A bill to be entitled
An act relating to emotional support animals; creating s. 760.27, F.S.; providing definitions; prohibiting discrimination in the rental of a dwelling to a person with a disability or a disability-related need who has an emotional support animal; prohibiting a landlord from requiring such person to pay extra compensation for such animal; providing an exception; authorizing a landlord to request certain written documentation under certain circumstances; authorizing the Department of Health to adopt rules; prohibiting the falsification of written documentation or other misrepresentation regarding the use of an emotional support animal; providing penalties; specifying that a person with a disability or a disability-related need is liable for certain damage done by her or his emotional support animal; exempting a landlord from certain liability; providing applicability; amending s. 413.08, F.S.; providing applicability; amending s. 419.001, F.S.; conforming terminology to changes made by the act; conforming a cross-reference; amending s. 760.22, F.S.; updating terminology; amending s. 760.29, F.S.; extending specified exemptions to conform to changes made by the act; conforming terminology to changes made by the act; amending ss. 760.23, 760.24, 760.25, and 760.31, F.S.; conforming terminology to changes made by the act; providing an effective date.
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 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 a direct threat of physical damage to the property of others which cannot be reduced or eliminated by another reasonable accommodation.
(b) If a person’s disability or disability-related need is not readily apparent, request written documentation prepared by a health care practitioner, as defined in s. 456.001, which verifies that the person 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 person’s disability or disability-related need. If a person requests to keep more than one emotional support animal, the landlord may request such written documentation establishing the need for each animal. The written documentation 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 person with a disability is preparation of the written documentation in exchange for a fee. The department may adopt rules to administer this paragraph.

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

(4) A person who falsifies written documentation, as described in subsection (3), for an emotional support animal or otherwise knowingly and willfully misrepresents herself or himself, through conduct or verbal or written notice, as having a disability or disability-related need 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 persons with disabilities or for another entity or organization at the discretion of the court,
(5)(a) A person with a disability or disability-related need is liable for any damage done to the premises or to another person on the premises by her or his emotional support animal.

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

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

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

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

(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) 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. However, such individual a
person is liable for any damage done to the premises or to
another individual person on the premises by the animal. A
housing accommodation may request proof of compliance with
vaccination requirements. This paragraph does not apply to an
emotional support animal as defined in s. 760.27.

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

419.001 Site selection of community residential homes.—
(1) For the purposes of this section, the term:
(e) “Resident” means any of the following: a frail elder as
defined in s. 429.65; a person who has a disability handicap as
defined in s. 760.22(3)(a) s. 760.22(7)(a); a person who has a
developmental disability as defined in s. 393.063; a
nondangerous person who has a mental illness as defined in s.
394.455; or a child who is found to be dependent as defined in
s. 39.01 or s. 984.03, or a child in need of services as defined
in s. 984.03 or s. 985.03.

Section 4. Present subsections (3) through (6) of section 760.22, Florida Statutes, are redesignated as subsections (4)
through (7), respectively, and present subsection (7) of that
section is amended, to read:
760.22 Definitions.—As used in ss. 760.20-760.37, the term:
(3)(7) “Disability” “Handicap” means:
(a) A person has a physical or mental impairment which
substantially limits one or more major life activities, or he or
she has a record of having, or is regarded as having, such
physical or mental impairment; or
(b) A person has a developmental disability as defined in
Section 5. Section 760.23, Florida Statutes, is amended to read:

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

(1) It is unlawful to refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny a dwelling to any person because of race, color, national origin, sex, disability handicap, familial status, or religion.

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

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

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

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

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

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

(a) That buyer or renter;

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

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

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

(a) That buyer or renter;

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

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

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

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

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

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

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

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

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

1. An accessible route into and through the dwelling.

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

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

4. Usable kitchens and bathrooms such that a person in a wheelchair can maneuver about the space.
36-00536B-20

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

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

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

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

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

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

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

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

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

760.29 Exemptions.—
(1)(a) Nothing in ss. 760.23, and 760.25, and 760.27
applies to:
1. Any single-family house sold or rented by its owner, provided such private individual owner does not own more than three single-family houses at any one time. In the case of the sale of a single-family house by a private individual owner who does not reside in such house at the time of the sale or who was not the most recent resident of the house prior to the sale, the exemption granted by this paragraph applies only with respect to one sale within any 24-month period. In addition, the bona fide private individual owner shall not own any interest in, nor shall there be owned or reserved on his or her behalf, under any express or voluntary agreement, title to, or any right to all or a portion of the proceeds from the sale or rental of, more than three single-family houses at any one time. The sale or rental of any single-family house shall be excepted from the application of ss. 760.20-760.37 only if the house is sold or rented:

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

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

Nothing in this provision prohibits the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as is necessary to perfect or transfer the title.
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

(5) Nothing in ss. 760.20-760.37:

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

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

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

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

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