

<b>Tab 1</b>	<b>SB 48</b> by <b>Book</b> ; Declawing of Cats					
274770	A	S	TP	AG, Book	Before L.15:	01/14 04:46 PM
<del>625000</del>	A	S	WD	AG, Book	btw L.43 - 44:	01/14 07:36 AM
752514	A	S L		AG, Book	btw L.43 - 44:	01/14 12:28 PM

<b>Tab 2</b>	<b>SB 786</b> by <b>Gainer</b> ; (Identical to H 00905) Public Records/Aquaculture Records/Department of Agriculture and Consumer Services					
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<b>Tab 3</b>	<b>SB 1048</b> by <b>Pizzo</b> ; Courtroom Animal Advocates					
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<b>Tab 4</b>	<b>SB 1082</b> by <b>Albritton</b> ; (Similar to H 00241) Domestic Violence Injunctions					
967986	A	S	RCS	AG, Albritton	Delete L.40 - 42:	01/15 10:36 AM
656936	A	S	RCS	AG, Albritton	Delete L.88 - 89:	01/15 10:36 AM

<b>Tab 5</b>	<b>SB 1084</b> by <b>Diaz (CO-INTRODUCERS) Montford</b> ; (Similar to CS/H 00209) Emotional Support Animals					
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<b>Tab 6</b>	<b>SB 1130</b> by <b>Albritton</b> ; (Identical to H 00191) Young Farmers and Ranchers					
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<b>Tab 7</b>	<b>SB 1276</b> by <b>Albritton</b> ; (Compare to H 01201) Department of Citrus					
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**AGRICULTURE**  
**Senator Albritton, Chair**  
**Senator Gainer, Vice Chair**

**MEETING DATE:** Tuesday, January 14, 2020  
**TIME:** 2:30—4:30 p.m.  
**PLACE:** 301 Senate Building

**MEMBERS:** Senator Albritton, Chair; Senator Gainer, Vice Chair; Senators Broxson, Montford, and Rader

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 48</b> Book	Declawing of Cats; Prohibiting a person from performing a declawing on a cat within this state; providing an exception; providing that a veterinarian who performs a prohibited declawing is subject to disciplinary action by the Board of Veterinary Medicine, etc.  AG 01/14/2020 Temporarily Postponed IT RC	Temporarily Postponed
2	<b>SB 786</b> Gainer (Identical H 905)	Public Records/Aquaculture Records/Department of Agriculture and Consumer Services; Providing a public records exemption for certain aquaculture records held by the Department of Agriculture and Consumer Services; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity, etc.  AG 01/14/2020 Favorable GO RC	Favorable Yeas 5 Nays 0
3	<b>SB 1048</b> Pizzo	Courtroom Animal Advocates; Providing for appointment of an advocate for the interests of an animal in certain court proceedings, at the discretion of the court; providing powers and duties of such advocates; requiring the Animal Law Section of the Florida Bar to maintain a list of attorneys and certified legal interns meeting specified requirements who are eligible to be appointed as such advocates, etc.  AG 01/14/2020 Favorable JU RC	Favorable Yeas 5 Nays 0
4	<b>SB 1082</b> Albritton (Similar H 241)	Domestic Violence Injunctions; Authorizing a court to take certain actions regarding the care, possession, or control of an animal in domestic violence injunctions, etc.  AG 01/14/2020 Fav/CS JU RC	Fav/CS Yeas 5 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Agriculture

Tuesday, January 14, 2020, 2:30—4:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 1084</b> Diaz (Similar CS/H 209, Compare H 49)	Emotional Support Animals; Prohibiting discrimination in the rental of a dwelling to a person with a disability or a disability-related need who has an emotional support animal; prohibiting a landlord from requiring such person to pay extra compensation for such animal; prohibiting the falsification of written documentation or other misrepresentation regarding the use of an emotional support animal; specifying that a person with a disability or a disability-related need is liable for certain damage done by her or his emotional support animal, etc.  AG 01/14/2020 Favorable IT RC	Favorable Yeas 4 Nays 1
6	<b>SB 1130</b> Albritton (Identical H 191)	Young Farmers and Ranchers; Creating the Florida Young Farmer and Rancher Matching Grant Program within the Department of Agriculture and Consumer Services; requiring the department to select grant recipients based on specified criteria; requiring the department to give preference to veterans, etc.  AG 01/14/2020 Favorable AEG AP	Favorable Yeas 5 Nays 0
7	<b>SB 1276</b> Albritton (Compare H 1201)	Department of Citrus; Establishing the Friends of Florida Citrus Program within the Department of Citrus; creating the Friends of Florida Citrus Advisory Council adjunct to the department; authorizing the Department of Citrus to loan department employees to or share department employees with specified state and federal entities, etc.  AG 01/14/2020 Favorable GO AP	Favorable Yeas 5 Nays 0

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Other Related Meeting Documents

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: SB 48

INTRODUCER: Senator Book

SUBJECT: Declawing of Cats

DATE: December 11, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>IT</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 48 provides that any person, other than a veterinarian licensed under ch. 474, who unlawfully declaws a cat, is subject to a civil penalty of up to \$1,000 for each violation. A veterinarian licensed under ch. 474, who performs such a procedure, is subject to disciplinary action by the Board of Veterinary Medicine. Disciplinary actions could result in fines up to \$5,000 for each violation, as well as possible investigation and prosecution costs.

**II. Present Situation:**

A cat's claws play an important role in various aspects of their lives. They use their claws to assist in climbing and maintaining balance, to help them fully stretch, to relieve stress through kneading, and to escape danger. When a cat is declawed, it is usually done in an attempt to protect furniture and to manage undesirable behavior. Declawing, also known as onychectomy, is a 30 to 60 minute surgery that involves the removal of all or most of the last bone of each of the toes of the front feet. Also severed are tendons, nerves, and ligaments that allow for normal function of the paw, possibly resulting in intense and chronic pain and other serious medical issues. Abscesses often develop as the area comes into contact with dirt or litter, and sometimes regrowth can occur spontaneously resulting in sharp pain or infection. After the claws are removed, the animal tends to shift its gait. The area where it places most of its weight can result in strain on its leg joints and spine, which can lead to early onset arthritis and prolonged back and joint pain.<sup>1</sup>

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<sup>1</sup> New York State Assembly Memorandum in Support of Legislation, Bill Number A1303B (2019-2020), [https://nyassembly.gov/leg/?default\\_fld=&leg\\_video=&bn=A01303&term=2019&Summary=Y&Memo=Y](https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A01303&term=2019&Summary=Y&Memo=Y) (last accessed December 11, 2019).

