



Is that a Real Service Animal?

The law and rules about the use of a service animal in Florida are found in Chapter 413, Florida Statutes, within Title XXX of the Social Welfare Code. Other laws relevant to service animals include the Title 42, Chapter 126 - Americans With Disabilities Act (ADA), and the Fair Housing Act.

The question of whether or not an animal is a legitimate service animal comes up frequently, especially in communities that have a strict “no pet” policy. Understanding the definition of exactly what a service animal is may help resolve the issue of an animal’s legitimacy as a service animal.

Section 418.08(1)d, F.S., defines a service animal as 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.

Under Titles II and III of the ADA are dogs and miniature horses. The ADA defines a service animal as dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Those tasks may include pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, and more. Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADD. Title II applies to state and local government programs while Title III applies to private businesses that are open to the public. The ADA protects persons with disabilities from discrimination.

The Florida statute requires that tasks performed by the service animal be directly related to the individual’s disability. So an animal who is trained to perform tricks such as fetching the newspaper doesn’t qualify as a service animal. Tasks performed include guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an

anxiety attack, or doing other specific work or performing other special tasks. Mere “tricks” the animal performs for the benefit of a person who is not disabled does not qualify an animal as a service animal. A key point made within the statutes is that a service animal is not a pet.

Click below to read the statutes.

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0413/Sections/0413.08.html

<http://codes.lp.findlaw.com/uscode/42/126>