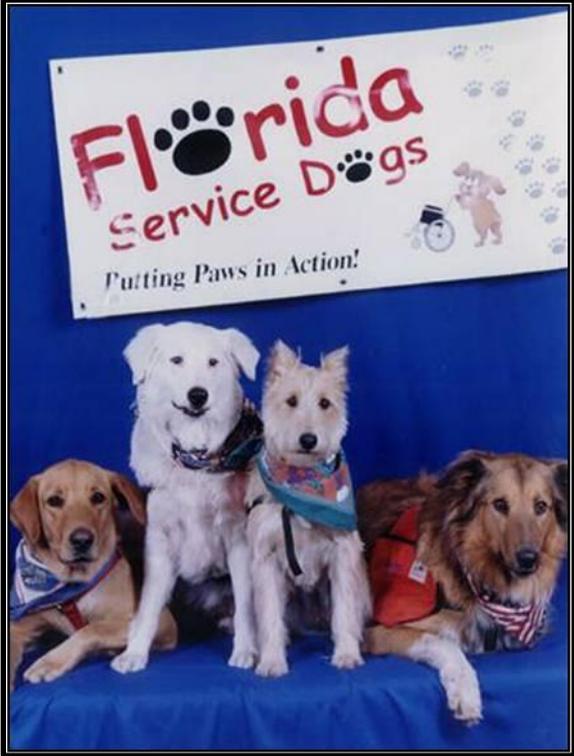


# Innovative Best Practice of Producing Service Animals and Updated Federal Provisions



Zoey

Brought  
to you  
by our  
Top Dogs!



Board of Directors!



**Please hold on  
to your seats  
and your questions  
until the end.**

**Most of your  
questions should  
be answered  
by the end.**

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# Innovative Best Practice

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Partnership of:

Florida Service Dogs, Inc. (Jacksonville)



disAbility Solutions for Independent Living, Inc. (Daytona Beach)



# What will you learn today?

- What is a Service Animal?
- How can I tell a Service Animal from a regular pet?
- What are the basic laws that apply to Service Animals?
- Where are Service Animals allowed to go and who is responsible?
- What is the difference between the ADA and Florida Statute 413.08?
- What jobs are they trained to do, where do we get the animals and who can use them?
- Do Therapy Animals have any legal rights?
- Legal reasons to deny or remove Service Animals and what not to do.
- What makes our program an innovative Best Practice?



# First things First....

All though we can be creatures of leisure at times, we aren't "HANDICAP dogs".....



....Though at times it appears that we may ignore you, we aren't DEAF dogs,

And last but not least, we may not always see things eye to eye, but we aren't BLIND dogs...



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# **Service Animal Definition**

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**Effective March 15, 2011 for Title II  
(Government) and Title III (Public  
Accommodations and Commercial Facilities)**

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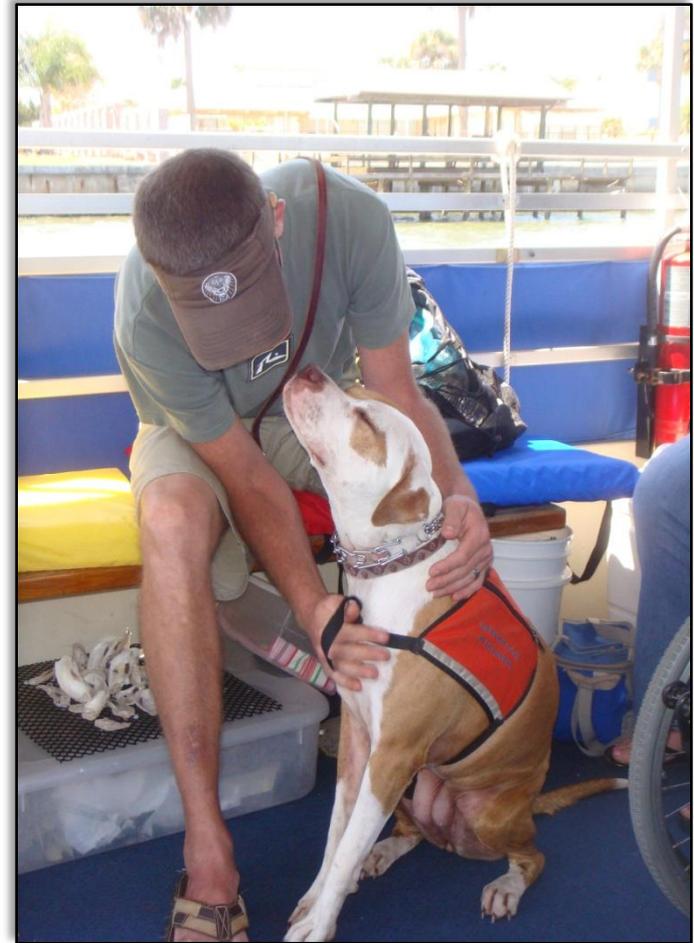


