

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; authorizing the
11 Department of Health to adopt rules; prohibiting the
12 falsification of written documentation or other
13 misrepresentation regarding the use of an emotional
14 support animal; providing penalties; specifying that a
15 person with a disability or disability-related need is
16 liable for certain damage done by her or his emotional
17 support animal; providing applicability; amending s.
18 413.08, F.S.; providing applicability; amending s.
19 760.22, F.S.; revising the definition of the term
20 "handicap"; amending ss. 419.001, 760.23, 760.24,
21 760.25, 760.29, and 760.31, F.S.; revising the term
22 "handicap" to "disability" to conform to changes made
23 by the act; providing an effective date.

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

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

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

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

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

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

(2) To the extent required by federal law, rule, or regulation, it is unlawful to discriminate in the rental of a dwelling to a person with a disability or disability-related need who has or obtains an emotional support animal. A person with a disability or a disability-related need must, upon request, be allowed to keep such animal in the dwelling as a reasonable accommodation in housing, and such person may not be required to pay extra compensation for such animal.

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

(a) Prohibit an emotional support animal if such animal poses a direct threat to the safety or health of others or poses

51 a direct threat of physical damage to the property of others
52 which cannot be reduced or eliminated by another reasonable
53 accommodation.

54 (b) If a person's disability or disability-related need is
55 not readily apparent, request written documentation prepared by
56 a health care practitioner, as defined in s. 456.001, which
57 verifies that the person has a disability or a disability-
58 related need and has been under the practitioner's care or
59 treatment for such disability or need, and the animal provides
60 support to alleviate one or more identified symptoms or effects
61 of the person's disability or disability-related need. If a
62 person requests to keep more than one emotional support animal,
63 the landlord may request such written documentation establishing
64 the need for each animal. The written documentation must be
65 prepared in a format prescribed by the Department of Health in
66 rule and may not be prepared by a health care practitioner whose
67 exclusive service to the person with a disability is preparation
68 of the written documentation in exchange for a fee. The
69 department may adopt rules to administer this paragraph.

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

73 (4) A person who falsifies written documentation, as
74 described in subsection (3), for an emotional support animal or
75 otherwise knowingly and willfully misrepresents herself or

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

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

87 | (b) A landlord is not liable for any damage done to the
 88 | premises or to any person on the premises by an emotional
 89 | support animal that is authorized as a reasonable accommodation
 90 | for a person with a disability or disability-related need under
 91 | this section, the federal Fair Housing Act, s. 504 of the
 92 | Rehabilitation Act of 1973, or any other federal, state, or
 93 | local law.

94 | (6) This section does not apply to a service animal as
 95 | defined in s. 413.08.

96 | Section 2. Paragraph (b) of subsection (6) of section
 97 | 413.08, Florida Statutes, is amended to read:

98 | 413.08 Rights and responsibilities of an individual with a
 99 | disability; use of a service animal; prohibited discrimination
 100 | in public employment, public accommodations, and housing

101 accommodations; penalties.—

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

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

118 Section 3. Paragraph (e) of subsection (1) of section
119 419.001, Florida Statutes, is amended to read:

120 419.001 Site selection of community residential homes.—

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

122 (e) "Resident" means any of the following: a frail elder
123 as defined in s. 429.65; a person who has a disability ~~handicap~~
124 as defined in s. 760.22(3)(a) ~~s. 760.22(7)(a)~~; a person who has
125 a developmental disability as defined in s. 393.063; a

126 nondangerous person who has a mental illness as defined in s.
127 394.455; or a child who is found to be dependent as defined in
128 s. 39.01 or s. 984.03, or a child in need of services as defined
129 in s. 984.03 or s. 985.03.

