

1 Introduced by Council Member Diamond and Co-Sponsored by Council
2 Member Ferraro, White, Bowman, Freeman and Pittman:

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5 **ORDINANCE 2020-614**

6 AN ORDINANCE CREATING A NEW PART 5 (PUBLIC
7 ACCOMMODATIONS FOR THOSE WITH SERVICE
8 ANIMALS), CHAPTER 406 (PUBLIC ACCOMMODATIONS),
9 *ORDINANCE CODE*, REGARDING PUBLIC ACCOMODATIONS
10 FOR THOSE WITH SERVICE ANIMALS; CREATING NEW
11 SECTIONS 408.206 (HOUSING ACCOMMODATIONS FOR
12 THOSE INDIVIDUALS WITH SERVICE ANIMALS),
13 408.207 (PROHIBITED DISCRIMINATION IN HOUSING
14 PROVIDED TO PERSONS WITH A DISABILITY OR
15 DISABILITY-RELATED NEED FOR AN EMOTIONAL
16 SUPPORT ANIMAL), 408.208 (FALSE OR FRAUDULENT
17 PROOF OF NEED FOR AN EMOTIONAL SUPPORT
18 ANIMAL), AND 408.209 (COMPLIANCE WITH CHAPTER
19 462, *ORDINANCE CODE*), PART 2 (FAIR HOUSING),
20 CHAPTER 408 (FAIR HOUSING), *ORDINANCE CODE*,
21 REGARDING HOUSING ACCOMMODATIONS FOR THOSE
22 WITH SERVICE ANIMALS AND EMOTIONAL SUPPORT
23 ANIMALS; PROVIDING AN EFFECTIVE DATE.

24
25 **Section 1. Creating a new Part 5 (Public Accommodations**
26 **for those with Service Animals), Chapter 406 (Public**
27 **Accommodations), *Ordinance Code*.** Part 5 (Public Accommodations for
28 those with Service Animals), Chapter 406 (Public Accommodations),
29 *Ordinance Code*, is hereby created to read as follows:

30 **CHAPTER 406. PUBLIC ACCOMMODATIONS.**

31 * * *

1 **PART 5. PUBLIC ACCOMMODATIONS FOR THOSE WITH SERVICE ANIMALS.**

2
3 **Sec. 406.501. Definitions as to Public Accommodations for**
4 **those with Service Animals.**

5 (a) *Individual with a disability* means a person who has a
6 physical or mental impairment that substantially limits one
7 or more major life activities of the individual.

8 (b) *Major life activity* means a function such as caring for
9 one's self, performing manual tasks, walking, seeing,
10 hearing, speaking, breathing, learning, and working.

11 (c) Physical or mental impairment means:

12 1. A physiological disorder or condition, disfigurement, or
13 anatomical loss that affects one or more bodily
14 functions; or

15 2. A mental or psychological disorder that meets one of the
16 diagnostic categories specified in the most recent
17 edition of the Diagnostic and Statistical Manual of
18 Mental Disorders published by the American Psychiatric
19 Association, such as an intellectual or developmental
20 disability, organic brain syndrome, traumatic brain
21 injury, posttraumatic stress disorder, military sexual
22 trauma and/or an emotional or mental illness.

23 (d) *Service animal* means an animal that is trained to do work
24 or perform tasks for an individual with a disability,
25 including a physical, sensory, psychiatric, intellectual,
26 or other mental disability. The work done or tasks
27 performed must be directly related to the individual's
28 disability and may include, but are not limited to, guiding
29 an individual who is visually impaired or blind, alerting
30 an individual who is deaf or hard of hearing, pulling a
31 wheelchair, assisting with mobility or balance, alerting

1 and protecting an individual who is having a seizure,
2 retrieving objects, alerting an individual to the presence
3 of allergens, providing physical support and assistance
4 with balance and stability to an individual with a mobility
5 disability, helping an individual with a psychiatric or
6 neurological disability by preventing or interrupting
7 impulsive or destructive behaviors, reminding an individual
8 with mental illness to take prescribed medications, calming
9 an individual with posttraumatic stress disorder during an
10 anxiety attack, or doing other specific work or performing
11 other special tasks.

12
13 The term *service animal* is limited to a dog or miniature
14 horse. The crime-deterrent effect of an animal's presence
15 and the provision of emotional support, well-being,
16 comfort, or companionship do not constitute work or tasks
17 for purposes of this definition.

