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

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

Section 1. Present paragraphs (a) through (d) of subsection
(1) of section 413.08, Florida Statutes, are redesignated as
paragraphs (b) through (e), respectively, present paragraph (d)
of subsection (1) and paragraph (b) of subsection (6) are
amended, a new paragraph (a) is added to subsection (1), and
subsection (10) is added to that section, to read:

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

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

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

(e) “Service animal” means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual’s disability and may include, but are not limited to, guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. For purposes of subsections (2), (3), and (4), the term “service animal” is limited to a dog or
miniature horse. The crime-deterrent effect of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

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

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

2.a. An individual with a disability who has an emotional support animal or who obtains an emotional support animal is entitled to full and equal access to all housing accommodations provided for in this section, unless the specific animal poses a direct threat to the safety or health of others or poses a direct threat of physical damage to the property of others which cannot be reduced or eliminated by another reasonable accommodation, and such individual may not be required to pay extra compensation for such animal. If an individual’s disability or disability-related need is not readily apparent to a housing accommodation, the housing accommodation may request written documentation prepared by a health care practitioner, as defined in s. 456.001, which verifies that the individual has a
disability or a disability-related need and has been under the practitioner’s care or treatment for such disability or need, and the animal provides support to alleviate one or more identified symptoms or effects of the individual’s disability or disability-related need.

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

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

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

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

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