130 Section 4. Subsections (3) through (6) of section 760.22,
131 Florida Statutes, are renumbered as subsections (4) through (7),
132 respectively, and present subsection (7) of that section is
133 amended to read:

134 760.22 Definitions.—As used in ss. 760.20-760.37, the
135 term:

136 (3)~~(7)~~ "Disability" ~~"Handicap"~~ means:

137 (a) A person has a physical or mental impairment which
138 substantially limits one or more major life activities, or he or
139 she has a record of having, or is regarded as having, such
140 physical or mental impairment; or

141 (b) A person has a developmental disability as defined in
142 s. 393.063.

143 Section 5. Section 760.23, Florida Statutes, is amended to
144 read:

145 760.23 Discrimination in the sale or rental of housing and
146 other prohibited practices.—

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

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

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

157 (3) It is unlawful to make, print, or publish, or cause to
158 be made, printed, or published, any notice, statement, or
159 advertisement with respect to the sale or rental of a dwelling
160 that indicates any preference, limitation, or discrimination
161 based on race, color, national origin, sex, disability ~~handicap~~,
162 familial status, or religion or an intention to make any such
163 preference, limitation, or discrimination.

164 (4) It is unlawful to represent to any person because of
165 race, color, national origin, sex, disability ~~handicap~~, familial
166 status, or religion that any dwelling is not available for
167 inspection, sale, or rental when such dwelling is in fact so
168 available.

169 (5) It is unlawful, for profit, to induce or attempt to
170 induce any person to sell or rent any dwelling by a
171 representation regarding the entry or prospective entry into the
172 neighborhood of a person or persons of a particular race, color,
173 national origin, sex, disability ~~handicap~~, familial status, or
174 religion.

175 (6) The protections afforded under ss. 760.20-760.37

176 against discrimination on the basis of familial status apply to
177 any person who is pregnant or is in the process of securing
178 legal custody of any individual who has not attained the age of
179 18 years.

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

183 (a) That buyer or renter;

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

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

187 (8) It is unlawful to discriminate against any person in
188 the terms, conditions, or privileges of sale or rental of a
189 dwelling, or in the provision of services or facilities in
190 connection with such dwelling, because of a disability ~~handicap~~
191 of:

192 (a) That buyer or renter;

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

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

196 (9) For purposes of subsections (7) and (8),
197 discrimination includes:

198 (a) A refusal to permit, at the expense of the ~~handicapped~~
199 person with a disability, reasonable modifications of existing
200 premises occupied or to be occupied by such person if such

201 modifications may be necessary to afford such person full
202 enjoyment of the premises; or

203 (b) A refusal to make reasonable accommodations in rules,
204 policies, practices, or services, when such accommodations may
205 be necessary to afford such person equal opportunity to use and
206 enjoy a dwelling.

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

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

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

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

- 222 1. An accessible route into and through the dwelling.
- 223 2. Light switches, electrical outlets, thermostats, and
224 other environmental controls in accessible locations.
- 225 3. Reinforcements in bathroom walls to allow later

226 installation of grab bars.

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

229 (d) Compliance with the appropriate requirements of the
230 American National Standards Institute for buildings and
231 facilities providing accessibility and usability for persons
232 with a physical disability ~~physically handicapped people,~~
233 commonly cited as ANSI A117.1-1986, suffices to satisfy the
234 requirements of paragraph (c).

235
236 State agencies with building construction regulation
237 responsibility or local governments, as appropriate, shall
238 review the plans and specifications for the construction of
239 covered multifamily dwellings to determine consistency with the
240 requirements of this subsection.

241 Section 6. Section 760.24, Florida Statutes, is amended to
242 read:

243 760.24 Discrimination in the provision of brokerage
244 services.—It is unlawful to deny any person access to, or
245 membership or participation in, any multiple-listing service,
246 real estate brokers' organization, or other service,
247 organization, or facility relating to the business of selling or
248 renting dwellings, or to discriminate against him or her in the
249 terms or conditions of such access, membership, or
250 participation, on account of race, color, national origin, sex,

251 disability ~~handicap~~, familial status, or religion.

