

## **ANIMAL RULES AND REGULATIONS**

**Effective Date: 11-15-2022**

Inasmuch as the State of Florida has passed new laws (Section 760.27 et al) governing Emotional Support Animals (ESA) effective July 1, 2020, the Royal St Andrew (RSA) has modified its rules concerning these animals as well as Service Animals.

### **SUMMARY**

**“Pets” are not allowed in the RSA. Certain animals are allowed such as “Service Animals” and “Emotional Support Animals” (ESA).** Unit Owners are permitted to keep Service Animals or Emotional Support Animals (ESA) (“Allowed Animals”), in their units once approved. Inasmuch as it is unlawful to discriminate in the provision of housing to a person with a disability or disability-related need for, and who has or at any time obtains, an Emotional Support Animal, the RSA is clarifying its rules.

The Allowed Animal (Service Animal or ESA) is allowed to be kept in the Unit Owner’s residence. The Allowed Animal must be kept under reasonable control by their Owner at all times in all locations. Furthermore, the Allowed Animal should be in a pet carrier, leashed, or harnessed while outside the Owner’s residential unit. Allowed Animals are permitted in all Common Areas, except in the swimming pool. Unattended Allowed Animals are not permitted in any Common Area at any time. Common Area as referred above is any RSA property that is outside of a residential unit. Allowed Animals must be taken off RSA property for relief purposes. As specified by Florida statutes, a person with a disability or a disability-related need is liable for any damage done to the premises or to another person on the premises by his or her Allowed Animal. The Unit Owner is also liable for any damage done to the premises or another person on the premises by any animal of its guests or tenants.

Allowed Animal owners should be sensitive to the special needs of some residents who may have allergies and phobias to animals.

### **DEFINITIONS OF ANIMAL TYPES**

#### **A. PETS**

“Pets” are defined herein as any animal that is not a “Service Animal” or an “Emotional Support Animal” as defined below.

The RSA Declaration of Condominium Documents, under “Restrictions Upon Use” Section 13(M), states “No cats, dogs, or other pets allowed”. This Policy remains in place.

#### **B. SERVICE ANIMALS**

As defined in FL Statute 413.08

“Service Animal” means an animal that is *trained* to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual’s disability.

Service Animals, for example Guide Dogs, are allowed if the individual provides proof of their disability under the Americans with Disabilities Act regulations, updated on January 28, 2020 by the U.S. Dept. of Housing and Urban Development.

### **C. EMOTIONAL SUPPORT ANIMALS (ESA)**

As defined in FL Statute 760.27 (See Attached)

An ESA is defined by statute 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.

### **REASONABLE ACCOMODATION REQUEST FOR ESA**

If a person’s disability is not readily apparent, they must submit to the Association Manager reliable information that reasonably supports that the person has a disability requiring a particular ESA. This information is to be provided from a health care practitioner, a telehealth provider, or any other similarly licensed or certified practitioner or provider in good standing with his or her profession’s regulatory body in another state but only if such out-of-state practitioner has provided in-person care or services to that person on at least one occasion. Such information is reliable if the practitioner or provider has personal knowledge of the person’s disability and is acting within the scope of his or her practice to provide the supporting information. This document must include the person’s name and confirmation that the person is in need of an ESA, the type of ESA (dog, cat, bird, etc.) and information identifying the particular assistance or therapeutic emotional support provided by the specific animal.

The request must include proof of compliance with state and local requirements for licensing and vaccinating each animal. Proof of these conditions must be submitted to the Association Manager annually.

Board written response options:

1. Approval
2. Request for more information, as allowed by Florida statutes.

Note: prior to finalizing an approval, all Royal St. Andrew residents on the same floor as the owner requesting the accommodation must be notified of the pending approval.

## DETAILED RULES

The Royal St. Andrew Association's Board of Directors has adopted these rules in consideration of the needs of all owners and residents of RSA. These rules shall supersede any other past or current RSA document that includes rules or policies pertaining to pets, service animals, and emotional support animals. The complete rules are detailed below.

