

DISABILITY SERVICE ANIMALS

The Americans with Disabilities Act
Rights of Disabled Individuals
Business Requirements
Hernando County Licensing

What is the Americans with Disabilities Act?

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990 and is intended to make American Society more accessible to people with disabilities.

An individual is disabled if he or she meets at least one of the following tests:

1. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities;
2. He or she has a record of such an impairment; or
3. He or she is regarded as having such impairment.

What is a Disability Service Animal?

Individuals with disabilities often have service animals to assist in their daily living. A service animal is defined by the ADA as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. Dogs do not have to be licensed or certified with any state or local government agency to be considered a service dog.

What does a Service Animal do?

A Service Animal routinely perform functions and tasks for disabled individuals that they cannot perform for themselves. The most common type of service dog is a seeing-eye dog used by individuals who are blind, however this is not the only type of service animal. Service animals can also be used by disabled individuals to perform such tasks as alerting persons with hearing impairments to sounds, pulling wheelchairs, carrying and picking things up for persons with mobility impairments and assisting these individuals with balance for walking. All service animals receive protection under the ADA regardless of the type of service animal.

How does the ADA relate to Businesses and Service Animals?

All service animals must be permitted to accompany individuals with a disability into all public facilities including, but not limited to, restaurants, hotels, retail stores, theaters, concert halls and sports facilities. Service animals must also be permitted on all public transportation, including taxicabs and busses. The individual and animal must be permitted in all areas where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers. Service animals are not pets and may not be refused entrance to any public facility due to a no pets policy.

Can businesses charge fees for service animals?

Businesses may not charge a special deposit or fee as a condition to allowing a service animal to accompany the individual even if pet deposits are normally required. However, a business may charge its customers with disabilities for damage caused by the service animal if it is the regular practice of the business to charge non-disabled customers for the same damages. Businesses may not refuse service to disabled individuals or charge higher fares or fees for services or transportation.

What if local laws or health department regulations do not allow animals in my business?

The ADA is a federal law and takes priority over all state and local laws. A service animal cannot be refused entrance based on state or county health regulations or other local laws.

How can a business tell if an animal is really a service animal and not just a pet?

Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified or have identification papers. If you are not certain that an animal is a service animal you may ask the person if the animal is a service animal required because of a disability. You may not insist on seeing documentation before permitting the animal into the business since not all service animals are licensed. Remember that not all disabled individuals have obvious disabilities.

Who is responsible for the animal while it is in a business?

The care and control of a service animal is solely the responsibility of his/her owner. Businesses are not required to provide care, supervision, food or other special amenities for the animal.

What if the service animal barks or growls at other people or acts out of control?

Businesses may exclude any animal, including a service animal, if the animal's behavior poses a direct threat to the health or safety of others. For example, the animal may be excluded if the animal displays vicious behavior towards other guests or customers, however, the individual should be given the option of continuing to enjoy the services of the businesses without the animal's presence. Businesses may not make assumptions about how an animal may act based on appearance, breed or past experiences with similar animals. Each animal and situation must be considered individually.

What if the service animal is disruptive to my business?

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.

How does Hernando County license service animals?

Hernando County has a special license for service dogs which identifies them as a service animal. The owner of a service dog may obtain the license free of charge by providing Hernando County Animal Services with proof of a current rabies vaccination for the dog. The owner will receive a license certificate and a tag which distinguishes the dog as a service animal. The owner can update the license each year by providing proof of an updated rabies vaccination. By licensing service animals, Hernando County hopes to eliminate discrimination against disabled individuals who might otherwise be refused entrance when accompanied by service animals. Even though Hernando County does offer licensing for service animals, businesses may not refuse entrance to a service animal who is not licensed.

To obtain a license for your disability service animal please contact Hernando County Animal Services, 19450 Oliver St., Brooksville, FL 34601 or by telephone at 352-796-5062 or by e-mail ac@co.hernando.fl.us.

Additional Questions or Information

Information for this pamphlet was obtained from the U.S Department of Justice's web site. For more information about service animals or requirements of the ADA, call the U.S. Department of Justice's toll-free ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TDD).