



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSE ABREU
SECRETARY

MEMORANDUM

DATE: April 29, 2004

TO: District Maintenance Engineers

FROM: Sharon Holmes, State Maintenance Engineer

COPIES: District Contracts Managers

SUBJECT: Educational Bulletin on Service Animals

The Federal Americans with Disabilities Act (ADA) guarantees that those who have physical and mental disabilities must have access to public and private buildings and spaces. The ADA further stipulates that service animals may assist their owners when entering needed facilities.

Florida rest areas and welcome centers are needed public facilities, and many of our disabled customers require assistance to access them. Often, guide or services dogs provide that assistance, and it is our responsibility to assure that our customers can get the services they require.

Service animals for other disabilities serve a similar purpose as guide dogs for the blind, but most service animals do not wear the characteristic harness that visually impaired people use. A service dog may wear a special vest to identify them, but not always.

If our rest area attendants have a question about an animal, they must ask the traveler if it is a service animal. If it is, attendants cannot prohibit the animal from accompanying its owner to any space within the rest area. The only exception is when an animal poses a direct threat to the safety and health of others.

Please notify our employees, contractors and all rest area personnel at all locations that we must permit service animals to enter our rest areas, and welcome centers to provide assistance to their owners. To prohibit them violates the Americans with Disabilities Act.

The attached commonly asked questions and answers apply to public places and private businesses. They are found on the US Department of Justice website listed below.

<http://www.usdoj.gov/crt/ada/qasrvc.htm>

If you have questions on this, contact Ted Barefield or Dave Anderson in the State Maintenance Office, 850-410-5757.

State Maintenance Office
April 29, 2004

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. "Seeing eye 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: 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.

7. 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.

If you have further questions about service animals or other requirements of the ADA, you may call the U.S. Department of Justice's toll-free ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TDD).