

**Welcome to the 2023 FRPA Conference!**



**August 28 - 31, 2023 | Orlando, FL**

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**All Bark & No Bite**

**Service Animal Best Practices**



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**Service Dog Rilee**

**Laura Lee Putzback**

**Service Dog Alliance of Florida**



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## **LEARNING OBJECTIVES**



1. Distinguish the difference between a service, therapy, and emotional support animal.
2. Identify pitfalls and best practices.
3. Develop customer driven policies, procedures, and practices that comply with federal, state, and local laws.

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## What is my animal policy?

Know your animal policies.

### Where can they go?

- None allowed
- Designated areas
- Allowed
- Special programs



### What type of animal?

- Any animal
- Leashed animals
- Specific type



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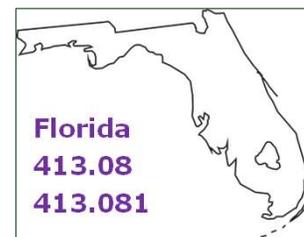
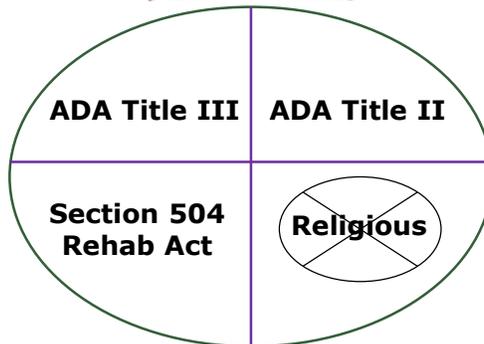
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## What laws apply?

Understand what federal, state, and local laws apply to your operations.



### public Access



### Employment

ADA Title I  
RSA Section 501, 503



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## It's the law = Civil Rights

### Federal

- Americans with Disabilities Act
- Rehabilitation Act of 1973
- Fair Housing Act
- Air Carrier Access Act



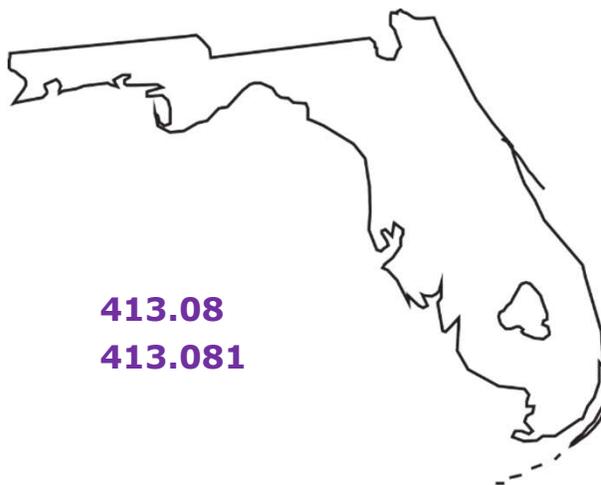
### Florida

- Codifies federal law
- ✓ **Expands the ADA:**  
Handlers and trainers of service dogs in training have same rights and responsibilities as service dog handlers

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## It's the law = Criminal



**413.08**  
**413.081**

### **Florida Statute 413.08**

- Misrepresents <sup>(9)</sup>
- Denies <sup>(4)</sup>
- Interferes <sup>(4)</sup>

### **Florida Statute 413.081**

- Interference <sup>(1)</sup>
- Injury <sup>(2 and 3)</sup>
- Kill <sup>(2 and 3)</sup>

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## What is the difference?

	Pet	Therapy	ESA	Service
Must have a disability			✓	✓
Invited – Limited Public Access		✓		
Full Public Access				✓
Housing	Depends		Documentation Required	✓
Airline – in the plane			Ended 2021	✓

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## Assistance Animals

### Service Animal

- Dog
- Miniature horse
- Trained to perform work or task(s) to mitigate a person's disability
- Can go **almost** anywhere the public is permitted



### Comfort, Companion, ESA

- Any animal species
- May be trained or untrained
- Access very limited



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# Modifications of Policy & Procedures

Identify/regularly review.

**POOL RULES**

- No person with open cuts, sores lesions, infections obvious communicable disease, or diarrhea shall use the Swimming Pool;
- Animals are not allowed in or around the Swimming Pool, except that service animals as defined by the Americans with Disabilities Act must be allowed on pool decks and any other places the public is allowed. Service animals are not allowed in the water, on diving boards, on water slides, on floatation rafts, etc;
- Glass containers are not allowed in or around the Swimming Pool;
- Children who are not toilet trained shall wear tight fitting plastic underwear or swim diapers that will prevent leakage;
- No diving;
- Children should not use pool without adult supervision.

**Pool person capacity** \_\_\_\_\_

**Pool Hours** \_\_\_\_\_ to \_\_\_\_\_



Undue hardship



Fundamentally alter nature of a service

Pose safety risk

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## Voluntary Service Animal Policies & Procedures

Identify/regularly review.

### Guidelines

- Can not override federal, state, or local law
- May offer more benefits than required by law
- Can not be required; the service dog handler chooses to participate

### Examples

- Waive fee for a dog license
- Register as a service dog
- Issue identification

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## Training & Communication

Ensure compliance.

### Training

- Gatekeepers
- Direct/indirect service
- Decision makers
- Customers
- Partners & stakeholders

### Communication

- Prior to customers arrival
- On customer arrival
- Contracts with third-party vendors
- Rental agreements

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## Partners & Stakeholders

Identify and coordinate.