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***Service Animal Definition, cont.***

Only Dogs and  
Miniature Horses that  
are individually trained  
to do work or perform  
tasks for a person with  
a disability.

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# *Service Animal Definition, cont.*

## **Examples of Such Work or Tasks:**

- Guiding people who are blind
- Alerting people who are deaf
- Pulling a wheelchair
- Alerting and protecting a person who is having a seizure
- Reminding a person with mental illness to take prescribed medications
- Calming a person with post traumatic stress disorder (PTSD) during an anxiety attack.



# *Service Animal Definition, cont.*

## **Further Clarification:**



- Work or task must be directly related to the person's ability.
- Sole function is comfort or emotional support ~~≠~~ service animal.
- Does not limit the broader definition of “assistance animal” under the Fair Housing Act or Air Carrier Access Act.



# *Service Animal Definition, cont.*

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## **Questions Allowed by ADA Regulations:**

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- Is the dog or service animal required because of a disability?
- What work or task has the dog been trained to perform?



## *Service Animal Definition, cont.*

### Where are Service Animals Allowed?

- Any or all facilities where the public is normally allowed to go.
- Example: Hospital patient rooms, Clinics, Cafeterias or Exam rooms.
- Examples where the public is not normally allowed to go: Operating rooms, Burn units.



# *Service Animal Definition, cont.*

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## **Florida Law:**

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- Covers puppies / dogs in training.
- Broader than ADA now – “An animal that is trained...”

# *Service Animal Definition, cont.*

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## **Fair Housing Law:**

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- Unlawful to discriminate against any person due to ... disability.
- Unlawful to refuse to make reasonable accommodations in rules, policies, practices or services... necessary to afford a person with a disability equal opportunity.

# *Service Animal Definition, cont.*

## **Air Carrier Access Act:**

- Must permit Guide Dogs or other Service Animals with appropriate identification



- May include: ID cards or documentation, or audible assurance of the passenger using \_\_\_\_\_ the animal.
- Emotional Support or Companion = Pets
  - Airline decision whether a pet can be in the cabin.

# What is a Service Animal?

*It's more than just a wet nose and pair of eyes!*

*(It's a CHOICE to help an individual with a disability to live safer and more independently!)*

- ADA and other federal laws do **not** include those animals that are still “in training”.
- Service animals under the ADA or Florida Law do **not** need to be licensed or certified by a state or local government. *(Or anyone). Some states do have requirements, but the law that gives greater protection applies.*
- Documentation of one's Disability or the Service Animal's Training **CANNOT** be required before allowing public access.



