

Civil Rights Law, American's with Disabilities Act (ADA), Title III, 28 CFR Sec 36.104 Federal (e.g. 28 CFR Sec 36.302) and state laws protect the rights of individuals with disabilities to be accompanied by their trained services animals in taxis, buses, trains, stores, restaurants, doctors' offices, schools, parks, hotels and other public places. Federal laws which protect individuals with disabilities include the **ADA**; the **Fair Housing Amendments Act (1988)**; Section 504 of the **Rehabilitations Act (1973)**; **The Air Carrier Access Act (1986)**; and other regulations.

Florida State Law: Title 30 - 413.08 Rights of Physically Disabled Persons

(b) "Individual with a disability" means a person who is deaf, hard of hearing, blind, visually impaired, or otherwise physically disabled. As used in this paragraph, the term:

1. "Hard of hearing" means an individual who has suffered a permanent hearing impairment that is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.

(d) "Service animal" means an animal that is trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind, **alerting a person who is deaf or hard of hearing**, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. **A service animal is not a pet.**

(4) Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies or interferes with admittance to, or enjoyment of, a public accommodation or otherwise **interferes with the rights of an individual with a disability or the trainer of a service animal while engaged in the training** of such an animal pursuant to subsection (8), **commits a misdemeanor of the second degree**, punishable as provided in s. 775.082 or s. 775.083.

Some federal buildings are not covered by the ADA but instead fall under these laws:
i.e. Post Office, SSA, Federal Institutions & Agencies

[Code of Federal Regulations] [Title 41, Volume 2] [Revised as of July 1, 2002]
From the U.S. Government Printing Office via GPO Access [CITE: 41CFR101-20.311] [Page 212]
TITLE 41--PUBLIC CONTRACTS AND PROPERTY MANAGEMENT
CHAPTER 101--FEDERAL PROPERTY MANAGEMENT REGULATIONS
PART 101-20--MANAGEMENT OF BUILDINGS AND GROUNDS
--Table of Contents Subpart 101-20.3 --Conduct on Federal Property
Sec. 101-20.311 Dogs and other animals.

Dogs and other animals, **except seeing eye dogs, other guide dogs, and animals used to guide or assist handicapped persons**, shall not be brought upon property for other than official purposes.

42 U.S.C. 12132

Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

From www.regulations.gov search for GSA-2005-0041-0001.
[Federal Register: November 8, 2005 (Volume 70, Number 215)] [Rules and Regulations]
[Page 67785-67860] From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr08no05-5]
GSA's real property policies contained in this part and parts 102-72 through 102-82 of this chapter **apply to Federal agencies, including GSA's Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services.**

Sec. 102-74.425 What is the policy concerning dogs and other animals on Federal property?
No person may bring dogs or other animals on Federal property for other than official purposes.
However, a disabled person may bring a seeing-eye dog, a guide dog, or other animal assisting or being trained to assist that individual.

***Note:** If federal and state or local law conflict, the law that provides the greater protection for the individual with the disability will prevail.

This document was prepared by **Service Dogs of Florida - www.ServiceDogsFL.org**
for Hearing Service Dogs residing in Florida, USA (2010/04) Duplication is encouraged.

I'm a Service Dog

In accordance with the
Americans with Disabilities Act of 1990.

**This person is accompanied
by a Service Dog.**

A Service Dog is trained to
perform tasks for people with disabilities.

Service Dogs are working animals,
not pets. Public Access is Required.

Businesses May ask:

- 1) Is this a Pet? Or Is this a Service Dog?
- 2) What tasks does the Service Dog perform?

Businesses May Not:

- 1) Require special identification for the dog. (Many Guide dogs do not have vests or ID)
- 2) Ask about the person's disability.
- 3) Charge additional fees because of the dog.
- 4) Refuse admittance, isolate, segregate, or treat this person less favorably than other patrons.
- 5) Claim allergies or fear of animals as valid reasons for denying or refusing access
- 6) Harass team by constant questioning by different staff members

A person with a disability cannot be asked to remove their service animal unless:

- 1) the animal is out of control and the handler does not take effective action to control it.
- 2) the animal poses a direct threat to the health or safety of others.

Any business that sells or prepares food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.

Refusal to provide equal access to people with disabilities with service animals is a federal civil rights violation, provided by the American Disability Act of 1990.

Violators of the ADA can be required to pay money damages and penalties.

Both the EEOC and DOJ investigate charges of ADA violations.

Businesses should train all customer contact employees about these laws.

