

Definition of an Emotional Support Animal (ESA)

An **emotional support animal (ESA)** is an animal that provides support to individuals with a mental health or psychiatric disability. Emotional support animals are not required to be trained. Any animal that provides support, comfort, or aid, to an individual through companionship, unconditional positive regard, and affection may be regarded as an emotional support animal.

In the United States, emotional support animals are not recognized as [service animals](#) under the [Americans with Disabilities Act](#). Service animals are trained to perform specialized tasks such as helping a blind person navigate. People with mental health disabilities who possess an emotional support animal may be exempt from certain federal housing and travel rules. To receive these exemptions, the following requirements must be met: 1) the handler must meet the federal definition of disabled, and 2) the emotional support animal must help alleviate the symptoms or effects of the disability. The individual may need to present a letter from a certified healthcare provider, stating that the emotional support animal is needed for their mental health.

Definition of a Service Animal (SA)

A service animal is an animal that has been trained to assist a disabled person. The animal needs to be individually trained to do tasks that directly relate to the handler's disability, which goes beyond the ordinary training that a pet receives and the non-individualized training that a therapy dog receives.

The international assistance animal community has categorized three types of

- [Guide animals](#), which guide the blind;
- [Hearing animals](#), which signal the hearing impaired; and
- Service animals, which do work for persons with disabilities other than blindness or deafness.

In the United States, the term service animal encompasses all three of the above types (guide dog, hearing animal, service dog). The Americans with Disabilities Act defines the term as "dogs that are individually trained to do work or perform tasks for people with disabilities".

The Fair Housing Act (FHA) – combines the two categories into one term “Assistive Animals”

Assistive Animals defined by Housing and Urban Development (HUD)

“Assistive animals are animals that serve as a reasonable accommodation for persons with disabilities by assisting those individuals in some identifiable way by making it possible for them to make more effective use of their housing. Such animals are often referred to as "service animals, assistive animals, support animals, or therapeutic animals" and may include any animal that actually performs tasks or a service for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with hearing impairments to intruders or sounds, pulling a wheelchair, fetching items or providing emotional support to persons with mental disabilities. Regular pet policies do not apply to assistive animals. If a tenant or applicant can establish that he or she needs an assistive animal as a reasonable accommodation to his or her disability, the housing provider must allow the animal to live in the unit.”

For more detailed information:

<https://adata.org/guide/service-animals-and-emotional-support-animals>

Statement of Federal Law regarding ESA and SA

Fair Housing Act (FHA) Section 504 of the Rehabilitation Act of 1973

The Fair Housing Act (FHA) prohibits discrimination based on disability in housing, including condominium associations, and requires housing providers (such as condo associations) to grant reasonable accommodations to rules, policies, or practices—like "no pets" restrictions—when necessary to afford a person with a disability equal opportunity to use and enjoy their dwelling. This includes allowing assistance animals (which are not considered pets), such as service animals that perform tasks or emotional support animals that alleviate symptoms of a disability, provided the request is supported by reliable information about the disability and the related need for the animal (if not obvious), and the animal does not pose a direct threat to health/safety or cause undue burden.

The 6-page letter from Murrell Law Firm dated 2/11/2026 was emailed to all owners. After the Annual Meeting I received a copy of a letter from Murrell Law Firm (courtesy of Bill Brandt) dated 2/1/2018. When comparing the two letters, they are nearly identical in scope and sometimes verbatim.

READ THIS EXAMPLE:

“As the Board can see, under the Act, [referring to the FHA], a person with the need for glasses would qualify as disabled or handicapped because their lack of vision substantially limits a major life activity. The real battle that many Associations are having throughout the state and throughout the nation is with ESAs.”

This in fact is NOT TRUE.

The reference to **eyeglasses not qualifying someone as disabled** comes from **HUD’s Assistance Animals Notice (FHEO-2020-01)**, which is issued under the **Fair Housing Act (FHA)**.

The Notice explains that **impairments that are “minor and expected to last only a short time,” or that are “corrected by the use of ordinary eyeglasses or contact lenses,” do not qualify as disabilities** for purposes of ESA accommodations. This is consistent with how disability is defined across federal civil rights laws.

Diving deeper into the attorney's letters, there is a lack of clarity and reference to specific Florida laws that help alleviate fraudulent ESA claims.

