

Bill No. CS for SB 1172

Barcode 693890

CHAMBER ACTION

Senate

House

|    | Senate              | CHAMBER ACTION | House |
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| 1  |                     | .              |       |
| 2  |                     | .              |       |
| 3  | Floor: 1/RS/2R      | .              |       |
| 4  | 04/27/2006 06:43 PM | .              |       |
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11 Senator Aronberg moved the following amendment:

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

14 On page 3, line 15, through

15 page 8, line 4, delete those lines

16

17 and insert: pilot program to allow participating local

18 governments to enact an ordinance establishing procedures by

19 which public food service establishments could become exempt

20 from certain portions of the Food and Drug Administration Food

21 Code and allow patrons' dogs within certain designated outdoor

22 portions of their respective establishments.

23 Section 2. Section 509.233, Florida Statutes, is

24 created to read:

25 509.233 Public food service establishment

26 requirements; local exemption for dogs in designated outdoor

27 portions; pilot program.--

28 (1) INTENT.--It is the intent of the Legislature by

29 this section to establish a 3-year pilot program for local

30 governments to allow patrons' dogs within certain designated

31 outdoor portions of public food service establishments.

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

9       (3) LOCAL DISCRETION; CODIFICATION.--

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

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

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

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

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

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1 section, but shall require, at a minimum, the following  
2 information:

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

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

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

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

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

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

1 other parts of the public food service establishment.

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

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

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

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

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

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

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

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

28 10. A sign or signs shall be posted in a manner and  
29 place as determined by the local permitting authority that  
30 places the public on notice that the designated outdoor area  
31 is available for the use of patrons and patrons' dogs.

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1           11. Dogs shall not be permitted to travel through  
2 indoor or nondesignated outdoor portions of the public food  
3 service establishment.

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

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

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

27  
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29 ===== T I T L E   A M E N D M E N T =====

30 And the title is amended as follows:

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

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1 and insert:

2           local governments

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