Declawing is currently banned in New York, nearly 10 cities in California, and in Denver, San Francisco, and Los Angeles. It is also banned in most European countries and some Canadian provinces.<sup>2</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 828.095, F.S., to define the following terms:

**Declawing -**

- An onychectomy, dactylectomy, phalangectomy, partial digital amputation, or any other surgical procedure by which a portion of a cat's paw is amputated to remove the cat's claw.
- A tendonectomy or another surgical procedure by which the tendons of a cat's limbs, paws, or toes are cut or modified so that the cat's claws cannot be extended.
- Any other procedure that prevents the normal functioning of a cat's claws.

**Therapeutic purpose -** The necessity of addressing the physical medical condition of a cat, such as an existing or recurring illness, infection, disease, injury, or abnormal condition of the cat which compromises the cat's health. The term does not include a cosmetic or an aesthetic reason or reasons of convenience for keeping or handling the cat.

The bill prohibits a person to declaw a cat unless the procedure is necessary for a therapeutic purpose. Any person, other than a veterinarian licensed under ch. 474, who performs such procedure, is subject to a civil penalty of up to \$1,000 for each violation. A veterinarian licensed under ch. 474 who performs such a procedure is subject to disciplinary action by the Board of Veterinary Medicine.

**Section 2** amends s. 474.214, F.S., to provide that a veterinarian who performs a prohibited declawing, as set forth in s. 828.095, F.S., created by the bill, is subject to disciplinary action.

**Section 3** provides that this act shall take effect July 1, 2020.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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<sup>2</sup> Dani Matias, "Cats Can Keep Their Claws; New York Bans Declawing," <https://www.npr.org/2019/07/23/744436827/cats-can-keep-their-claws-new-york-bans-declawing> (last accessed December 11, 2019).

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Any person, other than a veterinarian licensed under ch. 474, who unlawfully declaws a cat, is subject to a civil penalty of up to \$1,000 for each violation. A veterinarian licensed under ch. 474, who performs such a procedure, is subject to disciplinary action by the Board of Veterinary Medicine. Disciplinary actions could result in fines up to \$5,000 for each violation, as well as possible investigation and prosecution costs.

**C. Government Sector Impact:**

The Department of Business & Professional Regulation's Bureau of Education and Testing will evaluate content areas contained in the laws and rules portion of the veterinary medicine licensure examination to determine if content changes are needed. This review will be completed as part of a routine process upon implementation of the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 474.214 of the Florida Statutes.  
This bill creates section 828.095 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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274770

LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
01/14/2020	.	
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The Committee on Agriculture (Book) recommended the following:

**Senate Amendment (with title amendment)**

Before line 15  
insert:

Section 1. This act may be cited as the "Promoting Ethical Treatment Act" or "PET Act."

Section 2. Section 828.52, Florida Statutes, is created to read:

828.52 Adoption of research animals.—

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

(a) "Animal rescue organization" means a nonprofit





274770

12 charitable organization established primarily to rescue animals  
13 and find adoptive homes for the animals.

14 (b) "Animal shelter" means a facility operated by a  
15 nonprofit charitable organization established primarily to  
16 shelter and care for stray, homeless, abandoned, or unwanted  
17 animals and find adoptive homes for the animals.

18 (c) "Department" means the Department of Agriculture and  
19 Consumer Services.

20 (d) "Research facility" means a facility as defined in the  
21 Animal Welfare Act, 7 U.S.C. s. 2132, that is licensed by or  
22 registered with the United States Department of Agriculture to  
23 conduct experiments on cats or dogs for education, research,  
24 science, or testing purposes.

25 (e) "Retired animal" means a cat or dog used by a research  
26 facility in experiments conducted for education, research,  
27 science, or testing purposes which is no longer needed for such  
28 purposes.

29 (2) (a) A research facility or its authorized employee or an  
30 authorized student of an institution of higher education  
31 associated with the research facility shall offer a retired  
32 animal for adoption through an animal rescue organization or  
33 animal shelter or to an individual through an arrangement  
34 between the facility and the individual.

35 (b) A research facility may not offer a retired animal for  
36 adoption through an animal rescue organization or animal shelter  
37 unless the facility has a written agreement with the  
38 organization or shelter for the transfer of the facility's  
39 retired animals to the organization or shelter.

40 (c) A research facility that offers a retired animal for



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41 adoption through an animal rescue organization or animal shelter  
42 or to an individual in good faith and in compliance with this  
43 section and rules adopted pursuant to this section is held  
44 immune from civil liability for the transfer of the retired  
45 animal to the organization, shelter, or individual or for the  
46 adoption of the retired animal by an individual through the  
47 organization or shelter.

48 (3) This section does not apply to a retired animal with a  
49 substantial medical condition that prevents the animal from  
50 successfully integrating into an adoptive home.

51 (4) The department shall adopt rules to administer this  
52 section.

53  
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete line 2

57 and insert:

58 An act relating to the ethical treatment of animals;  
59 providing a short title; creating s. 828.52, F.S.;  
60 defining terms; requiring specified research  
61 facilities to offer retired research animals for  
62 adoption; providing requirements for such adoption;  
63 providing immunity from civil liability for such  
64 facilities; providing applicability; directing the  
65 Department of Agriculture and Consumer Services to  
66 adopt rules; creating s.



625000

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/14/2020	.	
	.	
	.	
	.	

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The Committee on Agriculture (Book) recommended the following:

**Senate Amendment**

Between lines 43 and 44  
insert:

(c) Each incident in which a cat is declawed or partially  
declawed in violation of this section constitutes a separate  
violation.



752514

LEGISLATIVE ACTION

Senate

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. .  
. .  
. .  
. .

House

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The Committee on Agriculture (Book) recommended the following:

**Senate Amendment**

Between lines 43 and 44

insert:

(c) Each incident in which a cat is declawed or partially  
declawed in violation of this section constitutes a separate  
violation.

By Senator Book

32-00073A-20

202048\_\_

1 A bill to be entitled  
 2 An act relating to the declawing of cats; creating s.  
 3 828.095, F.S.; defining terms; prohibiting a person  
 4 from performing a declawing on a cat within this  
 5 state; providing an exception; providing a civil  
 6 penalty; providing that a veterinarian who performs a  
 7 prohibited declawing is subject to disciplinary action  
 8 by the Board of Veterinary Medicine; amending s.  
 9 474.214, F.S.; providing that a veterinarian who  
 10 performs a prohibited declawing is subject to certain  
 11 disciplinary action; providing an effective date.  
 12  
 13 Be It Enacted by the Legislature of the State of Florida:  
 14  
 15 Section 1. Section 828.095, Florida Statutes, is created to  
 16 read:  
 17 828.095 Prohibition on the declawing of cats; penalty.-  
 18 (1) DEFINITIONS.-As used in this section, the term:  
 19 (a) "Declawing" means any of the following:  
 20 1. An onychectomy, dactylectomy, phalangectomy, partial  
 21 digital amputation, or any other surgical procedure by which a  
 22 portion of a cat's paw is amputated to remove the cat's claw.  
 23 2. A tendonectomy or another surgical procedure by which  
 24 the tendons of a cat's limbs, paws, or toes are cut or modified  
 25 so that the cat's claws cannot be extended.  
 26 3. Any other procedure that prevents the normal functioning  
 27 of a cat's claws.  
 28 (b) "Therapeutic purpose" means the necessity of addressing  
 29 the physical medical condition of a cat, such as an existing or

