

Federal Laws that protect the rights of people with disabilities who have task trained their service dogs

The federal civil rights law, the Americans with Disabilities Act (ADA), Title III, 28CFR Sec 36.104 defines a service animal as any animal that is individually trained to do work or perform tasks for a person with a disability (the disability might not be visible). By law, a service animal is not considered a pet. Most service animals are dogs; they can be any breed or size, and are not legally required to wear special equipment or tags.

The ADA does not require proof or “certification” of the service dog’s training. Service dogs are trained to do specific tasks for the benefit of people with physical or mental impairments. Federal laws protect the rights of individuals with disabilities to be accompanied by their trained service dogs in taxis, buses, trains, stores, restaurants, doctors’ offices, schools, parks, hotels & other public places.

Federal laws which protect individuals with disabilities include the ADA; the Fair Housing Amendments Act (1988); Sect. 504 of the Rehabilitation Act (1973); The Air Carrier Access Act (1986), and other regulations. Federal Civil Rights Law, The Americans With Disabilities Act, Title III, 28CFR Sec 36.104 and 36.302.

In an emergency, ADA Title III 28 CFR Sec. 36.302 mandates service dogs not be separated from its owner unless to an owner approved person or organization. FSS XXX Chapter 413.08(1)(a)

This is a brief summary of the law. For complete information be sure to review the complete statute or code listed above.

Florida State Laws that protect the rights of people with disabilities who have trained service animals

State and local laws which protect the rights of individuals who have disabilities to be accompanied by their service animals are:

Florida: FSS Title 30, 413.08 SS 1-8. Locations allowed: Full and equal accommodations, advantages, facilities, and privileges on all common carriers, airplanes, motor vehicles, railroad trains, motorbus, streetcars, boats, and other public conveyances or modes of transportation and at hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Member International Association of Assistance Dog Partners



Statute Regarding Interference: 413.08(2)

Interference includes: Any person, firm, or corporation, or the agent of any person, firm or corporation, who denies or interferes with admittance to, or enjoyment of, the public facilities enumerated in subsection (1) or otherwise interferes with the rights of a deaf person, a totally or partially blind person, or an otherwise physically disabled person under this section is guilty of a misdemeanor of the second degree.

Florida Statute Regarding Housing: 413.08(4). Housing includes: All housing accommodations except room in a single family residence.

Trainers allowed with dogs: 413.08(7). Any trainer of a guide, hearing or service dog while engaged in the training of such dog, has the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for deaf, blind or mobility impaired person.

Businesses

The only way to verify a Service Animal from a pet is to ask the person any or all of the following questions:

- 1. Has the dog been trained for your disability, or is that a pet?** (Pets are not service animals) Do not ask someone to “prove” the animal has been trained.
- 2. What does the dog do for you?** Do not ask someone to “show” what the animal does.

Size, shape, make and model, It doesn’t matter!

Remember, it’s not the clothes or ID cards that make us legal, it’s the fact that we have been trained to do tasks.

Reasons to Deny Access

Florida Statute 413.04 - Only **ONE** Legal Reason to Deny Access (e) a public accommodation may exclude or remove any animal from the premises, including a service animal, if the animal’s behavior poses a **direct threat** to the health and safety of others. Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual with a service animal. If a service animal is excluded or removed for being a direct threat to others, the public accommodation must provide the disabled individual the option of continuing access to the public accommodation without having the service dog on the premises.

Besides it’s good publicity And it’s the law.

SOME PEOPLE DO NOT “LOOK DISABLED”. WHY DO THEY NEED AN ASSISTANCE DOG?

When you see an Assistance Dog “on duty”, be assured there is a good reason for it, even if the human partner does not use obvious equipment such as a wheelchair, crutches, or a hearing aid. The human partner undoubtedly has something known as a “hidden disability” such as chronic back pain, a neuro-seizure disorder, or a serious hearing impairment for example.

Summary of Law: Florida law guarantees a blind, deaf or physically disabled person has the legal right to be accompanied by a specially trained dog in housing, all public accommodations and on all common carriers. No extra charge can be levied because of the dog’s presence, but the dog user is liable for any damage the dog might cause to the premises.

HOW DO I RECOGNIZE AN ASSISTANCE DOG?

Most assistance dogs wear a tag, vest, harness, or backpack. However, these forms of identification are not required.

MAY I PET AN ASSISTANCE DOG?

NO, not when the dog is working. Petting will distract the dog and it needs to focus on the instruction of its human partner.

CAN I TALK TO THE PERSON?

YES, if they are not busy and are able to hear you. Most enjoy talking to members of the public about their assistance dogs.

HOW DOES A DISABLED PERSON ACQUIRE AN ASSISTANCE DOG?

Most apply to non-profit training centers which raise funds and grant the dog free of charge. Some buy a dog and pay for all training; a few people even adopt from a shelter and train the dog themselves.



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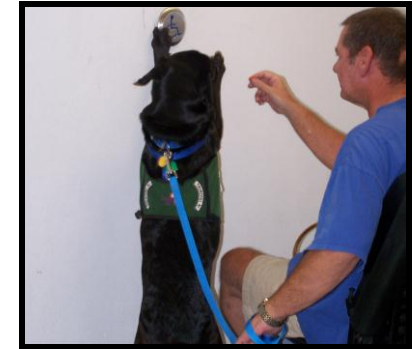
Legal Rights of Guide Dogs, Hearing Dogs And Service Dogs



*Assistance dogs are
“Task trained”
To mitigate the disability of the
people who own them.*



WHAT IS AN ASSISTANCE DOG?



Assistance dogs are highly trained professional dogs.

Guide Dogs assist their blind or visually impaired partners to independently and safely negotiate the environment by **GUIDING** them around obstacles and safely across streets and stopping at curbs and steps.

Hearing Dogs assist their deaf or hard of hearing partners by **ALERTING** them to sounds such as the smoke alarm, alarm clock, telephone, intruders, sirens, stove, or dryer timers.

Service Dogs assist their physically-disabled partners in a number of ways. They can be custom trained for the particular needs of the individual. Examples are retrieving keys, the telephone, a cane, crutches or anything the person drops. Other helpful tasks are helping people up if they fall, pulling a wheelchair and helping maintain balance opening doors and carrying objects such as groceries. Service Dogs are trained to assist individuals with symptoms of Post Traumatic Stress Disorder. With tasks such as creating barriers, waking someone during a nightmare or performing a perimeter search when necessary.