# THE ADA BASICALLY SAYS:

- Some animals wear special items and some do not. This is a personal decision. **THE LAWS REQUIRE ONLY THAT THE ANIMAL BE INDIVIDUALLY TRAINED TO MITIGATE A DISABILITY AND BE UNDER CONTROL.**
- Some persons carry papers from a program or trainer, and some do not. Some have special equipment or clothing and some do not. “Clothes” and ID cards can be made by anyone with a printer and sewing machine. That does not make them “trained”.
- Because you **CANNOT** always tell by looking at a person or animal you must ask as some people have “hidden” disabilities. (heart conditions, diabetes, epilepsy etc).

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# Florida Law

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- Effective July 1, 2005
  - Amended to bring state law into compliance with federal law.
  - Florida Statute 413.08
  - Cover puppies/dogs in training; ADA doesn't.
  - Provides for criminal charges if a service animal is harmed or killed.
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# Access in Florida is Protected

- 3) An individual with a disability has the right to be accompanied by a service animal in all areas of a public accommodations that the public or customers are normally permitted. (*housing protection is also included in this statute*)
- Previous Florida Statute 413.08 stated that a service animal **must be capable of being properly identified as being from a recognized school** for seeing-eye dogs, hearing-ear dogs, service dogs, including, but not limited to, seizure-alert and seizure-response dogs, or guide dogs (*this led to many legal debates and problems*).
- July 1, 2005 the statute was finally corrected to “almost” mirror the ADA (*the original law was created back in 1969 in Florida.*)
- (a) Documentation that the service animal is trained is **not** a precondition for providing service to an individual accompanied by a service animal. **A public accommodation may ask if an animal is a service animal or what tasks the animal has been trained to perform in order to determine the difference between a service animal and a pet.**

**\*\* PLEASE NOTE, THERE IS NO SUCH THING AS A RECOGNIZED SCHOOL  
& Animal Trainers are NOT regulated by anyone.**



# Florida Law Allows These Questions

1. Are you a person with a disability?  
*(if not, then they may ask if you are a trainer, Florida provides trainer protection)*  
**You cannot be asked, “what is your disability”, that’s getting too personal.**
  2. Has the animal been trained for your disability?  
*You can ask this many ways. We recommend asking: is that a pet?  
Because pets are not service animals.*  
**Do not ask someone to “Prove” the animal has been trained.**  
*(People do not normally carry documentation in public and not everyone has papers because they may have self trained.)*
  3. What does the animal do for you?  
*(Yes, you have the right to ask this question, but persons with self trained and psychiatric disorders usually do not know this)*  
**Do NOT ask someone to “Show” what the animal does.**  
*(People cannot have seizures on demand, nor do you want them to have a panic attack.)*
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# Florida's 413.08 NEW Definitions:

*(These are definitions within this statute and no “deaf” is not defined)*

- 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.
- 2. "Physically disabled" means any person who has a physical impairment that substantially limits one or more major life activities.
- (c) "Public accommodation" means a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation; hotel; lodging place; place 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.
- a) "Housing accommodation" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons, but does not include any single-family residence, the occupants of which rent, lease, or furnish for compensation not more than one room therein.
- (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.

**Florida's law does not state “certification” anywhere in it.**

# So what's the difference between the ADA and Florida Statute 413.08?

ADA is a civil Act

413.08 is a criminal law

Violating the ADA is not a crime

Violating the 413.08 is a crime

ADA does not protect  
service animals still in training

413.08 does protect  
service animal trainers

ADA protects both physical  
and mental disabilities the same

413.08 does not protect  
persons with mental disabilities

ADA complaints must be  
dealt with through the DOJ  
or a private attorney

413.08 complaints are dealt  
with by the police and or state  
attorney's office or  
through a private attorney

# Guide Animals

- Animals such as dogs and miniature horses are trained to guide visually impaired persons around objects, maneuver terrain features, and crossing traffic.
- Animals used for deaf and hard of hearing persons use their own animals such as cats or pet dogs, in home, while others use service animals in public.



- Picking items up for people who are blind or deaf is a customized task. Not all animals are trained to do this.