Page 1 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

32-00073A-20

202048\_\_

30 recurring illness, infection, disease, injury, or abnormal  
 31 condition of the cat which compromises the cat's health. The  
 32 term does not include a cosmetic or an aesthetic reason or  
 33 reasons of convenience for keeping or handling the cat.  
 34 (2) PROHIBITION.-A person may not perform a declawing by  
 35 any means on a cat within this state unless the procedure is  
 36 necessary for a therapeutic purpose.  
 37 (3) PENALTIES.-  
 38 (a) A person, other than a veterinarian licensed under ch.  
 39 474, who violates this section is subject to a civil penalty of  
 40 up to \$1,000 for each violation.  
 41 (b) A veterinarian licensed under ch. 474 who violates this  
 42 section is subject to disciplinary action by the Board of  
 43 Veterinary Medicine pursuant to s. 474.214(2).  
 44 Section 2. Paragraph (qq) is added to subsection (1) of  
 45 section 474.214, Florida Statutes, and subsection (2) of that  
 46 section is republished, to read:  
 47 474.214 Disciplinary proceedings.-  
 48 (1) The following acts shall constitute grounds for which  
 49 the disciplinary actions in subsection (2) may be taken:  
 50 (qq) Performing a declawing, as defined in s. 828.095,  
 51 which is not necessary for a therapeutic purpose, as defined in  
 52 s. 828.095.  
 53 (2) When the board finds any applicant or veterinarian  
 54 guilty of any of the grounds set forth in subsection (1),  
 55 regardless of whether the violation occurred prior to licensure,  
 56 it may enter an order imposing one or more of the following  
 57 penalties:  
 58 (a) Denial of certification for examination or licensure.

Page 2 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

32-00073A-20

202048\_\_

59 (b) Revocation or suspension of a license.  
60 (c) Imposition of an administrative fine not to exceed  
61 \$5,000 for each count or separate offense.  
62 (d) Issuance of a reprimand.  
63 (e) Placement of the veterinarian on probation for a period  
64 of time and subject to such conditions as the board may specify,  
65 including requiring the veterinarian to attend continuing  
66 education courses or to work under the supervision of another  
67 veterinarian.  
68 (f) Restricting the authorized scope of practice.  
69 (g) Imposition of costs of the investigation and  
70 prosecution.  
71 (h) Requiring the veterinarian to undergo remedial  
72 education.  
73  
74 In determining appropriate action, the board must first consider  
75 those sanctions necessary to protect the public. Only after  
76 those sanctions have been imposed may the disciplining authority  
77 consider and include in its order requirements designed to  
78 rehabilitate the veterinarian. All costs associated with  
79 compliance with any order issued under this subsection are the  
80 obligation of the veterinarian.  
81 Section 3. This act shall take effect July 1, 2020.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Children, Families, and Elder Affairs, *Chair*  
Appropriations  
Appropriations Subcommittee on Education  
Appropriations Subcommittee on Health and Human  
Services  
Health Policy  
Rules

### JOINT COMMITTEE:

Joint Legislative Budget Commission

### SENATOR LAUREN BOOK

32nd District

August 19, 2019

Chair Ben Albritton  
Committee on Agriculture  
335 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Albritton:

I respectfully request that **SB 48—Declawing of Cats** be placed on the agenda for the next Committee on Agriculture meeting.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book  
Senate District 32

Cc: Katherine Becker, Staff Director  
Lauren Zaugg, Administrative Assistant

#### REPLY TO:

- 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
- 202 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BILL GALVANO**  
President of the Senate

**DAVID SIMMONS**  
President Pro Tempore

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/20

Meeting Date

48

Bill Number (if applicable)

Topic Cat declawing

Amendment Barcode (if applicable)

Name Dr. Sy Woon

Job Title Veterinarian

Address 12073 Basin W

Phone 305 587 7058

Street

Wellington FL 33414

City

State

Zip

Email sythevet@gmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)



TI

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/20

Meeting Date

48

Bill Number (if applicable)

Topic Declawing of cats

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Job Title

Address P.O. Box 2020

Street

Phone 727.421.6902

St. Petersburg FL 33731

City

State

Zip

Email travis@moore-relations.com

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing Animal Legal Defense Fund

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

TI

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/2020

Meeting Date

SB 48

Bill Number (if applicable)

Topic Declaring of cats

Amendment Barcode (if applicable)

Name Dr. Nicholas Cronick

Job Title Medical Director Lake Emma Animal Hospital

Address \_\_\_\_\_  
Street

Phone 618-791-8460

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/14/19

Meeting Date

SP48

Bill Number (if applicable)

Topic Declawing

Amendment Barcode (if applicable)

Name Dara Eckart

Job Title CEO Friends of Strays

Address 2911 47th Ave N  
Street

Phone 812 340 4492

Petersburg FL 33714  
City State Zip

Email dara@friendsofstrays.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Friends of Strays

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/20

Meeting Date

48

Bill Number (if applicable)

Topic Cat declawing

Amendment Barcode (if applicable)

Name Kate Macfall

Job Title state director for ~~HSUS~~ Humane Society of the U.S.

Address 1624 Metropolitan Cw.

Phone 850 508-1001

Tallahassee FL.

Email Kmacfall@hsus.org

City State Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Humane Society of the United States

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: SB 786

INTRODUCER: Senator Gainer

SUBJECT: Public Records/Aquaculture Records/Department of Agriculture and Consumer Services

DATE: January 15, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhvein</u>	<u>Becker</u>	<u>AG</u>	<b>Favorable</b>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>RC</u>	_____

**I. Summary:**

SB 786 creates a public records exemption for aquaculture records held by the Department of Agriculture and Consumer Service which include receiving logs, production volume records, inventories, and receipts and invoices related to a business's aquaculture facilities. This exemption applies to aquaculture records held before, on, or after July 1, 2020.

This exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

**II. Present Situation:**

**Access to Public Records - Generally**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, Florida Statutes (F.S.), provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each house of the legislature.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.*

<sup>3</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

public access to judicial branch records.<sup>4</sup> Lastly, chapter 119, F.S., provides requirements for public records held by executive agencies.

### **Executive Agency Records – The Public Records Act**

Chapter 119, F.S., known as the Public Records Act, provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.<sup>5</sup>

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”<sup>7</sup>

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>8</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>9</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>10</sup> The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>11</sup>

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<sup>4</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4<sup>th</sup> DCA 2018).

