

20201084er

1
2 An act relating to emotional support animals; creating
3 s. 760.27, F.S.; defining the terms "emotional support
4 animal" and "housing provider"; prohibiting
5 discrimination in housing provided to a person with a
6 disability or a disability-related need for an
7 emotional support animal; specifying that such person
8 may not be required to pay extra compensation for such
9 animal; authorizing a housing provider to request
10 specified information under certain circumstances;
11 restricting such requests; specifying liability for
12 owners of emotional support animals relating to damage
13 done by their emotional support animals; providing
14 applicability; amending s. 413.08, F.S.; providing
15 applicability; amending s. 456.072, F.S.; prohibiting
16 a health care practitioner from providing information
17 regarding a person's need for an emotional support
18 animal without having personal knowledge of that
19 person's need for the animal; amending s. 760.22,
20 F.S.; revising the definition of the term "handicap";
21 amending ss. 419.001, 760.23, 760.24, 760.25, 760.29,
22 and 760.31, F.S.; replacing the term "handicap" with
23 the term "disability," to conform to changes made by
24 the act; conforming provisions to changes made by the
25 act; creating s. 817.265, F.S.; prohibiting the
26 falsification of information or other fraudulent
27 misrepresentation regarding the use of an emotional
28 support animal; providing penalties; providing an
29 effective date.

20201084er

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

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

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

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

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

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

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

20201084er

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

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

67 1. A determination of disability from any federal, state,
68 or local government agency.

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

71 3. Proof of eligibility for housing assistance or a housing
72 voucher received because of a disability.

73 4. Information from a health care practitioner, as defined
74 in s. 456.001; a telehealth provider, as defined in s. 456.47;
75 or any other similarly licensed or certified practitioner or
76 provider in good standing with his or her profession's
77 regulatory body in another state but only if such out-of-state
78 practitioner has provided in-person care or services to the
79 tenant on at least one occasion. Such information is reliable if
80 the practitioner or provider has personal knowledge of the
81 person's disability and is acting within the scope of his or her
82 practice to provide the supporting information.

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

87 (c) If a person's disability-related need for an emotional

20201084er

88 support animal is not readily apparent, request reliable
89 information that reasonably supports the person's need for the
90 particular emotional support animal being requested. Supporting
91 information may include:

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

102 2. Information from any other source that the housing
103 provider reasonably determines to be reliable in accordance with
104 the federal Fair Housing Act and s. 504 of the Rehabilitation
105 Act of 1973.

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

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

112 (3) REQUEST LIMITATIONS.—

113 (a) Notwithstanding the authority to request information
114 under subsection (2), a housing provider may not request
115 information that discloses the diagnosis or severity of a
116 person's disability or any medical records relating to the

20201084er

117 disability. However, a person may disclose such information or
118 medical records to the housing provider at his or her
119 discretion.

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

126 (c) An emotional support animal registration of any kind,
127 including, but not limited to, an identification card, patch,
128 certificate, or similar registration obtained from the Internet
129 is not, by itself, sufficient information to reliably establish
130 that a person has a disability or a disability-related need for
131 an emotional support animal.

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

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

138 Section 2. Paragraph (b) of subsection (6) of section
139 413.08, Florida Statutes, is amended to read:

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

144 (6) An individual with a disability is entitled to rent,
145 lease, or purchase, as other members of the general public, any

20201084er

146 housing accommodations offered for rent, lease, or other
147 compensation in this state, subject to the conditions and
148 limitations established by law and applicable alike to all
149 persons.

150 (b) An individual with a disability who has a service
151 animal or who obtains a service animal is entitled to full and
152 equal access to all housing accommodations provided for in this
153 section, and such individual ~~a person~~ may not be required to pay
154 extra compensation for such animal. However, such individual ~~a~~
155 ~~person~~ is liable for any damage done to the premises or to
156 another individual ~~person~~ on the premises by the animal. A
157 housing accommodation may request proof of compliance with
158 vaccination requirements. This paragraph does not apply to an
159 emotional support animal as defined in s. 760.27.

160 Section 3. Paragraph (e) of subsection (1) of section
161 419.001, Florida Statutes, is amended to read:

162 419.001 Site selection of community residential homes.—

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

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

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

174 456.072 Grounds for discipline; penalties; enforcement.—

20201084er

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

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

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

188 760.22 Definitions.—As used in ss. 760.20–760.37, the term:
189 (3)~~(7)~~ "Disability" ~~"Handicap"~~ means:

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

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

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

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

200 (1) It is unlawful to refuse to sell or rent after the
201 making of a bona fide offer, to refuse to negotiate for the sale
202 or rental of, or otherwise to make unavailable or deny a
203 dwelling to any person because of race, color, national origin,

20201084er

204 sex, disability ~~handicap~~, familial status, or religion.