18 **Sec. 406.502. Reasonable Accommodation for individuals with**
19 **service animals.**

20 An individual with a disability is entitled to full and equal
21 accommodations, advantages, facilities, and privileges in all
22 public accommodations. A public accommodation must modify its
23 policies, practices, and procedures to permit use of a service
24 animal by an individual with a disability. This section does not
25 require any person, firm, business, or corporation, or any agent
26 thereof, to modify or provide any vehicle, premises, facility, or
27 service to a higher degree of accommodation than is required for a
28 person not disabled.

29 **Sec. 406.503. Right to be accompanied by a service animal in all**
30 **areas of a public accommodation that the public or customers are**
31 **normally permitted to occupy.**

- 1 (a) The service animal must be under the control of its handler
2 and must have a harness, leash, or other tether, unless either
3 the handler is unable because of a disability to use a
4 harness, leash, or other tether, or the use of a harness,
5 leash, or other tether would interfere with the service
6 animal's safe, effective performance of work or tasks, in
7 which case the service animal must be otherwise under the
8 handler's control by means of voice control, signals, or other
9 effective means.
- 10 (b) Documentation that the service animal is trained is not a
11 precondition for providing service to an individual
12 accompanied by a service animal. A public accommodation may
13 not ask about the nature or extent of an individual's
14 disability. To determine the difference between a service
15 animal and a pet, a public accommodation may ask if an animal
16 is a service animal required because of a disability and what
17 work or tasks the animal has been trained to perform.
- 18 (c) A public accommodation may not impose a deposit or surcharge
19 on an individual with a disability as a precondition to
20 permitting a service animal to accompany the individual with a
21 disability, even if a deposit is routinely required for pets.
- 22 (d) An individual with a disability is liable for damage caused by
23 a service animal if it is the regular policy and practice of
24 the public accommodation to charge nondisabled persons for
25 damages caused by their pets.
- 26 (e) The care or supervision of a service animal is the
27 responsibility of the individual owner. A public accommodation
28 in the City of Jacksonville will not be required to provide
29 care or food or a special location for the service animal or
30 assistance with removing animal excrement.
- 31 (f) A public accommodation may exclude or remove any animal from

1 the premises, including a service animal, if the animal is out
2 of control and the animal's handler does not take effective
3 action to control it, the animal is not housebroken, or the
4 animal's behavior poses a direct threat to the health and
5 safety of others. Allergies and fear of animals are not valid
6 reasons for denying access or refusing service to an
7 individual with a service animal. If a service animal is
8 excluded or removed for being a direct threat to others, the
9 public accommodation must provide the individual with a
10 disability the option of continuing access to the public
11 accommodation without having the service animal on the
12 premises.

13 **Sec. 406.504. Trainers of service animals.**

14 Any trainer of a service animal, while engaged in the training
15 of such an animal, has the same rights and privileges with respect
16 to access to public facilities and the same liability for damage as
17 is provided for those persons described in Section 406.501
18 accompanied by service animals.

19 **Sec. 406.505. Unlawful practices and penalties.**

20 (a) Any person, firm, or corporation, or the agent of any person,
21 firm, or corporation, who denies or interferes with admittance
22 to, or enjoyment of, a public accommodation or, with regard to
23 a public accommodation, otherwise interferes with the rights
24 of an individual with a disability or the trainer of a service
25 animal while engaged in the training of such an animal commits
26 a misdemeanor of the second degree, punishable as provided in
27 Section 775.082, *Florida Statutes*, or Section 775.083, *Florida*
28 *Statutes*, and must perform 30 hours of community service for
29 an organization that serves persons with disabilities or for
30 another entity or organization at the discretion of the court,
31 to be completed in not more than 6 months.

1 (b) A person who knowingly and willfully misrepresents herself or
2 himself, through conduct or verbal or written notice, as using
3 a service animal and being qualified to use a service animal
4 or as a trainer of a service animal commits a misdemeanor of
5 the second degree, punishable as provided in Section 775.082,
6 *Florida Statutes*, or Section 775.083, *Florida Statutes*, and
7 must perform 30 hours of community service for an organization
8 that serves persons with disabilities or for another entity or
9 organization at the discretion of the court, to be completed
10 in not more than 6 months.

11 **Sec. 406.506. Compliance with Chapter 462, Ordinance Code.**

12 Except as specifically provided for herein, the requirements
13 of Chapter 462, Ordinance Code, as to licensing, vaccination,
14 nuisance and other public health and regulatory requirements shall
15 apply to service animals within the City of Jacksonville.