<sup>5</sup> Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.07(1)(a), F.S.

<sup>9</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>10</sup> FLA. CONST. art. I, s. 24(c).

<sup>11</sup> *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

General exemptions from the public records requirements are contained in the Public Records Act.<sup>12</sup> Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.<sup>13</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.<sup>14</sup> Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.<sup>15</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act<sup>16</sup> (the Act) prescribes a legislative review process for newly created or substantially amended<sup>17</sup> public records or open meetings exemptions, with specified exceptions.<sup>18</sup> It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>19</sup>

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>20</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;<sup>21</sup>
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>22</sup> or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>23</sup>

<sup>12</sup> See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

<sup>13</sup> See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

<sup>14</sup> See *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

<sup>15</sup> *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>16</sup> Section 119.15, F.S.

<sup>17</sup> An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

<sup>18</sup> Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>19</sup> Section 119.15(3), F.S.

<sup>20</sup> Section 119.15(6)(b), F.S.

<sup>21</sup> Section 119.15(6)(b)1., F.S.

<sup>22</sup> Section 119.15(6)(b)2., F.S.

<sup>23</sup> Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.<sup>24</sup> In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>25</sup> If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>26</sup>

### **Aquaculture Records Held by the Department of Agriculture and Consumer Services**

The Department of Agriculture and Consumer Services (department) is Florida's lead aquaculture agency. It coordinates and assists in the development of aquaculture and regulates aquafarms to protect and conserve Florida's natural resources. There are an estimated 1,500 species or varieties of fish, plants, mollusks, crustaceans, and reptiles grown in the state.<sup>27</sup>

Currently, aquaculture producers are required to provide the department with receiving logs, production volume records, inventories, and receipts and invoices related to their aquaculture facilities to ensure compliance with the terms and conditions of sovereign submerged land lease agreements and aquaculture best management practices. These records include information, such as quantity and price of seed stock purchased and harvest times which, if released, could be detrimental to their businesses. Information regarding products, harvest times, and locations make aquaculture businesses susceptible to theft, particularly with respect to sovereign submerged land leases in remote locations. Because these required records are public, potential aquaculture producers may make the decision not to operate in this state. This makes the department's regulating and monitoring responsibilities more difficult and hinders its efforts to continue developing Florida's aquaculture industry.

The department has indicated that there is a significant precedent for the exemption of private sales and production information for agriculture and fisheries products. The aquaculture information which is proposed to become exempt under this bill was, in fact, exempt under s. 397.362(6), F.S., until 1998 when the Florida Game and Freshwater Fish Commission was reorganized, including its aquaculture regulatory authority. After the formation of the Florida Fish and Wildlife Conservation Commission (FWC), authority for the regulation of marine life

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<sup>24</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>25</sup> See generally s. 119.15, F.S.

<sup>26</sup> Section 119.15(7), F.S.

<sup>27</sup> See <https://www.fdacs.gov/Divisions-Offices/Aquaculture> (Last visited January 3, 2020).



was redistributed between the department, the FWC, and the Department of Environmental Protection. In 2000, records exemptions were limited to certain records held by the FWC, and records held by the department were not included. This change failed to address the role of the department in the regulation of marine aquaculture products. This resulted current law that exempts production data for commercial fisheries products from s. 119.007(1), but does not exempt aquaculture data.<sup>28</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 597.31, F.S., to provide a public records exemption for certain aquaculture records that are required by the department. The records would include receiving logs, production volume records, inventories, and receipts and invoices related to a business' aquaculture facilities. This exemption applies to aquaculture records held before, on, or after July 1, 2020.

This section is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

**Section 2** provides Legislative intent that it is a public necessity to make a business' private aquaculture sales and production information for agriculture and fisheries products exempt from the states' public records laws. Because these records are currently public, aquaculture businesses may be deterred from working in this state. An exemption would also enable the department to ensure that the terms and conditions of sovereign submerged land lease agreements and aquaculture best management practices are in compliance.

**Section 3** provides that this act shall take effect July 1, 2020.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

##### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for the private sales and production information for aquaculture businesses, thus, the bill requires a two-thirds vote to be enacted.

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<sup>28</sup> See Department of Agriculture and Consumer Services, Bill Analysis for SB 786, p. 3 (November 18, 2019) (on file with the Senate Committee on Agriculture).

**Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

**Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect private aquaculture business information, to make facilities theft more difficult, and to enable the department to more efficiently monitor the industry. This bill exempts the following from the public records requirements:

- Shellfish receiving and production logs from a shellfish processing facility;
- Planting and harvesting amounts, vendor information, and supporting invoices and receipts that are reported to the department; and
- Aquaculture production volume, inventory records, and invoices or receipts generated by aquaculture facilities.

The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Indeterminate.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 597.31 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Gainer

2-00856A-20

2020786\_\_

A bill to be entitled

An act relating to public records; creating s. 597.31, F.S.; providing a public records exemption for certain aquaculture records held by the Department of Agriculture and Consumer Services; providing applicability; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 597.31, Florida Statutes, is created to read:

597.31 Public records exemptions; aquaculture records.-

(1) The following information held by the department is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Shellfish receiving and production logs generated by shellfish processing facilities licensed pursuant to s. 597.020.

(b) Planting and harvesting amounts, vendor information, and supporting invoices and receipts reported to the department pursuant to submerged land leases issued in accordance with chapter 253 or former chapter 370.

(c) Aquaculture production volume, inventory records, and invoices or receipts generated by aquaculture facilities certified pursuant to s. 597.004.

(2) The exemption from public records requirements under subsection (1) applies to aquaculture records held before, on,

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

2-00856A-20

2020786\_\_

or after July 1, 2020.

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to make certain production information related to aquaculture businesses exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution to encourage producers to operate in this state and to protect aquaculture facilities and leases from theft. Producers are required to provide receiving logs, production volume records, inventories, and receipts and invoices related to aquaculture facilities to the Department of Agriculture and Consumer Services to ensure compliance with the terms and conditions of sovereign submerged land lease agreements and aquaculture best management practices. However, these records include information, such as quantity and price of seed stock purchased and harvest times which, if released, could be detrimental to individual businesses. Information regarding products, harvest times, and locations make aquaculture businesses susceptible to theft, particularly with respect to sovereign submerged land leases in remote locations. Because these records are public, aquaculture businesses may be deterred from working in this state and are less inclined to provide the required information to the department, making the department's monitoring responsibilities more difficult.

Section 3. This act shall take effect July 1, 2020.

