

1 A bill to be entitled
2 An act relating to emotional support animals; amending
3 s. 413.08, F.S.; providing a definition; providing
4 that an individual with a disability who has an
5 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, paragraph (b) of subsection (6)

26 | is amended, a new paragraph (a) is added to subsection (1), and
27 | subsection (10) is added to that section, to read:

28 | 413.08 Rights and responsibilities of an individual with a
29 | disability; use of a service animal or an emotional support
30 | animal; prohibited discrimination in public employment, public
31 | accommodations, and housing accommodations; penalties.—

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

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

38 | (6) An individual with a disability is entitled to rent,
39 | lease, or purchase, as other members of the general public, any
40 | housing accommodations offered for rent, lease, or other
41 | compensation in this state, subject to the conditions and
42 | limitations established by law and applicable alike to all
43 | persons.

44 | (b)1. An individual with a disability who has a service
45 | animal or who obtains a service animal is entitled to full and
46 | equal access to all housing accommodations provided for in this
47 | section, and such individual ~~a person~~ may not be required to pay
48 | extra compensation for such animal. This subparagraph does not
49 | apply to an emotional support animal.

50 2.a. An individual with a disability who has an emotional
51 support animal or who obtains an emotional support animal is
52 entitled to full and equal access to all housing accommodations
53 provided for in this section, unless the specific animal poses a
54 direct threat to the safety or health of others or poses a
55 direct threat of physical damage to the property of others which
56 cannot be reduced or eliminated by another reasonable
57 accommodation, and such individual may not be required to pay
58 extra compensation for such animal. If an individual's
59 disability or disability-related need is not readily apparent to
60 a housing accommodation, the housing accommodation may request
61 written documentation prepared by a health care practitioner, as
62 defined in s. 456.001, or a similarly licensed health care
63 practitioner in another state, which verifies that the
64 individual has a disability or a disability-related need and has
65 been under the practitioner's care or treatment for such
66 disability or need, and the animal provides support to alleviate
67 one or more identified symptoms or effects of the individual's
68 disability or disability-related need.

69 b. The written documentation, as described in sub-
70 subparagraph a., must be prepared in a format prescribed by the
71 Department of Health in rule and may not be prepared by a health
72 care practitioner whose exclusive service to the individual with
73 a disability is preparation of the written documentation in

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

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

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

82 (10) A person who falsifies written documentation, as
 83 described in sub-subparagraph (6)(b)2.a., for an emotional
 84 support animal or otherwise knowingly and willfully
 85 misrepresents herself or himself, through conduct or verbal or
 86 written notice, as using an emotional support animal and being
 87 qualified to use an emotional support animal commits a
 88 misdemeanor of the second degree, punishable as provided in s.
 89 775.082 or s. 775.083, and must perform 30 hours of community
 90 service for an organization that serves individuals with
 91 disabilities, or for another entity or organization at the
 92 discretion of the court, to be completed within 6 months after
 93 conviction.

94 Section 2. This act shall take effect July 1, 2020.