

1                                   A bill to be entitled  
 2           An act relating to nonservice animals; creating s.  
 3           455.45, F.S.; providing definitions; prohibiting  
 4           nonservice animals from entering specified public food  
 5           service establishments or places of business;  
 6           requiring the Department of Business and Professional  
 7           Regulation to adopt rules and create and maintain a  
 8           publicly accessible website for complaints; providing  
 9           penalties; providing construction; providing an  
 10          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  
 20          as defined in s. 500.03(1), restaurant, bar, lounge, or any  
 21          other 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  
 25          is 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  
29 s. 413.08(1).

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  
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  
66 a county, municipality, or other local governmental authority.

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