16 **Section 2. Creating new Sections 408.206 (Housing**
17 **Accommodations for those with Service Animals), 408.207 (Prohibited**
18 **discrimination in housing provided to persons with a disability or**
19 **disability-related need for an emotional support animal), 408.208**
20 **(False or fraudulent proof of need for an emotional support**
21 **animal), and 408.209 (Compliance with Chapter 462), Ordinance Code.**

22 Sections 408.206 (Housing Accommodations for those with Service
23 Animals), 408.207 (Prohibited discrimination in housing provided to
24 persons with a disability or disability-related need for an
25 emotional support animal), 408.208 (False or fraudulent proof of
26 need for an emotional support animal), and 408.209 (Compliance with
27 Chapter 462), Part 2 (Fair Housing), Chapter 408 (Fair Housing),
28 *Ordinance Code*, are hereby created to read as follows:

29 **CHAPTER 408. FAIR HOUSING.**

30 * * *

31 **PART 2. FAIR HOUSING.**

1 * * *

2 **Sec. 408.206. Housing accommodations for individuals with**
3 **Service Animals.**

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

9 For purposes of this section, an *Individual with a disability*
10 means a person who has a physical or mental impairment that
11 substantially limits one or more major life activities of the
12 individual.

13 For purposes of this section, *Service animal* means an animal
14 that is trained to do work or perform tasks for an individual with
15 a disability, including a physical, sensory, psychiatric,
16 intellectual, or other mental disability. The work done or tasks
17 performed must be directly related to the individual's disability
18 and may include, but are not limited to, guiding an individual who
19 is visually impaired or blind, alerting an individual who is deaf
20 or hard of hearing, pulling a wheelchair, assisting with mobility
21 or balance, alerting and protecting an individual who is having a
22 seizure, retrieving objects, alerting an individual to the presence
23 of allergens, providing physical support and assistance with
24 balance and stability to an individual with a mobility disability,
25 helping an individual with a psychiatric or neurological disability
26 by preventing or interrupting impulsive or destructive behaviors,
27 reminding an individual with mental illness to take prescribed
28 medications, calming an individual with posttraumatic stress
29 disorder during an anxiety attack, or doing other specific work or
30 performing other special tasks.

31 (a) An individual with a disability who has a service animal or who

1 obtains a service animal is entitled to full and equal access
2 to all housing accommodations provided for in this section,
3 and such a person may not be required to pay extra
4 compensation for such animal. However, such a person is liable
5 for any damage done to the premises or to another person on
6 the premises by the animal. A housing accommodation may
7 request proof of compliance with vaccination requirements.

8 (b) This section does not limit the rights or remedies of a housing
9 accommodation or an individual with a disability that are
10 granted by federal law or another law of the State of Florida
11 or the City of Jacksonville about other assistance animals.

12 **Sec. 408.207. Prohibited discrimination in housing provided**
13 **to persons with a disability or disability-related need for an**
14 **emotional support animal.**

15 (1) *Definitions.* As used in this section, the term:

16 (a) *Emotional support animal* means an animal that does not
17 require training to do work, perform tasks, provide
18 assistance, and provides therapeutic emotional support by
19 virtue of its presence which alleviates or more identified
20 symptoms or effects of a person's disability.

21 (b) *Housing provider* means any person or entity engaging in
22 conduct covered by the federal Fair Housing Act or Section
23 504 of the Rehabilitation Act of 1973, including the owner
24 or lessor of a dwelling.

25 (2) *Reasonable Accommodation Requests.* To the extent required by
26 federal law, rule, or regulation, it is unlawful to
27 discriminate in the provision of housing to a person with a
28 disability or disability-related need for, and who has or at
29 any time obtains, an emotional support animal. A person with a
30 disability or disability-related need must, upon the person's
31 request and approval by a housing provider, be allowed to keep

1 such animal in his or her dwelling as a reasonable
2 accommodation in housing, and such person may not be required
3 to pay extra compensation for such animal. Unless otherwise
4 prohibited by federal law, rule, or regulation, a housing
5 provider may:

6 (a) Deny a reasonable accommodation request for an emotional
7 support animal if such animal a poses threat to the safety
8 or health of others or poses a threat of physical damage to
9 the property of others, which threat cannot be reduced or
10 eliminated by other reasonable accommodation.