- a. **NO PETS ALLOWED:**  
The RSA Declaration of Condominium Documents, under "Restrictions Upon Use" Section 13 (M) is the statement "No cats, dogs, or other pets allowed". This Policy remains in place.
- b. All other animals (Service and ESA) must be approved by the Association Manager after review of the request and supporting documentation.
- c. Each request and supporting documentation will be retained by the Association Manager in the official RSA files.
- d. The owner of the Allowed Animal shall obtain and maintain all licenses, permits, vaccinations, inoculations, and health assessments for the animal required by any entity including but not limited to the State of Florida, the County of Sarasota, or the City of Sarasota. Proof of compliance must be submitted to the Association Manager annually.
- e. Should the Allowed Animals pose a direct threat to the safety or health of others or pose a direct threat of physical damage to the property of others, which threat cannot be reduced or eliminated by another reasonable accommodation the Owner may be required to remove the animal from the Condominium in keeping with Florida statutes.
- f. As specified by Florida statutes, a person with a disability or a disability-related need is liable for any damage done to the premises or to another person on the premises by his or her Allowed Animal. The Unit Owner is also liable for any damage done to the premises or another person on the premises by any animal of its guests or tenants.
- g. Each unit owner is responsible for the compliance of all residents, guests, renters, and visitors in his/her condo unit as per the bylaws and Rules and Regulations.
- h. All new Residents considering buying or renting a unit in the Royal St. Andrew, shall be made aware of these requirements, before or during their interview. The Association Manager will be instructed to include a copy of these Rule and Regulations with copies of other documents given to prospective purchasers or renters of units at RSA.

- i. In recognition of any RSA resident with pulmonary or other medical special needs, the Board may require that animals must be carried in a container, in a stroller, leashed, or harnessed when in the Common areas of the building. This may minimize the exposure to other RSA Residents who have allergies and phobias.
- j. Allowed Animals are permitted in all Common Areas, except in the swimming pool.
- k. When outside the unit, Allowed Animals are to be under the control of their owners at all times.
- l. Owners are required to carry the implements and plastic bags necessary for cleaning up after their animals eliminate their waste. Animal waste must be collected in a secured plastic bag; then deposited into the trash immediately.
- m. Cat litter must be put into a secured plastic bag and deposited in the trash.
- n. No RSA common areas are to be used for animal elimination. Animals must be taken entirely off RSA property for this purpose.
- o. No animal shall be housed or treated in a manner that places the animal in harm's way, or causes excessive risk or noise.

**The Royal St. Andrew Association Board of Directors**  
**Effective Date: 11-15-2022**

## Title XLIV CIVIL RIGHTS

## Chapter 760 DISCRIMINATION IN THE TREATMENT OF PERSONS; MINORITY REPRESENTATION

**SECTION 27 Prohibited discrimination in housing provided to persons with a disability or disability-related need for an emotional support animal.**

760.27 Prohibited discrimination in housing provided to persons with a disability or disability-related need for an emotional support animal.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Emotional support animal” means 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.

(b) “Housing provider” means any person or entity engaging in conduct covered by the federal Fair Housing Act or s. 504 of the Rehabilitation Act of 1973, including the owner or lessor of a dwelling.

(2) REASONABLE ACCOMMODATION REQUESTS.—To the extent required by federal law, rule, or regulation, it is unlawful to discriminate in the provision of housing to a person with a disability or disability-related need for, and who has or at any time obtains, an emotional support animal. A person with a disability or a disability-related need must, upon the person’s request and approval by a housing provider, be allowed to keep such animal in his or her dwelling as a reasonable accommodation in housing, and such person may not be required to pay extra compensation for such animal. Unless otherwise prohibited by federal law, rule, or regulation, a housing provider may:

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

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

1. A determination of disability from any federal, state, or local government agency.
2. Receipt of disability benefits or services from any federal, state, or local government agency.
3. Proof of eligibility for housing assistance or a housing voucher received because of a disability.
4. Information from a health care practitioner, as defined in s. [456.001](#); a telehealth provider, as defined in s. [456.47](#); or any other similarly licensed or certified practitioner or provider in good standing with his or her profession’s regulatory body in another state but only if such out-of-state practitioner has provided in-person care or services to the tenant on at least one occasion. Such information is reliable if the practitioner or provider has personal knowledge of the person’s disability and is acting within the scope of his or her practice to provide the supporting information.
5. Information from any other source that the housing provider reasonably determines to be reliable in accordance with the federal Fair Housing Act and s. 504 of the Rehabilitation Act of 1973.

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

1. Information identifying the particular assistance or therapeutic emotional support provided by the specific animal from a health care practitioner, as defined in s. [456.001](#); a telehealth provider, as defined in s. [456.47](#); or any other similarly licensed or certified practitioner or provider in good standing with his or her profession's regulatory body in another state. Such information is reliable if the practitioner or provider has personal knowledge of the person's disability and is acting within the scope of his or her practice to provide the supporting information.

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

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

(e) Require proof of compliance with state and local requirements for licensing and vaccinating each emotional support animal.

(3) REQUEST LIMITATIONS.—

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

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

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

(4) LIABILITY.—A person with a disability or a disability-related need is liable for any damage done to the premises or to another person on the premises by his or her emotional support animal.

(5) APPLICABILITY.—This section does not apply to a service animal as defined in s. [413.08](#).

History.—s. 1, ch. 2020-76.