Page 2 of 2

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/14/2020  
Meeting Date

T-2  
✓  
786

Bill Number (if applicable)

Topic Public Records

Name Jim Spratt

Amendment Barcode (if applicable)

Job Title \_\_\_\_\_

Address 1115 Monroe St  
Street

Phone 850-228-1296

TALCAHASSEE FL 32301  
City State Zip

Email Jim@magnoliastrategiesllc.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA Aquaculture Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

*Duplicate*  
✓ T2

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

01/14/2020

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

786

*Meeting Date*

*Bill Number (if applicable)*

Topic Aquaculture

*Amendment Barcode (if applicable)*

Name Emily Duda Buckley

Job Title Legislative Affairs Director

Address 400 S Monroe Street

Phone 850-617-7700

*Street*

Tallahassee

Florida

32399

Email emily.buckley@fdacs.gov

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Department of Agriculture and Consumer Services

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

EL

✓ T2

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14  
Meeting Date

SB 0786  
Bill Number (if applicable)

Topic Aquaculture

Amendment Barcode (if applicable)

Name Landon Hoffman

Job Title Assistant Director

Address 310 West College Ave  
Street

Phone 850 508 1236

City

State

Zip

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Farm Bureau

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: SB 1048

INTRODUCER: Senator Pizzo

SUBJECT: Courtroom Animal Advocates

DATE: January 15, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<b>Favorable</b>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____

---

**I. Summary:**

SB 1048 authorizes courts to appoint an advocate for the interests of an animal in court proceedings regarding its welfare, care, or custody. The bill provides for the powers and duties of the advocates. It requires The Animal Law Section of the Florida Bar to maintain a list of attorneys and certified legal interns who are willing to act as advocates on a voluntary basis. To be eligible, the advocate must be authorized to make court appearances in Florida and have completed the training required by The Animal Law Section, which will also establish the training requirements.

**II. Present Situation:**

Currently there is no statutory provision to permit courts to appoint an advocate to represent the interests of:

- Service animals;
- Police canines and horses;
- Fire canines employed by a fire department, a special fire district, or the State Fire Marshal;
- Search and rescue canines employed by a fire department, a law enforcement agency, a correctional agency, a special fire district, or the State Fire Marshal; and
- Any other animal in a criminal or civil proceeding.

Prosecutors and law enforcement officials often lack the resources and expertise necessary to address crimes against animals. These sometimes complex cases involve victims who can't speak for themselves.<sup>1</sup> A Connecticut law makes it the first state to provide animals with court-appointed advocates to represent them in abuse and cruelty cases, similar to laws that provide for

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<sup>1</sup> "Courtroom Animal Advocate Program (Florida)," *Animal Legal Defense Fund*, See <https://aldf.org/project/courtroom-animal-advocate-program-florida/> (Last visited January 3, 2020).



victim's or children's advocates. Technically, the court advocates are not representing the animals, but they are charged with providing information to the judge and the prosecutors about the circumstances surrounding a case involving animals, typically cruelty or neglect charges. Both prosecutors and judges can request the advocates. Connecticut's law, known as "Desmond's Law" is named after a shelter dog that was starved, beaten, and strangled to death in 2012. Despite a recommendation by the prosecutor for prison time, the man charged in the crime received accelerated rehabilitation, which meant that his charges were dismissed and his record was wiped clean.<sup>2</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 828.035, F.S., to provide for court appointment of an advocate to represent an animal regarding its welfare, care, or custody, whether the animal is living or dead. The court may appoint the advocate from a list provided to the court by The Animal Law Section of the Florida Bar of designated attorneys and certified legal interns at the court's discretion.

An advocate shall:

- Monitor the case;
- Have access to relevant files, documents, and reports related to the case;
- Share information with attorneys; and
- Present information and recommendations to the court pertinent to determinations that relate to the interests of the animal.

An advocate may:

- Consult any individual with information that could aid the judge or fact finder;
- Review records relating to the animal's condition and the defendant's actions;
- Attend hearings in person or via other means; and
- Provide a victim impact statement to the court.

The bill requires The Animal Law Section of the Florida Bar to maintain a list of eligible attorneys and certified legal interns who would be willing to serve as advocates on a voluntary basis. In order to be eligible to serve as an advocate, attorneys and certified legal interns must:

- Be authorized to make court appearances in Florida; and
- Have completed training as required by The Animal Law Section of the Florida Bar.

The bill authorizes The Animal Law Section of the Florida Bar to establish training requirements for persons willing to serve as advocates. The rules of professional conduct would govern attorneys and certified legal interns who operate as advocates.

**Section 2** provides that this act shall take effect July 1, 2020

---

<sup>2</sup> "In a First, Connecticut's Animals Get Advocates in the Courtroom," *NPR*, See <https://www.npr.org/section/thetwo-way/2017/06/02/531283235/in-a-first-connecticuts-animals-get-advocates-in-the-courtroom> (Last visited January 3, 2020).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 828.035 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Pizzo

38-01729-20

20201048\_\_

1 A bill to be entitled  
 2 An act relating to courtroom animal advocates;  
 3 creating s. 828.035, F.S.; providing for appointment  
 4 of an advocate for the interests of an animal in  
 5 certain court proceedings, at the discretion of the  
 6 court; providing powers and duties of such advocates;  
 7 requiring the Animal Law Section of the Florida Bar to  
 8 maintain a list of attorneys and certified legal  
 9 interns meeting specified requirements who are  
 10 eligible to be appointed as such advocates; specifying  
 11 that certain rules of The Florida Bar govern such  
 12 advocates; providing an effective date.  
 13  
 14 Be It Enacted by the Legislature of the State of Florida:  
 15  
 16 Section 1. Section 828.035, Florida Statutes, is created to  
 17 read:  
 18 828.035 Courtroom animal advocates.-  
 19 (1) In any prosecution or other court proceeding under this  
 20 chapter, s. 413.081, or s. 843.19 or in any other civil or  
 21 criminal proceeding regarding the welfare, care, or custody of  
 22 an animal, the court may appoint, upon its own initiative or  
 23 upon request of a party, an advocate to represent the interests  
 24 of the animal, whether living or dead.  
 25 (2) When a court orders that an advocate be appointed to  
 26 represent the interests of an animal, the court may appoint such  
 27 advocate from a list provided to the court by the Animal Law  
 28 Section of The Florida Bar of designated attorneys and certified  
 29 legal interns, pursuant to subsections (3) and (4). The court

Page 1 of 3

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38-01729-20

20201048\_\_

30 has discretion to appoint or remove the advocate. The decision  
 31 by a court to appoint an advocate to represent the interests of  
 32 the animal may be made at any stage of proceedings.  
 33 (3) (a) An advocate shall:  
 34 1. Monitor the case.  
 35 2. Have access to relevant files, documents, and reports  
 36 related to the case.  
 37 3. Share with attorneys for the parties any information new  
 38 to the case or prepared by the advocate for presentation to the  
 39 court or a party.  
 40 4. Present information and recommendations to the court  
 41 pertinent to determinations that relate to the interests of the  
 42 animal in question, provided such information and  
 43 recommendations result from executing the duties undertaken  
 44 pursuant to this subsection. Such information and  
 45 recommendations may be based upon the knowledge and experience  
 46 of the advocate or another specialist with specific knowledge  
 47 and experience related to the type of the animal involved in the  
 48 case.  
 49 (b) An advocate may:  
 50 1. Consult any individual with information that could aid  
 51 the judge or fact finder.  
 52 2. Review records relating to the animal's condition and  
 53 the defendant's actions, including, but not limited to, records  
 54 from animal control officers, veterinarians, and police  
 55 officers.  
 56 3. Attend hearings in person or via other means.  
 57 4. Provide a victim impact statement to the court, as  
 58 needed and appropriate.

