

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Johnson offered the following:

2
3 **Amendment (with title amendment)**

4 Remove line(s) 74-205 and insert:

5 program to allow participating local governments to enact an
6 ordinance establishing procedures by which public food service
7 establishments could become exempt from certain portions of the
8 Food and Drug Administration Food Code and allow patrons' dogs
9 within certain designated outdoor portions of their respective
10 establishments.

11 Section 2. Section 509.233, Florida Statutes, is created
12 to read:

13 509.233 Public food service establishment requirements;
14 local exemption for dogs in designated outdoor portions; pilot
15 program.--

16 (1) INTENT.--It is the intent of the Legislature by this
17 section to establish a 3-year pilot program for local

038553

4/17/2006 2:41:54 PM

Amendment No. (for drafter's use only)

18 governments to allow patrons' dogs within certain designated
19 outdoor portions of public food service establishments.

20 (2) LOCAL EXEMPTION AUTHORIZED.--Notwithstanding s.
21 509.032(7), the governing body of a local government
22 participating in the pilot program is authorized to establish,
23 by ordinance, a local exemption procedure to certain provisions
24 of the Food and Drug Administration Food Code, as currently
25 adopted by the division, in order to allow patrons' dogs within
26 certain designated outdoor portions of public food service
27 establishments.

28 (3) LOCAL DISCRETION; CODIFICATION.--

29 (a) The adoption of the local exemption procedure shall be
30 at the sole discretion of the governing body of a participating
31 local government. Nothing in this section shall be construed to
32 require or compel a local governing body to adopt an ordinance
33 pursuant to this section.

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

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

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

43 (b) In order to protect the health, safety, and general
44 welfare of the public, the local exemption procedure shall
45 require participating public food service establishments to
46 apply for and receive a permit from the governing body of the

038553

4/17/2006 2:41:54 PM

Amendment No. (for drafter's use only)

47 local government before allowing patrons' dogs on their
48 premises. The local government shall require from the applicant
49 such information as the local government deems reasonably
50 necessary to enforce the provisions of this section, but shall
51 require, at a minimum, the following information:

52 1. The name, location, and mailing address of the public
53 food service establishment.

54 2. The name, mailing address, and telephone contact
55 information of the permit applicant.

56 3. A diagram and description of the outdoor area to be
57 designated as available to patrons' dogs, including dimensions
58 of the designated area; a depiction of the number and placement
59 of tables, chairs, and restaurant equipment, if any; the
60 entryways and exits to the designated outdoor area; the
61 boundaries of the designated area and of other areas of outdoor
62 dining not available for patrons' dogs; any fences or other
63 barriers; surrounding property lines and public rights-of-way,
64 including sidewalks and common pathways; and such other
65 information reasonably required by the permitting authority. The
66 diagram or plan shall be accurate and to scale but need not be
67 prepared by a licensed design professional.

68 4. A description of the days of the week and hours of
69 operation that patrons' dogs will be permitted in the designated
70 outdoor area.

71 (c) In order to protect the health, safety, and general
72 welfare of the public, the local exemption ordinance shall
73 include such regulations and limitations as deemed necessary by
74 the participating local government and shall include, but not be
75 limited to, the following requirements:

038553

4/17/2006 2:41:54 PM

Amendment No. (for drafter's use only)

76 1. All public food service establishment employees shall
77 wash their hands promptly after touching, petting, or otherwise
78 handling dogs. Employees shall be prohibited from touching,
79 petting, or otherwise handling dogs while serving food or
80 beverages or handling tableware or before entering other parts
81 of the public food service establishment.

82 2. Patrons in a designated outdoor area shall be advised
83 that they should wash their hands before eating. Waterless hand
84 sanitizer shall be provided at all tables in the designated
85 outdoor area.

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

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

92 5. Dogs shall not be allowed on chairs, tables, or other
93 furnishings.

94 6. All table and chair surfaces shall be cleaned and
95 sanitized with an approved product between seating of patrons.
96 Spilled food and drink shall be removed from the floor or ground
97 between seating of patrons.

98 7. Accidents involving dog waste shall be cleaned
99 immediately and the area sanitized with an approved product. A
100 kit with the appropriate materials for this purpose shall be
101 kept near the designated outdoor area.

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

038553

4/17/2006 2:41:54 PM

Amendment No. (for drafter's use only)

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

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

112 11. Dogs shall not be permitted to travel through indoor
113 or nondesignated outdoor portions of the public food service
114 establishment.

115 (d) A permit issued pursuant to this section shall not be
116 transferred to a subsequent owner upon the sale of a public food
117 service establishment but shall expire automatically upon the
118 sale of the establishment. The subsequent owner shall be
119 required to reapply for a permit pursuant to this section if the
120 subsequent owner wishes to continue to accommodate patrons'
121 dogs.

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

125 (6) STATE AND LOCAL COOPERATION.--The division shall
126 provide reasonable assistance to participating local governments
127 in the development of enforcement procedures and regulations,
128 and participating local governments shall monitor permitholders
129 for compliance in cooperation with the division. At a minimum,
130 participating local governments shall establish a procedure to
131 accept, document, and respond to complaints and to timely report
132 to the division all such complaints and the participating local
133 governments' enforcement responses to such complaints. A

038553

4/17/2006 2:41:54 PM

Amendment No. (for drafter's use only)

134 participating local government shall provide the division with a
135 copy of all approved applications and permits issued, and the
136 participating local government shall require that all
137 applications,

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

140 Remove line(s) 9 and insert:

141 local governments to adopt an ordinance establishing a local