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

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

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

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

228 (6) The protections afforded under ss. 760.20-760.37
229 against discrimination on the basis of familial status apply to
230 any person who is pregnant or is in the process of securing
231 legal custody of any individual who has not attained the age of
232 18 years.

20201084er

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

236 (a) That buyer or renter;

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

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

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

245 (a) That buyer or renter;

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

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

249 (9) For purposes of subsections (7) and (8), discrimination
250 includes:

251 (a) A refusal to permit, at the expense of the ~~handicapped~~
252 person with a disability, reasonable modifications of existing
253 premises occupied or to be occupied by such person if such
254 modifications may be necessary to afford such person full
255 enjoyment of the premises; or

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

260 (10) Covered multifamily dwellings as defined herein which
261 are intended for first occupancy after March 13, 1991, shall be

20201084er

262 designed and constructed to have at least one building entrance
263 on an accessible route unless it is impractical to do so because
264 of the terrain or unusual characteristics of the site as
265 determined by commission rule. Such buildings shall also be
266 designed and constructed in such a manner that:

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

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

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

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

276 2. Light switches, electrical outlets, thermostats, and
277 other environmental controls in accessible locations.

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

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

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

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289 State agencies with building construction regulation
290 responsibility or local governments, as appropriate, shall

20201084er

291 review the plans and specifications for the construction of
292 covered multifamily dwellings to determine consistency with the
293 requirements of this subsection.

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

296 760.24 Discrimination in the provision of brokerage
297 services.—It is unlawful to deny any person access to, or
298 membership or participation in, any multiple-listing service,
299 real estate brokers' organization, or other service,
300 organization, or facility relating to the business of selling or
301 renting dwellings, or to discriminate against him or her in the
302 terms or conditions of such access, membership, or
303 participation, on account of race, color, national origin, sex,
304 disability ~~handicap~~, familial status, or religion.

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

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

309 (1) It is unlawful for any bank, building and loan
310 association, insurance company, or other corporation,
311 association, firm, or enterprise the business of which consists
312 in whole or in part of the making of commercial real estate
313 loans to deny a loan or other financial assistance to a person
314 applying for the loan for the purpose of purchasing,
315 constructing, improving, repairing, or maintaining a dwelling,
316 or to discriminate against him or her in the fixing of the
317 amount, interest rate, duration, or other term or condition of
318 such loan or other financial assistance, because of the race,
319 color, national origin, sex, disability ~~handicap~~, familial

20201084er

320 status, or religion of such person or of any person associated
321 with him or her in connection with such loan or other financial
322 assistance or the purposes of such loan or other financial
323 assistance, or because of the race, color, national origin, sex,
324 disability ~~handicap~~, familial status, or religion of the present
325 or prospective owners, lessees, tenants, or occupants of the
326 dwelling or dwellings in relation to which such loan or other
327 financial assistance is to be made or given.

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

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

337 760.29 Exemptions.—

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

340 1. Any single-family house sold or rented by its owner,
341 provided such private individual owner does not own more than
342 three single-family houses at any one time. In the case of the
343 sale of a single-family house by a private individual owner who
344 does not reside in such house at the time of the sale or who was
345 not the most recent resident of the house prior to the sale, the
346 exemption granted by this paragraph applies only with respect to
347 one sale within any 24-month period. In addition, the bona fide
348 private individual owner shall not own any interest in, nor

20201084er

349 shall there be owned or reserved on his or her behalf, under any
350 express or voluntary agreement, title to, or any right to all or
351 a portion of the proceeds from the sale or rental of, more than
352 three single-family houses at any one time. The sale or rental
353 of any single-family house shall be excepted from the
354 application of ss. 760.20-760.37 only if the house is sold or
355 rented:

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

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

364

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

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

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

375 (a) Prohibits a person engaged in the business of
376 furnishing appraisals of real property from taking into
377 consideration factors other than race, color, national origin,

20201084er

378 sex, disability ~~handicap~~, familial status, or religion.

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

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

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

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

394 817.265 False or fraudulent proof of need for an emotional
395 support animal.—A person who falsifies information or written
396 documentation, or knowingly provides fraudulent information or
397 written documentation, for an emotional support animal under s.
398 760.27, or otherwise knowingly and willfully misrepresents
399 himself or herself, through his or her conduct or through a
400 verbal or written notice, as having a disability or disability-
401 related need for an emotional support animal or being otherwise
402 qualified to use an emotional support animal, commits a
403 misdemeanor of the second degree, punishable as provided in s.
404 775.082 or s. 775.083. In addition, within 6 months after a
405 conviction under this section, a person must perform 30 hours of
406 community service for an organization that serves persons with

20201084er

407 disabilities or for another entity or organization that the
408 court determines is appropriate.

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