Page 2 of 3

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38-01729-20

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59 (4) (a) The Animal Law Section of The Florida Bar shall  
60 maintain a list of attorneys and certified legal interns who  
61 have indicated a willingness to serve as advocates under this  
62 section on a voluntary basis, and are eligible to do so.

63 (b) In order to be eligible to serve as an advocate,  
64 attorneys and certified legal interns must:

65 1. Be authorized to make court appearances in Florida.  
66 2. Have completed training as required by The Animal Law  
67 Section of The Florida Bar.

68 (c) The Animal Law Section of The Florida Bar may establish  
69 training requirements for persons to serve as advocates, and the  
70 rules of professional conduct govern attorneys and certified  
71 legal interns operating as advocates under this section.

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Ben Albritton, Chair  
Committee on Agriculture

**Subject:** Committee Agenda Request

**Date:** December 13, 2019

---

I respectfully request that **SB 1048**, relating to Courtroom Animal Advocates, be placed on the:

committee agenda at your earliest possible convenience.

next committee agenda.



---

Senator Jason W.B. Pizzo  
Florida Senate, District 38

THE FLORIDA SENATE

APPEARANCE RECORD

T3

1/14/20

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1048

Bill Number (if applicable)

Topic COURTROOM Animal Advocates Program

Name TRAVIS MOORE

Amendment Barcode (if applicable)

Job Title \_\_\_\_\_

Address P.O. Box 2020  
Street

Phone 727.421.6902

St. Petersburg FL 33731  
City State Zip

Email travis@moore-relations.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Animal Legal Defense Fund

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

T3

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/20

Meeting Date

1048

Bill Number (if applicable)

Topic Courts on Animal Advocates Program

Amendment Barcode (if applicable)

Name Kate MacFall

Job Title State Director

Address \_\_\_\_\_  
Street

Phone 850 506-1001

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Humane Society of the United States

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: CS/SB 1082

INTRODUCER: Senator Albritton

SUBJECT: Domestic Violence Injunctions

DATE: January 15, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1082 allows the court, if an immediate and present danger of domestic violence exists, to award a petitioner the exclusive care, possession, or control of household pets. It may order the respondent to temporarily have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing, harming, or disposing of the animal.

This bill does not apply to animals owned primarily for a bona fide agricultural purpose or to a service animal if the respondent is the service animal's handler.

**II. Present Situation:**

A woman is battered every 15 seconds in the United States and each day an average of three victims will die at the hand of a current or former partner. In a one-year period in Florida, there were 187 deaths as a result of domestic violence, representing approximately 19 percent of all homicides in the state.<sup>1</sup>

Last year in the United States, over \$70 billion was spent on pets, which signifies the importance we place on our relationship with them. Unfortunately, domestic abusers often recognize this emotional attachment and exploit and manipulate the victim's relationship with their pets by

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<sup>1</sup> Florida Coalition Against Domestic Violence, "Darby Against Domestic Violence," See <https://www.fcadv.org/darby> (Last visited January 7, 2020).

causing or threatening harm to the pet.<sup>2</sup> The interconnection of domestic violence and animal abuse is documented through the American Humane Association, which reports that 71 percent of women entering emergency shelters reported that the abuser had injured, maimed, killed, or threatened family pets for revenge or to psychologically control victims. It also reports that between 25 percent and 40 percent of battered women delay leaving an abusive situation because they fear for the safety of their animals.<sup>3</sup>

The Florida Legislature has recognized that animal abuse is a serious concern in domestic violence situations, and has included a provision in the domestic violence injunction statute:

- In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:<sup>4</sup>
- Whether the respondent has intentionally injured or killed a family pet.<sup>5</sup>

Section 741.30(3)(b)h, F.S., indicates that the court may review alleged violence toward a family pet when considering whether the petitioner has a reasonable cause to believe he or she is in imminent danger of becoming a victim. Cruelty to animals is also prohibited by law. A person who commits animal cruelty can be found guilty of a first degree misdemeanor.<sup>6</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 741.30, F.S., to authorize a court to award a petitioner the temporary care, possession, or control of an animal in a domestic violence injunction. The court may order the respondent to temporarily have no contact with the animal and may prohibit the respondent to take, transfer, encumber, conceal harm, or dispose of the animal. This provision would not apply to an animal owned primarily for a bona fide agricultural purpose or to a service animal if the respondent is the service animal's handler.

The bill also corrects cross-references and makes technical changes.

**Section 2** provides that this act shall take effect July 1, 2020.

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<sup>2</sup> State Bar of Wisconsin, "A Barrier Removed: New Federal Legislation Addresses Pets of Abuse Victims," See <https://www.wisbar.org/NewsPublications/InsideTrack/Pages/Article.aspx?Volume=11&Issue=6&ArticleID=26927> (Last visited January 7, 2020).

<sup>3</sup> Florida Coalition Against Domestic Violence, "Darby Against Domestic Violence," See <https://www.fcadv.org/darby> (Last visited January 7, 2020).

<sup>4</sup> Section 741.30(6)(b), F.S.

<sup>5</sup> Section 741.30(6)(b)4., F.S.

<sup>6</sup> The Office of Court Improvement's Fact Sheet: Violence Toward Family Pets, (March 2017), See <https://www.flcourts.org/content/download/216158/1962894/13-Violence-Toward-Family-Pets-2017.pdf> (Last visited January 7, 2020).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The Florida Bar has not identified any fiscal impacts.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 741.30 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Agriculture on January 14, 2020:**

The committee substitute corrects an error that appears two places in the bill by changing the word “defendant” to the word “respondent.”

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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967986

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/15/2020	.	
	.	
	.	
	.	

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The Committee on Agriculture (Albritton) recommended the following:

**Senate Amendment**

Delete lines 40 - 42  
and insert:  
petitioner or respondent. The court may order the respondent to temporarily have no contact with the animal and prohibit the respondent from taking, transferring, encumbering, concealing,



656936

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/15/2020	.	
	.	
	.	
	.	

