



Ask Fred

The question of whether or not an animal is truly a service animal or a pet comes up frequently.

Question: I'm a community association manager for a medium-sized community in Florida and I've received several complaints from members that a particular resident's service dog is really her pet and doesn't actually perform any tasks related to a disability. Am I allowed to ask for proof that the dog is a real service animal?

Answer: The question gets asked a lot, "Can I ask for documentation that an animal is a service animal?" The answer is no, and is found in section 413.08(b), F.S., which states that documentation that the service animal is trained is not a precondition for providing service to an individual accompanied by a service animal. To determine the difference between a service animal and a pet, you may ask if an animal is required because of a disability and what work or tasks the animal has been trained to perform. So although you may not ask for documentation of the dog's training as a service animal, you may ask what work or tasks the dog has been trained to perform.

Documentation is required, however, when traveling with an emotional support animal. An airline may ask for a doctor's letter if there is reason to doubt the animal is a service animal after first speaking with the handler. Again, questions that may be asked are what tasks the animal is trained to perform. Documentation is required of a person traveling with an emotional support animal in the form of a doctor's letter and the letter may not be more than one year old, be on a doctor's official letterhead and the doctor must be a mental health professional. The letter must include that the passenger has a mental health-related disability. An airlines is not permitted to require documentation specifying the type of mental health disability the passenger suffers from. The letter must include that the presence of the animal is necessary to the passenger's health or treatment. Finally, the letter must include that the health care provider is a licensed mental health professional and that the passenger is under his or her care.

Thanks for asking, Fred Gray

Click to read the entire statutes.

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

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