### Partners

- ADA Coordinator(s)
- Attorney
- Regulatory/governing body

### Stakeholders

- Animal Control
- Law enforcement
- Fire - Rescue

**You are not alone!**

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## Recreation



**Hike**



**Pickleball & Tennis** San Diego Union Tribune



**Bike**



**Swim**



**Work Out** USA Today



**Paddleboard & Canoe**



**Rope Courses & Zip Lines**

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## Leisure



**Theater**



**Attractions**



**Events**



**Outdoor Concerts**



**Camping**



**Beach**



**Cabin Rental**

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## What would you do?

Learning from each other.

- 1. What laws apply?**
- 2. Do we have/need policies?**
- 3. Do we have/need procedures?**
- 4. Do our practices consistently reflect our policies and procedures? If not, how can we improve that?**

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## Service Animal Best Practices

- ✓ Understand what federal, state, and local laws apply to your operations.
- ✓ Know your animal policies.
- ✓ Identify/regularly review necessary modifications of policies and procedures.
- ✓ Identify/regularly review voluntary policies and procedures.
- ✓ Train staff so they can comply with the policies and procedures.
- ✓ Inform vendors and renters of your service animal requirements.
- ✓ Identify staff member(s) to serve as point of contact when questions arise internally and externally.
- ✓ Communicate service animal policies and procedures to customers and potential customers.
- ✓ Identify and coordinate with key partners and stakeholders.
- ✓ Review and resolve complaints/grievances both individually and systemically.
- ✓ Benchmark policies and procedures to Department of Justice (DOJ) settlement agreements that involve service animals.

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# Service Dog Law

## 28 CFR 35.136 Service animals

[https://www.ecfr.gov/cgi-bin/text-idx?SID=46c3cb6d3ba786474c5687f6e464d885&mc=true&node=se28.1.35\\_1136&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=46c3cb6d3ba786474c5687f6e464d885&mc=true&node=se28.1.35_1136&rgn=div8)

## 28 CFR 36.302 Modifications in policies, practices, or procedures

[https://www.ecfr.gov/cgi-bin/text-idx?SID=46c3cb6d3ba786474c5687f6e464d885&mc=true&node=se28.1.36\\_1302&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=46c3cb6d3ba786474c5687f6e464d885&mc=true&node=se28.1.36_1302&rgn=div8)

## Florida Statue 413.08

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=413.08&URL=0400-0499/0413/Sections/0413.08.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=413.08&URL=0400-0499/0413/Sections/0413.08.html)

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# Information & Guidance

**Service Animals Revised Requirements** [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm)

**FAQ** [https://www.ada.gov/regs2010/service\\_animal\\_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html)

**Title II Technical Assistance Manual** <https://www.ada.gov/taman2.html>

**Title II Manual Supplement** <https://www.ada.gov/taman2up.html>

**Title III Technical Assistance Manual** <https://www.ada.gov/taman3.html>

**Title II Manual Supplement** <https://www.ada.gov/taman3up.html>

**ADA National Network** <https://adata.org/service-animal-resource-hub>

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## Service Animals in the Workplace

**Accommodation and Compliance Series: Service Animals as Workplace Accommodations** – AskJan  
<https://askjan.org/publications/Topic-Downloads.cfm?pubid=277897>

<https://askjan.org/topics/servanim.cfm>

**Taking a Service Animal to a Job Interview: Public Access or Reasonable Accommodation?** - AskJan  
<https://askjan.org/articles/Taking-a-Service-Animal-to-a-Job-Interview-Public-Access-or-Reasonable-Accommodation.cfm>

**Service Dog Breed Exclusions and the ADA** – AskJan  
<https://askjan.org/articles/Service-Dog-Breed-Exclusions-and-the-ADA.cfm>

**Service Animals and Allergies in the Workplace** - AskJan  
<https://askjan.org/publications/consultants-corner/vol02iss01.cfm>

EEOC – Undue hardship  
<https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>

**Taking a Service Animal to Work** – ADA National Network  
<https://adata.org/service-animal-resource-hub/work>

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## When Service Animals Are Present

- ✓ **Welcome** people who use service animals as this is a modification to the “no pets” policy.
- ✓ **Permit entry** even when staff or volunteers can provide the same assistance and support provided by the animal.
- ✓ **Keep together** the individual with a disability and the service animal. Do not separate.
- ✓ **Do not segregate** individuals with a service animal from others.
- ✓ **Have emergency supplies** that enable service animal handlers to care for the animal.
- ✓ **Modify** security procedures so that individuals with a disability can easily take the service animal outside for relief.
- ✓ **Offer low-stimulation/sensory zones.**

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## Include or exclude?

### ✓ When to ask?

When it is not *readily apparent* that an animal is trained to do work or perform tasks for an individual with a disability.

### ✓ What to ask?

1. Is this a service animal required because of a disability?
2. What work or task has the animal been trained to perform

### ✓ When to exclude?

- A. Animal is out of control and the handler does not take effective action to control it
- B. The animal is not housebroken

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## Resources

### ADA Information Line

800-514-0301 (voice)

800-514-0383 (TTY)

Monday, Tuesday, Wednesday, and Friday

9:30 a.m. until noon (EST)

3:00 until 5:30 pm (EST)

Thursday 2:30 p.m. until 5:30 p.m. (EST)

Calls are confidential.



### Service Dog Alliance of Florida

352-410-6500

[servicedogaf@hotmail.com](mailto:servicedogaf@hotmail.com)

PO Box 1093 Hernando, FL 34442

### Job Accommodation Network

(800)526-7234

**Monday – Friday  
9 am – 6 pm**

### Southeast ADA Center

Toll Free

800-949-4232

**404-541-9001**

**Monday – Friday  
9 am – 5 pm**

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**FRPA**  
FLORIDA RECREATION  
& PARK ASSOCIATION

For more information  
about the  
Florida Recreation and  
Park Association  
visit [frpa.org](http://frpa.org)

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