

East Bay Village Homeowners Association, Inc. at Villa Danielle

2835 Bay Club Drive, Navarre, Florida 32566

Email: hoa@eastbayvillage.org

SERVICE and ASSISTANCE/SUPPORT ANIMAL POLICIES

I. Purpose

In accordance with the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 (1990) and Florida’s laws, East Bay Village Homeowners Association, Inc. at Villa Danielle (hereinafter referred to as “East Bay Village HOA” and/or the “Association”) is committed to reasonably accommodating qualified homeowners and guests with disabilities. This policy explains the difference between Service Animals and Assistance/Support Animals, and sets out rules for each. Individuals with a Service or Assistance/Support Animal are encouraged to contact the Association’s Board of Directors with any questions, so that East Bay Village HOA can ensure that the owner/ handler understands the Service and Assistance/ Support Animal policies, described below.

II. Definitions

A. Individual with a Disability:

An individual with a disability is “a person who has a physical or mental impairment that substantially limits one or more major life activities.” 413.08(1)(b)(1), Fla. Stat. (2015). “A ‘major life activity’ means a function such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.” *Id.*

B. Service Animal:

A Service Animal is a dog¹ individually “**trained to do work or perform tasks** for the benefit of an individual with a disability.” 413.08(1)(d), Fla. Stat. (2015)(emphasis added). The work or tasks that the dog performs must “directly relate to the individual’s disability.” *Id.* Examples of such work or tasks include, but are not limited to: guiding people who are blind, alerting people who are deaf; pulling a wheelchair; and alerting and protecting an individual who is having a seizure. **Service Animals are working animals, NOT pets.** Dogs whose sole function is to provide comfort or emotional support do not qualify as Service Animals under the ADA.

C. Assistance/Support Animal:

An Assistance/Support Animal is an animal that an individual with a disability utilizes solely for emotional support, well-being, or comfort. Assistance/Support Animals do not qualify as “Service Animals” under the ADA, because they are not individually trained to perform work or tasks.

¹ Under particular circumstances, as forth in the ADA regulations, a miniature horse may qualify as a Service Animal. Please direct all inquiries to East Bay Village HOA, if needed.

D. Trainee Animal:

A Trainee Animal is a dog being trained to perform as a Service Animal. Trainee Animals have the same rights as a fully trained dog when accompanied by a trainer and wearing a leash, harness, or cape that identifies the animal as a Service Animal in training.

III. Misrepresentation is a Crime

According to § 413.08(9), *Florida Statutes* (2023):

“A person who knowingly and willfully misrepresents herself or himself, through conduct or verbal or written notice, as using a service animal and being qualified to use a service animal or as a trainer of a service animal commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and must perform 30 hours of community service for an organization that serves individuals with disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than 6 months.”

IV. Inquiries Regarding Service and Assistance/Support Animals

A. Service Animals

In general, East Bay Village HOA will not ask about the nature or extent of an individual’s disability, but may make two (2) inquiries to determine whether an animal qualifies as a Service Animal. When it is not obvious or apparent what service an animal provides, East Bay Village HOA may ask, “[I]f the animal is a Service Animal required because of a disability, and what work or task the animal has been trained to perform.” 413.08(3)(b), Fla. Stat. (2015).

B. Assistance/Support Animals

East Bay Village HOA requires that the owner/handler provide reliable documentation in the form of a medical statement from a licensed physician and/or licensed mental health professional that explains that the individual suffers from a physical and/or mental impairment and an explanation of how the animal ameliorates the disability’s effects. The individual must provide sufficient information for East Bay Village HOA to determine that, because of the individual’s disability, the animal is necessary for the individual to have equal access, and that the requested accommodation is reasonable. An accommodation is unreasonable if it presents an undue financial or administrative burden on East Bay Village HOA; poses a threat to personal or public safety or to the animal’s health or safety; or fundamentally alters the nature of any East Bay Village HOA service or program.

Please note that East Bay Village HOA is not entitled to and is not asking for medical records, a specific diagnosis, and/or information about the nature or extent of the individual’s disability and/or treatment dates. However, the owner/handler may be asked to allow East Bay Village HOA to verify the need for any requested accommodation. If so, the information East Bay Village HOA obtains will be kept completely confidential, and used solely to determine that the accommodation is needed.

