BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM

REAL ESTATE AND COMMUNITY ASSOCIATION LEGISLATIVE UPDATE: TRACKING NEW LEGISLATION

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Below is a brief summary of bills passed by the Florida Legislation and signed into law by Florida's Governor Ron DeSantis.

HB 469: Statute of Frauds. Signed into law on June 27, 2020 and effective July 1, 2020, this bill amends Florida's Statute of Frauds to specify that subscribing witnesses are not required on a lease for real property.

SB 1084: Emotional Support Animals. Signed into law on June 23, 2020 and effective July 1, 2020, this bill amends Florida's Fair Housing Act by prohibiting discrimination in housing against individuals with a disability or a disability related need who require an emotional support animal ("ESA"), defined as an animal that does not require training to do work, perform tasks, provide assistance, or provide therapeutic emotional support by virtue of its presence which alleviates one or more identified symptoms or effects of a person's disability. Florida law already required that reasonable accommodations be granted in housing settings for individuals with service animals, however, failed to provide guidance related to certain types of assistance animals such as ESA's. The bill prohibits housing providers from charging additional fees pertaining to an ESA. The bill specifies that the individual requiring the ESA is liable for any damages to the premises or to another person resulting from the ESA. This bill allows a housing provider to request supporting information regarding the individual's disability and/or disability-related need for the ESA if a person's disability is not readily apparent, and specifically provides that an emotional support registration of any kind obtained from the Internet is not, by itself, sufficient to establish that a person has a disability or a disability related need for an ESA. The bill creates a new cause for disciplinary action against a health care practitioner's license for providing supporting documentation for an ESA to individuals who they have not treated. The bill also creates criminal liability for providing false or fraudulent documentation in support an accommodation request for an ESA, as well as criminal liability against anyone who knowingly and willfully misrepresents himself or herself, through his or her conduct, verbal or written notice, as have a disability or disability related need for an ESA.

SB 886: Errors in Deeds. Signed into law by the Governor on June 18, 2020 and effective July 1, 2020, this bill provides that a deed which contains a scrivener's error effectively conveys title as if there had been no error in the deed if certain requirements are met including (i) record title to the property was held by the grantor of the first erroneous deed at the time the first erroneous deed was executed, (ii) within 5 years prior to the date of the erroneous deed, the grantor of the erroneous deed did not hold title to any other real property in the same subdivision or condominium, or in the same section, township and range described in the erroneous deed, (iii) the real property is not described exclusively by a metes and bounds legal description, and (iv) a curative notice meeting the requirements of the bill is recorded in the official records. The application of the bill is limited to deeds which contain a single error or omission in the legal description.

SB 140: Fireworks. Signed into law by the Governor and effective April 8, 2020, this bill authorizes the use of fireworks during designated holidays (New Year's Day, Independence Day and New Year's Eve) and prohibits homeowners' association from enacting rules or regulations restricting same. The bill, however, specifically states that it does not supersede any prohibition against the use of fireworks contained within a "legally

executed and properly recorded” declaration for a homeowner’s association.

SB 476: Law Enforcement Vehicles. Signed into law by the Governor and effective February 21, 2020, this bill prohibits condominium, cooperative and homeowners’ association from prohibiting a law enforcement officer who is a unit owner, parcel owner, tenant, guest or invitee of an owner from parking his or her assigned law enforcement vehicle in an areas where a owners, tenants, guests, or invitees otherwise have the right to park.

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