

Gov. DeSantis Signs Law to Address Emotional Support Animals in Housing

July 06, 2020

On June 24, Gov. Ron DeSantis signed Senate Bill 1084 into law, prohibiting housing discrimination for people with a disability-related need for an emotional support animal (ESA).

SB 1084, now Florida Statutes section 760.27, is effective July 1, 2020. While prohibiting discrimination, it allows housing providers to request information supporting a person's need for an ESA, including:

- Disability determinations from government agencies or receipt of disability benefits from government agencies;
- Information from health care or telehealth providers (but only providers who have provided in-person care or services to the person at least once is considered supporting information); or
- Information from any other source that the housing provider determines is reliable.

To limit personal medical information from being disclosed, housing providers cannot request information that discloses the diagnosis or severity of a person's disability, or any medical records relating to the disability.

SB 1084 also prohibits housing providers from charging more for accommodating an ESA and places limits on how a housing provider can request supporting information.

To limit bad actors and abuse by non-disabled individuals, housing providers do not have to accept an ESA registration, card, patch, or other identification obtained purely from an internet source as supporting information. Likewise, SB 1084 adds criminal penalties for any person who falsifies documentation, knowingly provides fraudulent information or documentation, or willfully misrepresents having a disability or disability-related need for an ESA.

For specific information on the remainder of Senate Bill 1084, or any other 2020 Florida legislation, please refer to [Carlton Fields' 2020 Florida Legislative Post-Session Report](#), contact the authors of this update, or contact members of the Carlton Fields Real Estate Practice or the Government Law and Consulting Practice.

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