

By Senator Diaz

36-01735-19

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1                   A bill to be entitled  
2       An act relating to emotional support animals; amending  
3       s. 413.08, F.S.; revising and providing definitions;  
4       providing that an individual with a disability who has  
5       an emotional support animal or obtains an emotional  
6       support animal is entitled to full and equal access to  
7       all housing accommodations; prohibiting a housing  
8       accommodation from requiring such individual to pay  
9       extra compensation for such animal; authorizing a  
10      housing accommodation to request certain written  
11      documentation under certain circumstances; authorizing  
12      the Department of Health to adopt rules; specifying  
13      that an individual with a disability is liable for  
14      certain damage done by her or his emotional support  
15      animal; prohibiting the falsification of written  
16      documentation or other misrepresentation regarding the  
17      use of an emotional support animal; providing  
18      penalties; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22       Section 1. Present paragraphs (a) through (d) of subsection  
23      (1) of section 413.08, Florida Statutes, are redesignated as  
24      paragraphs (b) through (e), respectively, present paragraph (d)  
25      of subsection (1) and paragraph (b) of subsection (6) are  
26      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

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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 (e)~~(d)~~ "Service animal" means an animal that is trained to  
39 do work or perform tasks for an individual with a disability,  
40 including a physical, sensory, psychiatric, intellectual, or  
41 other mental disability. The work done or tasks performed must  
42 be directly related to the individual's disability and may  
43 include, but are not limited to, guiding an individual who is  
44 visually impaired or blind, alerting an individual who is deaf  
45 or hard of hearing, pulling a wheelchair, assisting with  
46 mobility or balance, alerting and protecting an individual who  
47 is having a seizure, retrieving objects, alerting an individual  
48 to the presence of allergens, providing physical support and  
49 assistance with balance and stability to an individual with a  
50 mobility disability, helping an individual with a psychiatric or  
51 neurological disability by preventing or interrupting impulsive  
52 or destructive behaviors, reminding an individual with mental  
53 illness to take prescribed medications, calming an individual  
54 with posttraumatic stress disorder during an anxiety attack, or  
55 doing other specific work or performing other special tasks. A  
56 service animal is not a pet. For purposes of subsections (2),  
57 (3), and (4), the term "service animal" is limited to a dog or  
58 miniature horse. The crime-deterrent effect of an animal's

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59 presence and the provision of emotional support, well-being,  
60 comfort, or companionship do not constitute work or tasks for  
61 purposes of this definition.

62 (6) An individual with a disability is entitled to rent,  
63 lease, or purchase, as other members of the general public, any  
64 housing accommodations offered for rent, lease, or other  
65 compensation in this state, subject to the conditions and  
66 limitations established by law and applicable alike to all  
67 persons.

68 (b)1. An individual with a disability who has a service  
69 animal or who obtains a service animal is entitled to full and  
70 equal access to all housing accommodations provided for in this  
71 section, and such individual ~~a person~~ may not be required to pay  
72 extra compensation for such animal. This subparagraph does not  
73 apply to an emotional support animal.

74 2.a. An individual with a disability who has an emotional  
75 support animal or who obtains an emotional support animal is  
76 entitled to full and equal access to all housing accommodations  
77 provided for in this section, and such individual may not be  
78 required to pay extra compensation for such animal. If an  
79 individual's disability or disability-related need is not  
80 readily apparent to a housing accommodation, the housing  
81 accommodation may request written documentation prepared by a  
82 health care practitioner, as defined in s. 456.001, which  
83 verifies that the individual has a disability or a disability-  
84 related need and has been under the practitioner's care or  
85 treatment for such disability or need, and the animal provides  
86 support to alleviate one or more identified symptoms or effects  
87 of the individual's disability or disability-related need.

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88           b. The written documentation, as specified in sub-  
89 subparagraph a., must be prepared in a format prescribed by the  
90 Department of Health in rule and may not be prepared by a health  
91 care practitioner whose exclusive service to the individual with  
92 a disability is preparation of the written documentation in  
93 exchange for a fee. The Department of Health may adopt rules to  
94 administer this sub-subparagraph.

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

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

101           (10) A person who falsifies written documentation, as  
102 specified in sub-subparagraph (6)(b)2.a., for an emotional  
103 support animal or otherwise knowingly and willfully  
104 misrepresents herself or himself, through conduct or verbal or  
105 written notice, as using an emotional support animal and being  
106 qualified to use an emotional support animal commits a  
107 misdemeanor of the second degree, punishable as provided in s.  
108 775.082 or s. 775.083, and must perform 30 hours of community  
109 service for an organization that serves individuals with  
110 disabilities, or for another entity or organization at the  
111 discretion of the court, to be completed in not more than 6  
112 months.

113           Section 2. This act shall take effect July 1, 2019.