~~, familial
319 status, or religion of such person or of any person associated
320 with him or her in connection with such loan or other financial
321 assistance or the purposes of such loan or other financial
322 assistance, or because of the race, color, national origin, sex,
323 disability ~~handicap~~, familial status, or religion of the present
324 or prospective owners, lessees, tenants, or occupants of the
325 dwelling or dwellings in relation to which such loan or other

326 financial assistance is to be made or given.

327 (2) (a) It is unlawful for any person or entity whose
328 business includes engaging in residential real estate
329 transactions to discriminate against any person in making
330 available such a transaction, or in the terms or conditions of
331 such a transaction, because of race, color, national origin,
332 sex, disability ~~handicap~~, familial status, or religion.

333 Section 9. Paragraph (a) of subsection (1) and paragraph
334 (a) of subsection (5) of section 760.29, Florida Statutes, are
335 amended to read:

336 760.29 Exemptions.—

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

339 1. Any single-family house sold or rented by its owner,
340 provided such private individual owner does not own more than
341 three single-family houses at any one time. In the case of the
342 sale of a single-family house by a private individual owner who
343 does not reside in such house at the time of the sale or who was
344 not the most recent resident of the house prior to the sale, the
345 exemption granted by this paragraph applies only with respect to
346 one sale within any 24-month period. In addition, the bona fide
347 private individual owner shall not own any interest in, nor
348 shall there be owned or reserved on his or her behalf, under any
349 express or voluntary agreement, title to, or any right to all or
350 a portion of the proceeds from the sale or rental of, more than

351 three single-family houses at any one time. The sale or rental
 352 of any single-family house shall be excepted from the
 353 application of ss. 760.20-760.37 only if the house is sold or
 354 rented:

355 a. Without the use in any manner of the sales or rental
 356 facilities or the sales or rental services of any real estate
 357 licensee or such facilities or services of any person in the
 358 business of selling or renting dwellings, or of any employee or
 359 agent of any such licensee or person; and

360 b. Without the publication, posting, or mailing, after
 361 notice, of any advertisement or written notice in violation of
 362 s. 760.23(3).

363
 364 Nothing in this provision prohibits the use of attorneys, escrow
 365 agents, abstractors, title companies, and other such
 366 professional assistance as is necessary to perfect or transfer
 367 the title.

368 2. Rooms or units in dwellings containing living quarters
 369 occupied or intended to be occupied by no more than four
 370 families living independently of each other, if the owner
 371 actually maintains and occupies one of such living quarters as
 372 his or her residence.

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

374 (a) Prohibits a person engaged in the business of
 375 furnishing appraisals of real property from taking into

376 consideration factors other than race, color, national origin,
377 sex, disability ~~handicap~~, familial status, or religion.

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

380 760.31 Powers and duties of commission.—The commission
381 shall:

382 (5) Adopt rules necessary to implement ss. 760.20–760.37
383 and govern the proceedings of the commission in accordance with
384 chapter 120. Commission rules shall clarify terms used with
385 regard to ~~handicapped~~ accessibility for persons with
386 disabilities, exceptions from accessibility requirements based
387 on terrain or site characteristics, and requirements related to
388 housing for older persons. Commission rules shall specify the
389 fee and the forms and procedures to be used for the registration
390 required by s. 760.29(4)(e).

391 Section 11. Section 817.265, Florida Statutes, is created
392 to read:

393 817.265 False or fraudulent proof of need for an emotional
394 support animal.—A person who falsifies information or written
395 documentation, or knowingly provides fraudulent information or
396 written documentation, for an emotional support animal under s.
397 760.27, or otherwise knowingly and willfully misrepresents
398 himself or herself, through his or her conduct or through a
399 verbal or written notice, as having a disability or disability-
400 related need for an emotional support animal or being otherwise

401 qualified to use an emotional support animal, commits a
402 misdemeanor of the second degree, punishable as provided in s.
403 775.082 or s. 775.083. In addition, within 6 months after a
404 conviction under this section, a person must perform 30 hours of
405 community service for an organization that serves persons with
406 disabilities or for another entity or organization that the
407 court determines is appropriate.

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