Though service animals of all kinds can legally accompany their disabled handler almost anywhere the handler goes, they can be excluded from areas where their presence would constitute either a fundamental alteration of goods and services available for all or a direct threat to safety. Examples where a service animal might be excluded include:

- Sterile rooms, such as operating rooms, some areas of emergency rooms/departments,
- Some ICU rooms, some ambulances, some delivery rooms
- Clean rooms where microchips are manufactured
- Places where food is prepared, i.e. Kitchens (by order of most health departments)

Though they cannot generally be excluded from dining areas where food is present

- Open air zoological exhibits, such as open air aviaries (at the zoo's discretion)
- Churches (at the church's discretion)
- Native American Tribal Council Chambers (at the council's discretion)
- Federal Courts (at the judge's discretion)
- Private clubs (at the club's discretion)
- Private homes (at the home owner's discretion)



Courtesy of
Service Dogs of Florida, Inc.

www.ServiceDogsFL.org
Phone: 407-443-3042
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U.S. Department of Justice
Civil Rights Division
Disability Rights Section



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COMMONLY ASKED QUESTIONS ABOUT SERVICE ANIMALS IN PLACES OF BUSINESS

1. Q: What are the laws that apply to my business?

A: Under the Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities, are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed.

2. Q: What is a service animal?

A: The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. Guide dogs are one type of service animal, used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

- _ Alerting persons with hearing impairments to sounds.
- _ Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.
- _ Assisting persons with mobility impairments with balance.

A service animal is not a pet.

3. Q: How can I tell if an animal is really a service animal and not just a pet?

A: Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. **If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability.** However, an individual who is going to a restaurant or theater is not likely to be carrying documentation of his or her medical condition or disability. Therefore, such documentation generally may not be required as a condition for providing service to an individual accompanied by a service animal. Although a number of states have programs to certify service animals, **you may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.**

4. Q: What must I do when an individual with a service animal comes to my business?

A: The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. **An individual with a service animal may not be segregated from other customers.**

5. Q: I have always had a clearly posted "no pets" policy at my establishment. Do I still have to allow service animals in?

A: Yes. A service animal is not a pet. The ADA requires you to modify your "no pets" policy to allow the use of a service animal by a person with a disability. This does not mean you must abandon your "no pets" policy altogether but simply that you must make an exception to your general rule for service animals.

6. Q: My county health department has told me that only a guide dog has to be admitted. If I follow those regulations, am I violating the ADA?

A: Yes, if you refuse to admit any other type of service animal on the basis of local health department regulations or other state or local laws. The ADA provides greater protection for individuals with disabilities and so it takes priority over the local or state laws or regulations.

7. Q: Can I charge a maintenance or cleaning fee for customers who bring service animals into my business?

A: No. Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition to allowing a service animal to accompany the individual with a disability, even if deposits are routinely required for pets. However, a public accommodation may charge its customers with disabilities if a service animal causes damage so long as it is the regular practice of the entity to charge non-disabled customers for the same types of damages. For example, a hotel can charge a guest with a disability for the cost of repairing or cleaning furniture damaged by a service animal if it is the hotel's policy to charge when non-disabled guests cause such damage.

8. Q: I operate a private taxicab and I don't want animals in my taxi; they smell, shed hair and sometimes have "accidents." Am I violating the ADA if I refuse to pick up someone with a service animal?

A: Yes. Taxicab companies may not refuse to provide services to individuals with disabilities. Private taxicab companies are also prohibited from charging higher fares or fees for transporting individuals with disabilities and their service animals than they charge to other persons for the same or equivalent service.

9. Q: Am I responsible for the animal while the person with a disability is in my business?

A: No. The care or supervision of a service animal is solely the responsibility of his or her owner. You are not required to provide care or food or a special location for the animal.

10. Q: What if a service animal barks or growls at other people, or otherwise acts out of control?

A: You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other guests or customers may be excluded. You may not make assumptions, however, about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually.

Although a public accommodation may exclude any service animal that is out of control, it should give the individual with a disability who uses the service animal the option of continuing to enjoy its goods and services without having the service animal on the premises.

11. Q: Can I exclude an animal that doesn't really seem dangerous but is disruptive to my business?

A: There may be a few circumstances when a public accommodation is not required to accommodate a service animal--that is, when doing so would result in a fundamental alteration to the nature of the business. Generally, this is not likely to occur in restaurants, hotels, retail stores, theaters, concert halls, and sports facilities. But when it does, for example, when a dog barks during a movie, the animal can be excluded.

Questions? Call the ADA. +1-800-514-0301
An agency of the US Department of Justice Civil Rights Division