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The Committee on Agriculture (Albritton) recommended the following:

**Senate Amendment**

Delete lines 88 - 89  
and insert:  
petitioner or respondent. The court may order the respondent to  
have no contact with the animal and prohibit the respondent from

By Senator Albritton

26-00951A-20

20201082\_\_

A bill to be entitled

An act relating to domestic violence injunctions; amending s. 741.30, F.S.; authorizing a court to take certain actions regarding the care, possession, or control of an animal in domestic violence injunctions; providing applicability; conforming a cross-reference; making technical changes; providing an effective date.

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

Section 1. Paragraph (a) of subsection (5) and subsection (6) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement; public records exemption.—

(5) (a) If it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13, providing the petitioner a temporary parenting plan, including a time-sharing schedule, which may award the petitioner up to 100 percent of

Page 1 of 7

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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the time-sharing. The temporary parenting plan remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. Awarding to the petitioner the temporary exclusive care, possession, or control of an animal that is owned, possessed, harbored, kept, or held by the petitioner, the respondent, or a minor child residing in the residence or household of the petitioner or respondent. The court may order the defendant to temporarily have no contact with the animal and prohibit the defendant from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal. This subparagraph does not apply to an animal owned primarily for a bona fide agricultural purpose, as defined under s. 193.461, or to a service animal, as defined under s. 413.08, if the respondent is the service animal's handler.

(6) (a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 3. On the same basis as provided in chapter 61, providing  
 60 the petitioner with 100 percent of the time-sharing in a  
 61 temporary parenting plan that remains in effect until the order  
 62 expires or an order is entered by a court of competent  
 63 jurisdiction in a pending or subsequent civil action or  
 64 proceeding affecting the placement of, access to, parental time  
 65 with, adoption of, or parental rights and responsibilities for  
 66 the minor child.

67 4. On the same basis as provided in chapter 61,  
 68 establishing temporary support for a minor child or children or  
 69 the petitioner. An order of temporary support remains in effect  
 70 until the order expires or an order is entered by a court of  
 71 competent jurisdiction in a pending or subsequent civil action  
 72 or proceeding affecting child support.

73 5. Ordering the respondent to participate in treatment,  
 74 intervention, or counseling services to be paid for by the  
 75 respondent. When the court orders the respondent to participate  
 76 in a batterers' intervention program, the court, or any entity  
 77 designated by the court, must provide the respondent with a list  
 78 of batterers' intervention programs from which the respondent  
 79 must choose a program in which to participate.

80 6. Referring a petitioner to a certified domestic violence  
 81 center. The court must provide the petitioner with a list of  
 82 certified domestic violence centers in the circuit which the  
 83 petitioner may contact.

84 7. Awarding to the petitioner the exclusive care,  
 85 possession, or control of an animal that is owned, possessed,  
 86 harbored, kept, or held by the petitioner, the respondent, or a  
 87 minor child residing in the residence or household of the

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88 petitioner or respondent. The court may order the defendant to  
 89 have no contact with the animal and prohibit the defendant from  
 90 taking, transferring, encumbering, concealing, harming, or  
 91 otherwise disposing of the animal. This subparagraph does not  
 92 apply to an animal owned primarily for a bona fide agricultural  
 93 purpose, as defined under s. 193.461, or to a service animal, as  
 94 defined under s. 413.08, if the respondent is the service  
 95 animal's handler.

96 ~~8.7-~~ Ordering such other relief as the court deems  
 97 necessary for the protection of a victim of domestic violence,  
 98 including injunctions or directives to law enforcement agencies,  
 99 as provided in this section.

100 (b) In determining whether a petitioner has reasonable  
 101 cause to believe he or she is in imminent danger of becoming a  
 102 victim of domestic violence, the court shall consider and  
 103 evaluate all relevant factors alleged in the petition,  
 104 including, but not limited to:

105 1. The history between the petitioner and the respondent,  
 106 including threats, harassment, stalking, and physical abuse.

107 2. Whether the respondent has attempted to harm the  
 108 petitioner or family members or individuals closely associated  
 109 with the petitioner.

110 3. Whether the respondent has threatened to conceal,  
 111 kidnap, or harm the petitioner's child or children.

112 4. Whether the respondent has intentionally injured or  
 113 killed a family pet.

114 5. Whether the respondent has used, or has threatened to  
 115 use, against the petitioner any weapons such as guns or knives.

116 6. Whether the respondent has physically restrained the



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117 petitioner from leaving the home or calling law enforcement.

118 7. Whether the respondent has a criminal history involving  
119 violence or the threat of violence.

120 8. The existence of a verifiable order of protection issued  
121 previously or from another jurisdiction.

122 9. Whether the respondent has destroyed personal property,  
123 including, but not limited to, telephones or other  
124 communications equipment, clothing, or other items belonging to  
125 the petitioner.

126 10. Whether the respondent engaged in any other behavior or  
127 conduct that leads the petitioner to have reasonable cause to  
128 believe that he or she is in imminent danger of becoming a  
129 victim of domestic violence.

130

131 In making its determination under this paragraph, the court is  
132 not limited to those factors enumerated in subparagraphs 1.-10.

133 (c) The terms of an injunction restraining the respondent  
134 under subparagraph (a)1. or ordering other relief for the  
135 protection of the victim under subparagraph (a)8. ~~(a)7.~~ shall  
136 remain in effect until modified or dissolved. Either party may  
137 move at any time to modify or dissolve the injunction. No  
138 specific allegations are required. Such relief may be granted in  
139 addition to other civil or criminal remedies.

140 (d) A temporary or final judgment on injunction for  
141 protection against domestic violence entered under ~~pursuant to~~  
142 this section shall, on its face, indicate that:

143 1. The injunction is valid and enforceable in all counties  
144 of the State of Florida.

145 2. Law enforcement officers may use their arrest powers

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146 ~~under pursuant to~~ s. 901.15(6) to enforce the terms of the  
147 injunction.

148 3. The court had jurisdiction over the parties and matter  
149 under the laws of Florida and that reasonable notice and  
150 opportunity to be heard was given to the person against whom the  
151 order is sought sufficient to protect that person's right to due  
152 process.

153 4. The date the respondent was served with the temporary or  
154 final order, if obtainable.

155 (e) An injunction for protection against domestic violence  
156 entered under ~~pursuant to~~ this section, on its face, may order  
157 that the respondent attend a batterers' intervention program as  
158 a condition of the injunction. Unless the court makes written  
159 factual findings in its judgment or order which are based on  
160 substantial evidence, stating why batterers' intervention  
161 programs would be inappropriate, the court shall order the  
162 respondent to attend a batterers' intervention program if:

163 1. It finds that the respondent willfully violated the ex  
164 parte injunction;

165 2. The respondent, in this state or any other state, has  
166 been convicted of, had adjudication withheld on, or pled nolo  
167 contendere to a crime involving violence or a threat of  
168 violence; or

169 3. The respondent, in this state or any other state, has  
170 had at any time a prior injunction for protection entered  
171 against the respondent after a hearing with notice.