# Hearing Animals



- HUD Case law for Fair Housing Act allows cats for deaf and hard of hearing as well as emotional support—it's a very liberal law.
- Custom trained to alert deaf and hard of hearing persons to many sounds they cannot hear such as:



Chip maybe tiny but he gets the job done.

- Fire/smoke alarms, timers, buzzers, alarm clocks, bells, phone ringing, door knock/bell, and calling the person's name.
- Some are also trained to pick up dropped items.
- Alerting to noises in the surrounding, sirens, getting persons attention, people coming from behind.
- Elevators and other sounds in public.



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# Medical Alert Animals

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- Dogs can be trained to alert another “target” person to a medical condition during and after the condition exists.
- Conditions can include, but not limited to; heart conditions, diabetes, blood pressure problems, asthma problems or any condition the dog is able to sense a change in the chemical actions of the body.



[Meet T.J.-From Animal Care and Control](#)

- Dogs can be trained to bring medical items to the fallen person, such as back packs worn by the dog or items from the table, which contain medicines, needles, or other items.
- Can be trained to operate special phones for emergency calls, such as push button or pull cord phones.

# Mobility Animals

- Get targeted items from the floor, fridge, tables, etc.
- Pick up dropped items.
- Get items and take them to others.



I got the door mom!

Let's play ball!

- Tugging clothes off
- Helping with laundry
- Paying cashiers
- Opening and closing doors/drawers
- Turning on and off lights/lamps

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# Seizure Animals

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**There are two types of seizure dogs.**

## Alert Dog and Response Dogs

- **Alert dogs** are those who “know” ahead of time that a person is going to have a seizure. This type is NOT trained for this behavior, but rather human/trainer puts two and two together to realize the animals behavior is the same every time just before a seizure. Then the training begins.



- **Response Dogs** are those that are trained to perform certain tasks during and/or after the seizure takes place. Behaviors the dog will do are to alert another person, get help from another person, operate special phones for help, provide minimum protection/comfort to the person, lay on the persons chest/body to comfort or help control the seizures.

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Her size may be tiny, but her heart is huge!  
Nikki alerts her owner to oncoming seizure like disorders.

# Autism Disorders

- Service animals are also trained to perform many unique tasks for individuals with Autism disorders. Children have benefited from these type of dogs throughout the US and other Countries such as Ireland and Canada.



- Tasks for the autistic service dog include, keeping the child from bolting, keeping the child calm (the same as for panic attacks) and keeping the child from having to have a human attached 24/7. Children with autism have a hard time focusing, communicating, and verbalizing, yet many can work with a dog.
- Tasks also include stopping the child at intersections, and bringing the child back to the human or house when the child refuses or cannot understand verbal words.

Independence

# Other Tasks

- Animals are trained to touch with their paw the foot or leg of a person who has “frozen” from Parkinson’s disease. This action allows for the person to be able to feel that touch and move freely again, while some are trained to get help if needed.
- Animals are trained to perform many tasks, including a mixture from medical alerting, search and rescue, retrieving work, as well as the tasks of a guide dog for a blind person.
- Some are trained to help with vertigo, and other balance disorders, walking and getting up from a sitting or prone position.



# Psychiatric Service Animals

*(YES THEY ARE covered under ADA Federal laws, even though they are not covered under Fl Statute 413.08)*

**When a person is too afraid to live outside their home, these trained dogs can help with turning on lights, checking the house, picking up dropped or forgotten items, alerting and reminding of tasks such as medicines and timers. Trained Tasks include, touching, nudging, licking etc. Giving the person room and time to refocus on the better things in life!**



## *Meet “Angel”*

*She provides many services to her person who has a “unique” disability which effects her owners ability to focus or think during an attack. Imagine being afraid to leave your own home, now imagine an angel beside you every step of the way!*

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# Therapy Animals

*Have NO legal protection!*

**Service** animals are a dog or miniature horse that has been individually trained to mitigate ONE person's disability.



**Therapy** animals are any animal that brings joy and therapy to many others, with our without training.

*The Therapist can see you now.*

**Therapy, Emotional Support, Companion, Social, Facility Animals, etc.**

Call them what you want, but they are NOT Service Animals!

