

## **2019 Florida Legislative Session - CALL Alert for February 11, 2019**

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Today's CALL Alert again brings good news and bad news.

As for the good news, we have a legislative proposal that most of our CALL members have been hoping to see for quite some time. HB 721 sponsored by Representative Sam Killebrew (R-Polk County) answers the call of Floridians in pet-restricted and/or pet-regulated private residential communities who are alarmed at the growing number of requests made for emotional support animals. All association boards must respect the needs of disabled residents. However, the proliferation of ESA requests through online services and other disreputable avenues has caused considerable frustration and expense for associations trying to comply with the fair housing laws while, at the same time, hold the line against fraudulent requests.

HB 721 would make it a misdemeanor of the second degree if any person falsifies written documentation for an emotional support animal or otherwise knowingly and willfully misrepresents herself or himself through conduct or verbal or written notice as using an emotional support animal and being qualified to use an emotional support animal. In addition to incurring criminal penalties set forth in Sections 775.082 and 775.083, F.S., a person convicted of making a fraudulent ESA request will be required to perform thirty hours of community service for an organization that serves individuals with disabilities or for another entity or organization at the discretion of the court.

If fraudulent ESA requests have been problematic in your community and you've been hoping for some legislative relief to serve as a deterrent to these requests, please be sure to reach out to Rep. Killebrew's office to show your support for this bill: [Sam.Killebrew@myfloridahouse.gov](mailto:Sam.Killebrew@myfloridahouse.gov). Once the bill starts moving through the committee process, we will advise you of its stops so you may similarly urge each committee to pass this bill. Be assured that this bill will have its detractors, so the real world consequences of fraudulent ESA requests must be made clear to the Legislature.

As for the bad news, HB 723 was filed by Representative Byron Donalds (R-Naples) late last Friday. This bill, which was filed at the behest of the Florida Fire Marshals, requires high-rises to obtain all necessary permits to install a sprinkler system or Engineered Life Safety System (ELSS) by the end of 2019 and to have such system fully installed by January 1, 2022. The failure to have the permits and/or the installation completed in time will result in the imposition of fines in the amount of \$500 per day. CALL has reached out to the bill sponsor to advise of the significant

costs and hurdles which exist when attempting to install these systems in an occupied building. The corresponding Senate bill is SB 908 filed by Senator Ed Hooper (R-Palm Harbor). While the bill does attempt to mitigate the effect of the retrofitting's financial burdens on individual owners by allowing the association to finance those costs under Section 163.08, F.S., the efficacy of and ultimate benefit to the community from this financing option is yet to be determined.

Our enthusiasm about the ELSS Opt Out Bill, HB 647 filed by Rep. Grieco, must be tempered by the emergence of this contradictory bill. Clearly, battle lines have been drawn on this very important issue. As such, we reiterate our suggestion that high-rises continue preparing and planning for the financial and operational challenges associated with installing these life safety retrofits. If you have not yet hired a Life Safety Engineer and sent those contracts over to your attorney for review, you need to do so at once.

Our CALL Bill Report lets you know which bills we are currently tracking on behalf of our community association members throughout FL. View more from our [Bill Tracker](#).

We are still weeks away from the start of the 2019 Legislative Session but we're already engaging in valuable dialogues with the public policy makers who are sponsoring and will be hearing the bills which can impact your Florida communities. Thank you for your interest in helping to pass positive community association legislation in the Sunshine State.