11 (b) If a person's disability is not readily apparent, request
12 reliable information that reasonably supports that the
13 person has a disability. Supporting information may
14 include:

- 15 1. A determination of disability from any federal, state,
16 or local government agency.
- 17 2. Receipt of disability benefits or services from any
18 federal, state, or local government agency.
- 19 3. Proof of eligibility for housing assistance or a
20 housing voucher received because of a disability.
- 21 4. Information from a health care practitioner, as
22 defined in Section 456.001, *Florida Statutes*; a
23 telehealth provider, as defined in Section 456.47,
24 *Florida Statutes*; or any other similarly licensed or
25 certified practitioner or provider in good standing
26 with his or her profession's regulatory body in
27 another state but only if such out-of-state
28 practitioner has provided in-person care or services
29 to the tenant on at least one occasion. Such
30 information is reliable if the practitioner or
31 provider has personal knowledge of the person's

1 disability and is acting within the scope of his or
2 her practice to provide the supporting information.

3 5. Information from any other source that the housing
4 provider reasonably determines to be reliable in
5 accordance with the federal Fair Housing Act and
6 Section 504 of the Rehabilitation Act of 1973.

7 (c) If a person's disability-related need for an emotional
8 support animal is not readily apparent, a housing provider
9 may request reliable information that reasonably support
10 the person's need for the particular emotional support
11 animal being requested. Supporting information may include:

12 1. Information identifying the particular assistance or
13 therapeutic emotional support provided by the specific
14 animal from a health care practitioner, as defined in
15 Section 456.001, *Florida Statutes*; a telehealth
16 provider, as defined in Section 456.47, *Florida*
17 *Statutes*; or any other similarly licensed or certified
18 practitioner or provider in good standing with his or
19 her profession's regulatory body in another state.
20 Such information is reliable if the practitioner or
21 provider has personal knowledge of the person's
22 disability and is acting within the scope of his or
23 her practice to provide the supporting information.

24 2. Information from any other source that the housing
25 provider reasonably determines to be reliable in
26 accordance with the federal Fair Housing Act and
27 Section 504 of the Rehabilitation Act of 1973.

28 (d) If a person requests to keep more than one emotional
29 support animal, a housing provider may request information
30 regarding the specific need for each animal.

1 (e) The housing provider may require proof of compliance with
2 state and local requirements for licensing and vaccinating
3 each emotional support animal.

4 (3) *Request Limitations.*

5 (a) Notwithstanding the authority to request information under
6 subsection (2), a housing provider may not request
7 information that discloses the diagnosis or severity of a
8 person's disability or any medical records relating to the
9 disability. However, a person may disclose such information
10 or medical records to the housing provider at his or her
11 discretion.

12 (b) A housing provider may develop and make available to person
13 a routine method for receiving and processing reasonable
14 accommodation requests for emotional support animals;
15 however, a housing provider may not require the use of a
16 specific form or notarized statement, or deny a request
17 solely because a person did not follow the housing
18 provider's routine method.

19 (c) An emotional support animal registration of any kind,
20 including, but not limited to, an identification card,
21 patch, certificate, or similar registration obtained from
22 the Internet is not, by itself, sufficient information to
23 reliably establish that a person has a disability or
24 disability-related need for an emotional support animal.

25 (4) *Liability.* A person with a disability or disability-related
26 need is liable for any damage done to the premises or to
27 another person on the premises by his or her emotional support
28 animal.

29 (5) *Applicability.* This section does not apply to a service animal
30 as defined in Section 413.08, *Florida Statutes*, and Section
31 406.501, *Ordinance Code.*

1 **Sec. 408.208 Unlawful practices and penalties.**

2 A person who falsifies information or written documentation,
3 or knowingly provides fraudulent information or written
4 documentation, for an emotional support animal under this Part, or
5 otherwise knowingly and willfully misrepresents himself or herself,
6 through his or her conduct or through a verbal or written notice,
7 as having a disability or disability-related need for an emotional
8 support animal or being otherwise qualified to use an emotional
9 support animal, commits a misdemeanor of the second degree,
10 punishable as provided in Section 775.082, *Florida Statutes*, or
11 Section 775.083, *Florida Statutes*, and must perform 30 hours of
12 community service for an organization that serves persons with
13 disabilities, or for another entity or organization at the
14 discretion of the court, to be completed in not more than 6 months.

15 **Sec. 408.209. Compliance with Chapter 462, Ordinance Code.**

16 Except as specifically provided for herein, the requirements
17 of Chapter 462, *Ordinance Code*, as to licensing, vaccination,
18 nuisance and other public health and regulatory requirements shall
19 apply to emotional support animals within the City of Jacksonville.

20 **Section 3. Effective Date.** This ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

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26 Form Approved:

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28 /s/ Paige H. Johnston

29 Office of General Counsel

30 Legislation Prepared By: Paige Hobbs Johnston

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