A bill to be entitled
An act relating to nonservice animals; creating s. 455.45, F.S.; providing definitions; prohibiting nonservice animals from entering specified public food service establishments or places of business; requiring the Department of Business and Professional Regulation to adopt rules and create and maintain a publicly accessible website for complaints; providing penalties; providing construction; providing an effective date.

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

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

455.45 Nonservice animals prohibited from a public food service establishment or place of business.—

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

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

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

(c) "Nonservice animal" means a domesticated animal that is kept as a household pet.
(d) "Public food service establishment" has the same meaning as provided in s. 509.013(5).

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

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

(3) The department shall:

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

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

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

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

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

(a) Upon a first offense, shall be issued a warning.
(b) Upon a second offense, is subject to a fine of $100.
(c) Upon a third or subsequent offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and must perform 30 hours of community service for an organization that serves individuals with disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than 6 months.

(5) This section does not:
(a) Prohibit the use of a service animal by a guest of a public food service establishment or place of business.
(b) Supersede any local ordinance or regulation passed by a county, municipality, or other local governmental authority.

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