

Bill No. CS for SB 1172

Barcode 193648

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Aronberg moved the following **substitute for amendment**
 12 (693890):

14 **Senate Amendment (with title amendment)**

15 On page 3, line 15, through
 16 page 7, line 27, delete those lines

18 and insert: pilot program to allow participating local
 19 governments to enact an ordinance establishing procedures by
 20 which public food service establishments could become exempt
 21 from certain portions of the Food and Drug Administration Food
 22 Code and allow patrons' dogs within certain designated outdoor
 23 portions of their respective establishments.

24 Section 2. Section 509.233, Florida Statutes, is
 25 created to read:

26 509.233 Public food service establishment
 27 requirements; local exemption for dogs in designated outdoor
 28 portions; pilot program.--

29 (1) INTENT.--It is the intent of the Legislature by
 30 this section to establish a 3-year pilot program for local
 31 governments to allow patrons' dogs within certain designated

Bill No. CS for SB 1172

Barcode 193648

1 outdoor portions of public food service establishments.

2 (2) LOCAL EXEMPTION AUTHORIZED.--Notwithstanding s.
3 509.032(7), the governing body of a local government
4 participating in the pilot program is authorized to establish,
5 by ordinance, a local exemption procedure to certain
6 provisions of the Food and Drug Administration Food Code, as
7 currently adopted by the division, in order to allow patrons'
8 dogs within certain designated outdoor portions of public food
9 service establishments.

10 (3) LOCAL DISCRETION; CODIFICATION.--

11 (a) The adoption of the local exemption procedure
12 shall be at the sole discretion of the governing body of a
13 participating local government. Nothing in this section shall
14 be construed to require or compel a local governing body to
15 adopt an ordinance pursuant to this section.

16 (b) Any ordinance adopted pursuant to this section
17 shall provide for codification within the land development
18 code of a participating local government.

19 (4) LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.--

20 (a) Any local exemption procedure adopted pursuant to
21 this section shall only provide a variance to those portions
22 of the currently adopted Food and Drug Administration Food
23 Code in order to allow patrons' dogs within certain designated
24 outdoor portions of public food service establishments.

25 (b) In order to protect the health, safety, and
26 general welfare of the public, the local exemption procedure
27 shall require participating public food service establishments
28 to apply for and receive a permit from the governing body of
29 the local government before allowing patrons' dogs on their
30 premises. The local government shall require from the
31 applicant such information as the local government deems

Bill No. CS for SB 1172

Barcode 193648

1 reasonably necessary to enforce the provisions of this
2 section, but shall require, at a minimum, the following
3 information:

4 1. The name, location, and mailing address of the
5 public food service establishment.

6 2. The name, mailing address, and telephone contact
7 information of the permit applicant.

8 3. A diagram and description of the outdoor area to be
9 designated as available to patrons' dogs, including dimensions
10 of the designated area; a depiction of the number and
11 placement of tables, chairs, and restaurant equipment, if any;
12 the entryways and exits to the designated outdoor area; the
13 boundaries of the designated area and of other areas of
14 outdoor dining not available for patrons' dogs; any fences or
15 other barriers; surrounding property lines and public
16 rights-of-way, including sidewalks and common pathways; and
17 such other information reasonably required by the permitting
18 authority. The diagram or plan shall be accurate and to scale
19 but need not be prepared by a licensed design professional.

20 4. A description of the days of the week and hours of
21 operation that patrons' dogs will be permitted in the
22 designated outdoor area.

23 (c) In order to protect the health, safety, and
24 general welfare of the public, the local exemption ordinance
25 shall include such regulations and limitations as deemed
26 necessary by the participating local government and shall
27 include, but not be limited to, the following requirements:

28 1. All public food service establishment employees
29 shall wash their hands promptly after touching, petting, or
30 otherwise handling dogs. Employees shall be prohibited from
31 touching, petting, or otherwise handling dogs while serving

Bill No. CS for SB 1172

Barcode 193648

1 food or beverages or handling tableware or before entering
2 other parts of the public food service establishment.

3 2. Patrons in a designated outdoor area shall be
4 advised that they should wash their hands before eating.
5 Waterless hand sanitizer shall be provided at all tables in
6 the designated outdoor area.

7 3. Employees and patrons shall be instructed that they
8 shall not allow dogs to come into contact with serving dishes,
9 utensils, tableware, linens, paper products, or any other
10 items involved in food service operations.

11 4. Patrons shall keep their dogs on a leash at all
12 times and shall keep their dogs under reasonable control.

13 5. Dogs shall not be allowed on chairs, tables, or
14 other furnishings.

15 6. All table and chair surfaces shall be cleaned and
16 sanitized with an approved product between seating of patrons.
17 Spilled food and drink shall be removed from the floor or
18 ground between seating of patrons.

19 7. Accidents involving dog waste shall be cleaned
20 immediately and the area sanitized with an approved product. A
21 kit with the appropriate materials for this purpose shall be
22 kept near the designated outdoor area.

23 8. A sign or signs reminding employees of the
24 applicable rules shall be posted on premises in a manner and
25 place as determined by the local permitting authority.

26 9. A sign or signs reminding patrons of the applicable
27 rules shall be posted on premises in a manner and place as
28 determined by the local permitting authority.

29 10. A sign or signs shall be posted in a manner and
30 place as determined by the local permitting authority that
31 places the public on notice that the designated outdoor area

Bill No. CS for SB 1172

Barcode 193648

1 is available for the use of patrons and patrons' dogs.

2 11. Dogs shall not be permitted to travel through
3 indoor or nondesignated outdoor portions of the public food
4 service establishment, and ingress and egress to the
5 designated outdoor portions of the public food establishment
6 must not require entrance into or passage through any indoor
7 area of the food establishment.

8 (d) A permit issued pursuant to this section shall not
9 be transferred to a subsequent owner upon the sale of a public
10 food service establishment but shall expire automatically upon
11 the sale of the establishment. The subsequent owner shall be
12 required to reapply for a permit pursuant to this section if
13 the subsequent owner wishes to continue to accommodate
14 patrons' dogs.

15 (5) POWERS; ENFORCEMENT.--Participating local
16 governments shall have such powers as are reasonably necessary
17 to regulate and enforce the provisions of this section.

18 (6) STATE AND LOCAL COOPERATION.--The division shall
19 provide reasonable assistance to participating local
20 governments in the development of enforcement procedures and
21 regulations, and participating local governments shall monitor
22 permitholders for compliance in cooperation with the division.
23 At a minimum, participating local governments shall establish
24 a procedure to accept, document, and respond to complaints and
25 to timely report to the division all such complaints and the
26 participating local governments' enforcement responses to such
27 complaints. A participating local government shall provide the
28 division with a copy of all approved applications and permits
29 issued, and the participating local government shall require
30 that

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Bill No. CS for SB 1172

Barcode 193648

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 5, delete the word "municipalities"

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5 and insert:

6 local governments

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