

By Senator Diaz

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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 a 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 a disability-related need  
16      is liable for certain damage done by her or his  
17      emotional support animal; exempting a landlord from  
18      certain liability; providing applicability; amending  
19      s. 413.08, F.S.; providing applicability; amending s.  
20      419.001, F.S.; conforming terminology to changes made  
21      by the act; conforming a cross-reference; amending s.  
22      760.22, F.S.; updating terminology; amending s.  
23      760.29, F.S.; extending specified exemptions to  
24      conform to changes made by the act; conforming  
25      terminology to changes made by the act; amending ss.  
26      760.23, 760.24, 760.25, and 760.31, F.S.; conforming  
27      terminology to changes made by the act; providing an  
28      effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Section 760.27, Florida Statutes, is created to  
33 read:

34 760.27 Prohibited discrimination in the rental of housing  
35 to persons with a disability or disability-related need who use  
36 an emotional support animal.-

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

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

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

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

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

54 (a) Prohibit an emotional support animal if such animal  
55 poses a direct threat to the safety or health of others or poses  
56 a direct threat of physical damage to the property of others  
57 which cannot be reduced or eliminated by another reasonable  
58 accommodation.

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

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

78       (4) A person who falsifies written documentation, as  
79 described in subsection (3), for an emotional support animal or  
80 otherwise knowingly and willfully misrepresents herself or  
81 himself, through conduct or verbal or written notice, as having  
82 a disability or disability-related need and being qualified to  
83 use an emotional support animal commits a misdemeanor of the  
84 second degree, punishable as provided in s. 775.082 or s.  
85 775.083, and must perform 30 hours of community service for an  
86 organization that serves persons with disabilities or for  
87 another entity or organization at the discretion of the court,

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88 to be completed within 6 months after conviction.

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

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

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

101 Section 2. Paragraph (b) of subsection (6) of section  
102 413.08, Florida Statutes, is amended to read:

103 413.08 Rights and responsibilities of an individual with a  
104 disability; use of a service animal; prohibited discrimination  
105 in public employment, public accommodations, and housing  
106 accommodations; penalties.—

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

113 (b) An individual with a disability who has a service  
114 animal or who obtains a service animal is entitled to full and  
115 equal access to all housing accommodations provided for in this  
116 section, and such individual ~~a person~~ may not be required to pay

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

123 Section 3. Paragraph (e) of subsection (1) of section  
124 419.001, Florida Statutes, is amended to read:

125 419.001 Site selection of community residential homes.—

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

127 (e) "Resident" means any of the following: a frail elder as  
128 defined in s. 429.65; a person who has a disability ~~handicap~~ as  
129 defined in s. 760.22(3)(a) ~~s. 760.22(7)(a)~~; a person who has a  
130 developmental disability as defined in s. 393.063; a  
131 nondangerous person who has a mental illness as defined in s.  
132 394.455; or a child who is found to be dependent as defined in  
133 s. 39.01 or s. 984.03, or a child in need of services as defined  
134 in s. 984.03 or s. 985.03.

135 Section 4. Present subsections (3) through (6) of section  
136 760.22, Florida Statutes, are redesignated as subsections (4)  
137 through (7), respectively, and present subsection (7) of that  
138 section is amended, to read:

139 760.22 Definitions.—As used in ss. 760.20–760.37, the term:

140 ~~(3)-(7)~~ "Disability" ~~"Handicap"~~ means:

141 (a) A person has a physical or mental impairment which  
142 substantially limits one or more major life activities, or he or  
143 she has a record of having, or is regarded as having, such  
144 physical or mental impairment; or

145 (b) A person has a developmental disability as defined in

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146 s. 393.063.

147 Section 5. Section 760.23, Florida Statutes, is amended to  
148 read:

149 760.23 Discrimination in the sale or rental of housing and  
150 other prohibited practices.—

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

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

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

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

173 (5) It is unlawful, for profit, to induce or attempt to  
174 induce any person to sell or rent any dwelling by a

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175 representation regarding the entry or prospective entry into the  
176 neighborhood of a person or persons of a particular race, color,  
177 national origin, sex, disability ~~handicap~~, familial status, or  
178 religion.

179 (6) The protections afforded under ss. 760.20-760.37  
180 against discrimination on the basis of familial status apply to  
181 any person who is pregnant or is in the process of securing  
182 legal custody of any individual who has not attained the age of  
183 18 years.

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

187 (a) That buyer or renter;

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

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

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

196 (a) That buyer or renter;

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

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

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

202 (a) A refusal to permit, at the expense of the ~~handicapped~~  
203 person with a disability, reasonable modifications of existing

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204 premises occupied or to be occupied by such person if such  
205 modifications may be necessary to afford such person full  
206 enjoyment of the premises; or

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

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

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

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

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

- 226 1. An accessible route into and through the dwelling.
- 227 2. Light switches, electrical outlets, thermostats, and  
228 other environmental controls in accessible locations.
- 229 3. Reinforcements in bathroom walls to allow later  
230 installation of grab bars.
- 231 4. Usable kitchens and bathrooms such that a person in a  
232 wheelchair can maneuver about the space.



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

239

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

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

247 760.24 Discrimination in the provision of brokerage  
248 services.—It is unlawful to deny any person access to, or  
249 membership or participation in, any multiple-listing service,  
250 real estate brokers' organization, or other service,  
251 organization, or facility relating to the business of selling or  
252 renting dwellings, or to discriminate against him or her in the  
253 terms or conditions of such access, membership, or  
254 participation, on account of race, color, national origin, sex,  
255 disability ~~handicap~~, familial status, or religion.

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

258 760.25 Discrimination in the financing of housing or in  
259 residential real estate transactions.—

260 (1) It is unlawful for any bank, building and loan  
261 association, insurance company, or other corporation,

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

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

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

288 760.29 Exemptions.—

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

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291 1. Any single-family house sold or rented by its owner,  
292 provided such private individual owner does not own more than  
293 three single-family houses at any one time. In the case of the  
294 sale of a single-family house by a private individual owner who  
295 does not reside in such house at the time of the sale or who was  
296 not the most recent resident of the house prior to the sale, the  
297 exemption granted by this paragraph applies only with respect to  
298 one sale within any 24-month period. In addition, the bona fide  
299 private individual owner shall not own any interest in, nor  
300 shall there be owned or reserved on his or her behalf, under any  
301 express or voluntary agreement, title to, or any right to all or  
302 a portion of the proceeds from the sale or rental of, more than  
303 three single-family houses at any one time. The sale or rental  
304 of any single-family house shall be excepted from the  
305 application of ss. 760.20-760.37 only if the house is sold or  
306 rented:

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

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

315

316 Nothing in this provision prohibits the use of attorneys, escrow  
317 agents, abstractors, title companies, and other such  
318 professional assistance as is necessary to perfect or transfer  
319 the title.

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

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

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

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

332           760.31 Powers and duties of commission.—The commission  
333 shall:

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

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