252 Section 7. Subsection (1) and paragraph (a) of subsection
253 (2) of section 760.25, Florida Statutes, are amended to read:

254 760.25 Discrimination in the financing of housing or in
255 residential real estate transactions.—

256 (1) It is unlawful for any bank, building and loan
257 association, insurance company, or other corporation,
258 association, firm, or enterprise the business of which consists
259 in whole or in part of the making of commercial real estate
260 loans to deny a loan or other financial assistance to a person
261 applying for the loan for the purpose of purchasing,
262 constructing, improving, repairing, or maintaining a dwelling,
263 or to discriminate against him or her in the fixing of the
264 amount, interest rate, duration, or other term or condition of
265 such loan or other financial assistance, because of the race,
266 color, national origin, sex, disability ~~handicap~~, familial
267 status, or religion of such person or of any person associated
268 with him or her in connection with such loan or other financial
269 assistance or the purposes of such loan or other financial
270 assistance, or because of the race, color, national origin, sex,
271 disability ~~handicap~~, familial status, or religion of the present
272 or prospective owners, lessees, tenants, or occupants of the
273 dwelling or dwellings in relation to which such loan or other
274 financial assistance is to be made or given.

275 (2) (a) It is unlawful for any person or entity whose

276 business includes engaging in residential real estate
277 transactions to discriminate against any person in making
278 available such a transaction, or in the terms or conditions of
279 such a transaction, because of race, color, national origin,
280 sex, disability ~~handicap~~, familial status, or religion.

281 Section 8. Paragraph (a) of subsection (1) and paragraph
282 (a) of subsection (5) of section 760.29, Florida Statutes, are
283 amended to read:

284 760.29 Exemptions.—

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

287 1. Any single-family house sold or rented by its owner,
288 provided such private individual owner does not own more than
289 three single-family houses at any one time. In the case of the
290 sale of a single-family house by a private individual owner who
291 does not reside in such house at the time of the sale or who was
292 not the most recent resident of the house prior to the sale, the
293 exemption granted by this paragraph applies only with respect to
294 one sale within any 24-month period. In addition, the bona fide
295 private individual owner shall not own any interest in, nor
296 shall there be owned or reserved on his or her behalf, under any
297 express or voluntary agreement, title to, or any right to all or
298 a portion of the proceeds from the sale or rental of, more than
299 three single-family houses at any one time. The sale or rental
300 of any single-family house shall be excepted from the

301 application of ss. 760.20-760.37 only if the house is sold or
 302 rented:

303 a. Without the use in any manner of the sales or rental
 304 facilities or the sales or rental services of any real estate
 305 licensee or such facilities or services of any person in the
 306 business of selling or renting dwellings, or of any employee or
 307 agent of any such licensee or person; and

308 b. Without the publication, posting, or mailing, after
 309 notice, of any advertisement or written notice in violation of
 310 s. 760.23(3).

311
 312 Nothing in this provision prohibits the use of attorneys, escrow
 313 agents, abstractors, title companies, and other such
 314 professional assistance as is necessary to perfect or transfer
 315 the title.

316 2. Rooms or units in dwellings containing living quarters
 317 occupied or intended to be occupied by no more than four
 318 families living independently of each other, if the owner
 319 actually maintains and occupies one of such living quarters as
 320 his or her residence.

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

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

326 Section 9. Subsection (5) of section 760.31, Florida
 327 Statutes, is amended to read:

328 760.31 Powers and duties of commission.—The commission
 329 shall:

330 (5) Adopt rules necessary to implement ss. 760.20–760.37
 331 and govern the proceedings of the commission in accordance with
 332 chapter 120. Commission rules shall clarify terms used with
 333 regard to ~~handicapped~~ accessibility for persons with
 334 disabilities, exceptions from accessibility requirements based
 335 on terrain or site characteristics, and requirements related to
 336 housing for older persons. Commission rules shall specify the
 337 fee and the forms and procedures to be used for the registration
 338 required by s. 760.29(4)(e).

339 Section 10. This act shall take effect July 1, 2020.