# How are service animals trained?

We start by taking the dogs to class.



Every program and trainer is different but we use behavior training with cues and positive rewards. We do not force train.

# Where do we obtain our animals from?



Most of our animals come from the pound, rescue or owner surrenders or donations...



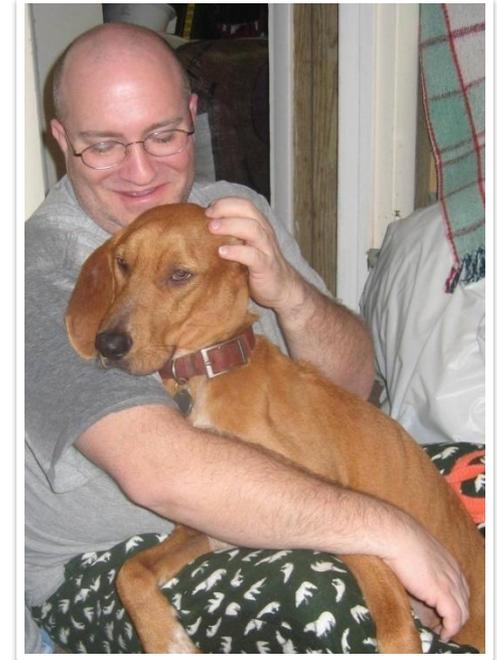
Sometimes we find them lying around.....

# WHO'S GONNA TAKE CARE OF US?

*SERVICE ANIMAL OWNERS ARE RESPONSIBLE FOR THEIR ANIMAL'S CARE. SERVICE ANIMALS ARE USUALLY WELL MANNERED, GROOMED, & FULLY VETTED. HANDLERS AND ANIMALS ARE USUALLY TRAINED AND PREPARED FOR THEIR OWN NEEDS.*



# Will the REAL “Service Animal” please stand up? Kind of hard to tell without asking, isn’t it?



A photograph of a cougar sitting in a rocky, vegetated area. The cougar is looking directly at the camera. The background consists of reddish-brown rocks and green bushes.

**Can a Service Animal legally  
be DENIED Access under the ADA?**

# YES, THEY CAN,

*but ONLY if one of the three conditions are met!*

- Direct threat - Must be a real threat such as roller coaster ride, or Intensive care, sterile environments, working with chemicals. *Cannot use fears, allergies, possible lawsuits etc...*
- Undue Burden/Hardship - Must prove a financial burden to provide a reasonable accommodation-which isn't likely when the individual with a disability provides the service animal. *There are no burdens to opening the doors and the overall operation is calculated.*
- Fundamentally altering the operation of a public entity - Not much will affect places of public accommodations, not even zoos or hospitals. (however, some areas of the zoo and hospitals may have restrictions based upon direct threats, but they must be specified and not random denials or based upon stereotypes or assumptions).

**Denials must be based upon factual or current medical information and not personal opinions**



# Florida Statute 413.08

## *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 individual with a disability the option of continuing access to the public accommodation without having the service animal on the premises.
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# Legal reasons to REMOVE the animal

*(The person must still be allowed services)*

- **Service animals out of control**

Lunging on leash, sniffing tables, relieving itself inside, not obeying commands of handler, etc...

- **Barking excessively out of control**

Must determine first if this is an alert to dangers or doing it's job...

- **Aggressive behavior**

Barking growling, lunging, attacking...



