

By Senator Powell

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1 A bill to be entitled
2 An act relating to nonservice animals; creating s.
3 455.45, F.S.; defining terms; prohibiting nonservice
4 animals from entering specified public food service
5 establishments or places of business; requiring the
6 Department of Business and Professional Regulation to
7 adopt rules and to create and maintain a publicly
8 accessible website for complaints; providing civil and
9 criminal penalties; providing construction; providing
10 an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 455.45, Florida Statutes, is created to
15 read:

16 455.45 Nonservice animals prohibited from a public food
17 service establishment or place of business.-

18 (1) As used in this section, the term:

19 (a) "Business" means a retail establishment, food outlet as
20 defined in s. 500.03(1), restaurant, bar, lounge, or any other
21 similar place of business in which the public assembles.

22 (b) "Guest" means any patron or customer of a public food
23 service establishment or place of business.

24 (c) "Nonservice animal" means a domesticated animal that is
25 kept as a household pet.

26 (d) "Public food service establishment" has the same
27 meaning as provided in s. 509.013(5).

28 (e) "Service animal" has the same meaning as provided in s.
29 413.08(1).

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30 (2) In order to protect the health, safety, and general
31 welfare of the public, nonservice animals are prohibited from
32 traveling through or remaining in indoor portions of a public
33 food service establishment or place of business.

34 (3) The department shall:

35 (a) Adopt rules to administer this section, including the
36 following:

37 1. The department shall develop and designate by rule a
38 sign that notifies guests that nonservice animals are prohibited
39 from traveling through or remaining in indoor portions of
40 specified premises. The signs must be posted at every entrance
41 of a public food service establishment or place of business.

42 2. The department shall develop and designate by rule a
43 sign to notify employees of a public food service establishment
44 or place of business of the applicable rules. The sign must be
45 posted on the premises in a manner and place as determined by
46 the department.

47 (b) Create and maintain a website that provides public
48 access to file a complaint regarding nonservice animals in
49 public food service establishments or places of business.

50 (4) Any person who misrepresents a nonservice animal as a
51 service animal to a person or entity that operates a public food
52 service establishment or place of business:

53 (a) Upon a first offense, shall be issued a warning.

54 (b) Upon a second offense, is subject to a fine of \$100.

55 (c) Upon a third or subsequent offense, commits a
56 misdemeanor of the second degree, punishable as provided in s.
57 775.082 or s. 775.083 and must perform 30 hours of community
58 service for an organization that serves individuals with

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59 disabilities, or for another entity or organization at the
60 discretion of the court, to be completed in not more than 6
61 months.

62 (5) This section does not:

63 (a) Prohibit the use of a service animal by a guest of a
64 public food service establishment or place of business.

65 (b) Supersede any local ordinance or regulation passed by a
66 county, municipality, or other local governmental authority.

67 Section 2. This act shall take effect July 1, 2020.