V. Policy on Service and Assistance/Support Animals in East Bay Village HOA Common Areas

East Bay Village HOA does NOT permit animals in its pool area, park, and/or pickle-ball court (hereinafter collectively referred to as the “Common Areas”). However, in compliance with applicable laws, East Bay Village HOA will make exceptions to policies, practices, and/or procedures if, and only if, such accommodations are necessary to enable a person with a disability to have equal access to and enjoyment of the Common Areas. East Bay Village HOA generally allows Service Animals in its Common Areas and approved Assistance/Support Animals in its park and/or pickle-ball court.

Under limited circumstances, East Bay Village HOA may ask for the Service and/or Assistance/Support Animal to be removed from the Common Areas. Such circumstances include, but are not limited to:

- If the animal is out of control and the animal’s owner/handler does not take immediate and effective action to control the animal;
- If the animal is not housebroken;
- If the animal is physically ill;
- If the animal is unreasonably dirty;
- If the animal attempts to enter a place in the Common Areas where the presence of an animal threatens or causes danger to the safety of the owner/handler or other individuals; and/or
- If the animal is, or could be, in danger.

East Bay Village HOA will make such determinations on a case-by-case basis; however, where a Service or Assistance/Support Animal is properly removed pursuant to this policy, East Bay Village HOA will work with the individual to determine a reasonable alternative for the individual to use the Common Areas without having the Service or Assistance/Support Animal in the Common Areas.

The East Bay Village HOA pool is a “public swimming pool,” as defined in section 514.011(2), Fla. Stat. (2017). Accordingly, Assistance/Support Animals are NOT permitted in the East Bay Village HOA pool area. Further, while Service Animals are permitted in the pool area, under no circumstance is a Service Animal permitted to *enter* the pool, as it violates Florida public health and safety rules. Fla. Admin. Code R. 64E-9.004 (2016). In the event a Service or Assistance/Support Animal enters the East Bay Village HOA pool, the animal’s owner/handler is responsible for any and all costs associated with East Bay Village HOA’s compliance with public health and safety rules, including, but not limited to, draining, cleaning, and re-filling the East Bay Village HOA pool.

VI. Service and/or Assistance/Support Animal and Owner/Handler Requirements

Owners/handlers are entirely liable and responsible for any property damage and/or injuries caused by their animals, and East Bay Village HOA is not at all responsible for same.

Owners/handlers must take appropriate precautions to prevent property damage and/or injury to other individuals or to the Service and/or Assistance/Support Animal. The cost of care, arrangements, and responsibilities for the animal's well-being are, at all times, the owner/handler's responsibility. East Bay Village HOA is not obligated to provide for, supervise, or otherwise care for a Service and/or Assistance/Support Animal.

Service and Assistance/Support Animal Control/Management Requirements:

- The owner/handler must be in full control of the animal at all times;
- The animal must wear a harness or leash, unless, because of the handler's disability, the handler is unable to use a harness or leash or the harness or leash interferes with the animal performing work or tasks, in which case the animal must be under the owner/handler's control by voice, signals, or other effective means;
- The Service Animal should (but is not required to) wear a harness, identification tag, or other gear that readily identifies its working status;
- To the extent possible, the animal should be unobtrusive to other individuals, and refrain from any behavior and/or noises that are disruptive to others (unless part of the service being provided to the handler);
- The animal must be in good health and must have current vaccinations and immunizations against diseases common to that type of animal. All animals must wear a current rabies vaccination tag; and
- The owner/handler's must arrange any cleaning necessary due to the animal's presence, including, but not limited to, immediately cleaning and properly disposing of feces or other waste.

VII. Questions

Any questions or concerns related to a Service Animal or an Assistance/Support Animal should be addressed to the East Bay Village HOA Board of Directors, by mail at: 2835 Bay Club Drive, Navarre, Florida 32566, and/or by Email at: hoa@eastbayvillage.org. Also, please refer to the Americans with Disabilities Act, 42 U.S.C. § 12101 (1990) and Chapter 413.08, *Florida Statutes*.