*(Ok, now this is probably out of control)*

***Though your first reaction is to refuse access, please assess the problem before you ask for removal because the dog maybe trying to do his job!***

**Which picture  
would you consider to be  
out of control?**



# Please, NOT while I'm working!

- Don't pet ----- **Do ask to pet if you must**
- Don't feed ----- **Treats are praise and the handler praises the dog.**
- Don't distract ----- **This can get the handler hurt.**
- Don't interfere ----- **The dog must pay attention to the handler to work.**
- Don't make funny sounds ----- **This can confuse, startle or cause a false alert.**
- Don't talk to the person next to the team ---- **This is just rude to ignore the handler.**
- Don't attempt to control or take the leash ---- **The handler is the leader, not you.**

*Trained or not  
service animals are  
still animals*



*It's hard to be good  
at times like this!*

**Even though service animals are just “laying” around does not mean they are not working or not needed. Service Animals work round the clock waiting for their next command or job, and take their breaks when they can.**

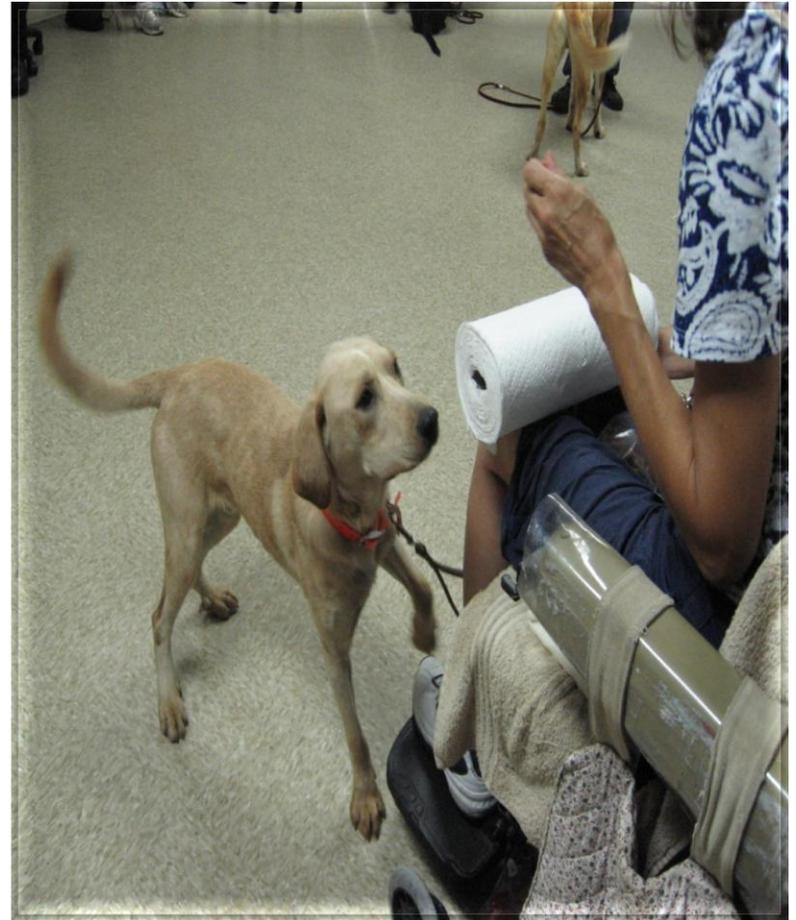
# What is Different About DSIL's and FSD's Program?

- Designed to be disability friendly
- Waiting list is at one year long.
- Will accept individuals with disabilities who have been rejected due to multiple disabilities.



# What is Different About DSIL's and FSD's Program? Con't.

- Length of Basic Training: 1 year
- Class is 4 hours every week
- Allows the individual to learn all handling skills over a long period of time



# What is Different About DSIL's and FSD's Program? Con't.



- No fee for service/ nor donation
- Will accept individuals outside of the CIL region.
- Provide various settings for training.

# What is Different About DSIL's and FSD's Program? Con't.

- Potential service animals are hand picked specifically for person's needs and personality.
- Will test existing pet for service animal potential.



We hope you enjoyed the presentation  
and Thank You for this opportunity today.

