

**17. Occupancy and Use Restrictions.** In order to provide for congenial occupancy of the Condominium and Association. Property and for the protection of the values of the Units, the use of the Condominium Property shall be restricted to and shall be in accordance with the following provisions:

**Pet Restrictions.**

No owner, guest, tenant, invitee or other person may keep or bring any animal or pet of any nature onto the Condominium Property, including but not limited to common elements, limited common elements and condominium units. Any pet owned by a unit owner, tenant, guest or other occupant and residing at the Condominium as of the effective date of the Amendment (recording date) is “grandfathered” in for the life of that pet, and providing that the pet owner registers the pet with the Association later than thirty (30) days after the effective date of the Amendment.

Any service animals must comply with the registration provisions for such pet, and provide all required documentation, as may be amended in the rules and regulations by the board of directors. All requests for a service animal must be provided to the Association and are subject to the written approval of the board of directors, Any pets deemed “grandfathered” pets and/or registered ad approved service animals shall be subject to comply with the following provisions: (a) such pets shall not be left unattended on balconies, terraces, patios or in lanai areas, common elements or any portion of the condominium property, excluding the interior portion of the unit; (b) the pet owner shall be responsible for the proper clean-up after the pet deposits its waste; (c) such pe must be kept on a leash at all times when outside the condominium unit; (d) the pet must be carried at all times when on the Common Elements and/or Association Property. The Association shall have the rights to require that the Unit Owner/tenant/resident or other occupant obtain a DNA test for any existing pet or future pet, as well as any service animals that reside within the condominium. A future pet shall be further defined only as a pet required to be permitted on the condominium property, pursuant to applicable state and federal regulations. The unit owner, tenant, resident and/or occupant shall be responsible for all costs associated with obtaining the required DNA test and shall provide the results to the Association within thirty (30) days of the effective date of this Amendment. The Association shall use the DNA tests to identify the damages done on property by such pets and shall have the right to charge the owner associated with such pet the costs for repair, in accordance with the provisions of Florida law and governing documents of the Association. The board of directors shall have the sole rights to make reasonable rules and regulations regarding service animals and any grandfathered pets.

This new addition relates only to Emotional Support Animals and shall be interpreted and construed with 17.3, Pet Restrictions. This section does not change any and all responsibilities unit owners must adhere to in relation to occupancy and use restrictions. A unit owner/tenant/resident with a disability or a disability-related need will, upon the unit owner/tenant/resident’s request and approval by Turnberry, be allowed to keep an emotional support animal in his or her dwelling as a reasonable accommodation in housing.

**Emotional Support Animal Defined:** An emotional support animal is 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.

In compliance with all federal laws, rules or regulations and in addition to Florida Law, including but not limited to Florida Statute § 760.27, Turnberry on the Green Condominium Association shall require every unit owner/tenant/resident, who seeks approval to be allowed to keep an emotional support animal in his or her dwelling as a reasonable accommodation in housing to: (1) establish that the unit owner/tenant/resident has a disability; and (2) establish the unit owner/tenant/resident's need for an emotional support animal.

(1) If a unit owner/tenant/resident's disability is not readily apparent, Turnberry requests reliable information that reasonably supports that the unit owner/tenant/resident has a disability.

Pursuant to the Florida Statutes, a disability is defined as: (a) a person who has a physical or mental impairment which substantially limits one or more major life activities, or he or she has a record of having, or is regarded as having, such physical or mental impairment; or (b). a person has a developmental disability as defined in Florida Statute § 393.063.

Supporting information may include:

- (a) a determination of disability from any federal, state, or local government agency;
- (b) receipt of disability benefits or services from any federal, state or local government agency;
- (c) proof of eligibility for housing assistance or a housing voucher received because of a disability;
- (d) information 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 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; and
- (e) information from any other source that the housing provider reasonably determines to be reliable in accordance with the federal Fair Housing Act and § 504 of the Rehabilitation Act of 1973.

(2) If a unit owner/tenant/resident's disability-related need for an emotional support animal is not readily apparent, Turnberry requests reliable information that reasonably supports the unit owner/tenant/resident's need for the particular emotional support animal being requested.

Supporting information may include:

(a) Information identifying the particular assistance or therapeutic emotional support provided by the specific animal 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. 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; and

(b) information from any other source that Turnberry reasonably determines to be reliable in accordance with the federal Fair Housing Act and § 504 of the Rehabilitation Act of 1973.

Additional information would need to be provided if a unit owner/tenant/resident requests to keep more than one emotional support animal, in that instance, information is required regarding the specific need for each emotional support animal.

Moreover, as a general rule, 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 owner/tenant/resident has a disability or a disability-related need for an emotional support animal.

If any animal creates a nuisance, the Board may withdraw permission to keep the pet on the Condominium Property, Residents keeping any service animal and grandfathered pets shall be fully responsible for any injury or damage caused by same. Nothing in this amendment shall be construed to be in conflict with any federal or state law or regulation relating to the keeping or use of service animals. Nothing in this amendment shall be construed in such way as to permit discrimination against any individual in connection with the rental or sale of a dwelling because of documented handicap.

Board of Directors