Fraudulent ESA & Service Animal Claims Under Florida Law

Florida Statute 760.27 -Emotional Support Animals (Housing)

This statute is part of the Florida Fair Housing Act and applies to housing providers, including condominium associations.

Key points:

- A person with a disability may request an **Emotional Support Animal (ESA)** as a *reasonable accommodation in housing*.
- An ESA **does not require special training** but must help alleviate symptoms of a disability.
- Housing providers **may request reliable documentation** from a licensed healthcare professional if the disability or need is not obvious.
- Associations **cannot require medical records or details of the diagnosis**, only confirmation of the disability-related need.
- **Online "registrations," certificates, or ID cards alone are not sufficient proof** of ESA need.
- An ESA may be **denied if the animal poses a direct threat to people or property** that cannot be mitigated.
- The owner **is responsible for any damage caused by the animal**.

Florida law also makes it a **misdemeanor to knowingly provide fraudulent ESA documentation or misrepresent a disability**.

Florida Statute 413.08 - Service Animals

This statute protects the rights of individuals who use trained service animals.

Key points:

- A **Service Animal is a dog or miniature horse that is specifically trained to perform tasks for a person with a disability**.
- Tasks must be directly related to the person's disability (e.g., guiding the visually impaired, alerting them to seizures, mobility assistance).
- **Emotional comfort alone does not qualify an animal as a service animal**.
- Individuals with service animals are entitled to **full and equal access to housing and public accommodations**.
- Service animals must be **under the handler's control**, and the owner is responsible for any damage.
- **Misrepresenting a pet as a service animal is also a misdemeanor under Florida law**.

In summary:

- Florida law protects both **Service Animals and Emotional Support Animals** as disability accommodations in housing.
- Housing providers may request **reliable documentation** but cannot request detailed medical records.
- **Fraudulent claims for ESA or Service Animals are illegal in Florida**.

Florida law recognizes the importance of legitimate disability accommodations, but it also addresses **fraudulent claims involving Emotional Support Animals (ESAs) and Service Animals.**

Florida Statute 817.265 - Fraudulent ESA Documentation

- It is **illegal to knowingly falsify or provide fraudulent documentation** claiming a need for an Emotional Support Animal.
- It is also illegal to **misrepresent a disability or disability-related need** for an ESA.
- Violations are considered a **misdemeanor offense in Florida.**

Florida Statute 413.08 - Misrepresentation of a Service Animal

- Knowingly **misrepresenting a pet as a trained service animal** is a violation of Florida law.
 - Service animals must be **individually trained to perform tasks for a person with a disability.**
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Penalties-Under Florida Law

Florida Statute 817.265

Fraudulent ESA documentation is classified as a **second-degree misdemeanor**, which includes a mandatory 30 hours of community service.

Florida Statute 775.082

Defines possible **jail sentences** for criminal offenses.

- A second-degree misdemeanor can result in **up to 60 days in jail.**

Florida Statute 775.083

Defines **financial penalties** for criminal offenses.

- A second-degree misdemeanor can result in **a fine of up to \$500.**

✓ Key Takeaway for Condo Associations:

Florida law protects residents who legitimately need a Service Animal or Emotional Support Animal. At the same time, **fraudulent claims or false documentation are illegal and subject to criminal penalties.**

Current Procedure for ESA

First, there is no mention of ESA or SA in our By-Laws or Declaration of Condominium. As far as we know, the policy and procedure of requesting an accommodation for an Emotional Support Animal (ESA) is ONE FORM "Disability Verification Emotional Support Animal."

SHOW DOCUMENT (Current Disability Verification Emotional Support Animal)

Part one of the petition is item #1 Collective Board Approval Requirement that all decisions that we are discussing today in this meeting be reviewed and decided by the full Board of Directors as it pertains to ESA and SA requests.

The one-page document that we believe Tropic Schooner may be providing in the sales and rental packets is insufficient because it is not one of the four documents the Florida statute recognizes. A form provided by a landlord/HOA or property management company has no legal validity. According to the FL Statute the accommodation approval rests solely on one of the four legitimate documents the requester provides the landlord/HOA or property manager. The current form makes it easy for fraud to occur especially because there is no verification. To our knowledge this application process has been approved solely by our Board President. In 2020, Florida Statute 760.27 made legislative changes so associations would be better able to evaluate these requests on a more level playing field to weed out the fraudulent requests, while at the same time approving the necessary and legitimate requests.¹ (FCAPGroup.com)