172 (f) The fact that a separate order of protection is granted  
173 to each opposing party ~~is shall not be~~ legally sufficient to  
174 deny any remedy to either party or to prove that the parties are

26-00951A-20

20201082\_\_

175 equally at fault or equally endangered.

176 (g) A final judgment on injunction for protection against  
177 domestic violence entered under ~~pursuant to~~ this section must,  
178 on its face, indicate that it is a violation of s. 790.233, and  
179 a first degree misdemeanor, for the respondent to have in his or  
180 her care, custody, possession, or control any firearm or  
181 ammunition.

182 (h) All proceedings under this subsection shall be  
183 recorded. Recording may be by electronic means as provided by  
184 the Rules of Judicial Administration.

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Ben Albritton, Chair  
Committee on Agriculture

**Subject:** Committee Agenda Request

**Date:** January 2, 2020

---

I respectfully request that **Senate Bill #1082**, relating to Domestic Violence Injunctions, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Ben Albritton".

---

Senator Ben Albritton  
Florida Senate, District 26

# APPEARANCE RECORD

✓ T4

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/20

Meeting Date

SB1082

Bill Number (if applicable)

Topic DOMESTIC VIOLENCE INJUNCTIONS

Name JENNIFER HOBGOOD

Job Title SENIOR LEGISLATIVE DIRECTOR

Address PO BOX 5741

Street

Phone 445 5245

TALLAHASSEE FL

City

State

32314

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing ASPCA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

TY ✓

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/14/20  
Meeting Date

SB 1082  
Bill Number (if applicable)

Topic Domestic Violence Injunctions

Amendment Barcode (if applicable)

Name Angela Drzewiecki (Drez-wick-ee)

Job Title Lobbyist

Address 301 S Bronaugh Street  
Street

Phone 850.681.7383

Tallahassee FL  
City State Zip

Email angela@psmfl.net

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Sheriffs Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: SB 1084

INTRODUCER: Senators Diaz and Montford

SUBJECT: Emotional Support Animals

DATE: January 15, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	_____	Becker	AG	<b>Favorable</b>
2.	_____	_____	IT	_____
3.	_____	_____	RC	_____

---

**I. Summary:**

SB 1084 prohibits a landlord to deny housing to a person with a disability or a disability-related need who has an animal that is required as support. It defines emotional support animal as an animal that is not required to be trained to assist a person with a disability but, by virtue of its presence, provides support to alleviate one or more identified symptoms or effects of a person's disability.

The bill prohibits a landlord to charge a person with an emotional support animal additional fees. It does allow a landlord to prohibit the animal if it poses a direct threat to the safety, health, or property of others and to request certain written documentation prepared by a health care practitioner in a format prescribed in rule by the Department of Health. The documentation may not be prepared by a health care practitioner whose exclusive service is to prepare documentation in exchange for a fee. The landlord may also require proof of compliance with state and local licensing and vaccination requirements.

Under the bill, a person who falsifies written documentation or misrepresents the use of an emotional support animal commits a misdemeanor of the second degree, which could result in incarceration for 60 days, a fine of \$500, or both. The bill requires such person to perform 30 hours of community service for an organization that serves individual with disabilities. It makes an emotional support animal's owner liable for any damages caused by the animal and removes landlord liability for damage done by an authorized emotional support animal. The bill expressly indicates that the guidelines for emotional support animals do not apply to service animals.

## II. Present Situation:

### Americans with Disabilities Act

The Americans with Disabilities Act (ADA)<sup>1</sup> prohibits discrimination against individuals with disabilities<sup>2</sup> in employment,<sup>3</sup> in the provision of public services,<sup>4</sup> and in public accommodation or public entity.<sup>5</sup> One of the requirements of the ADA is that public accommodation or public entity provide reasonable accommodations to disabled individuals accompanied by a service animal in all areas that are open to the public.<sup>6</sup>

A “service animal” is defined as a dog that is individually trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.<sup>7</sup> The work or tasks performed by a service dog must be directly related to the individual’s disability.<sup>8</sup> Emotional support, comfort, and companionship provided by a dog, even for therapeutic or medical purposes, are insufficient to classify it as a service animal.<sup>9</sup>

Service dogs must be harnessed or leashed, unless doing so interferes with the dog’s work or the individual’s disability prevents doing so.<sup>10</sup> A person with a disability cannot be asked to remove his or her service dog from the premises, unless it is out of control and the dog’s handler does not take action to control it, or if the dog is not housebroken.<sup>11</sup> However, if the dog is removed under such circumstances, the public accommodation or public entity must still allow the individual with a disability the opportunity to remain on the premises of the public accommodation or public entity without the service dog.<sup>12</sup>

Generally, when it is clear that a dog is trained to do work or perform tasks (such as a guide dog), a public accommodation or public entity may not ask about the necessity of the service dog. If it is not obvious what service or task the dog is providing, extremely limited questions are allowed: staff may only ask if a service dog is required because of a disability, and what tasks the dog has been trained to perform.<sup>13</sup> Any other questions, including the nature and extent of the person’s disability or medical documentation, are prohibited.<sup>14</sup>

---

<sup>1</sup> 42 U.S.C. s. 12101 *et seq.*

<sup>2</sup> Under the ADA, a disability is broadly defined to mean a physical or mental impairment that substantially limits the major life activities of an individual. 42 U.S.C. s. 12102(1)(a).

<sup>3</sup> 42 U.S.C. s. 12112.

<sup>4</sup> 42 U.S.C. s. 12132.

<sup>5</sup> 42 U.S.C. s. 12182. Under the ADA, a “public entity” includes any state or local government, any department or agency of state or local government, and certain commuter authorities.

<sup>6</sup> 28 C.F.R. ss. 36.302(a) and (c)(7) and 35.136(a) and (g).

<sup>7</sup> 28 C.F.R. ss. 35.104 and 36.104.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*; ADA National Network, *Service Animals and Emotional Support Animals: Where are they allowed and under what conditions?* 3 (2014), available at [http://adata.org/sites/adata.org/files/files/Service\\_Animal\\_Booklet\\_2014\(1\).pdf](http://adata.org/sites/adata.org/files/files/Service_Animal_Booklet_2014(1).pdf) (Last visited January 6, 2020).

<sup>10</sup> 28 C.F.R. ss. 35.136(d) and 36.302(c)(4).

<sup>11</sup> 28 C.F.R. ss. 35.136(b) and 36.302(c)(2).

<sup>12</sup> 28 C.F.R. ss. 35.136(c) and 36.302(c)(3).

<sup>13</sup> 28 C.F.R. ss. 35.136(f) and 36.302(c)(6).

<sup>14</sup> *Id.*

Although the definition of a service animal is limited to dogs, the ADA contains an additional provision related to miniature horses that have been individually trained to work or perform tasks for people with disabilities.<sup>15</sup> Miniatures horses are an alternative service animal for individuals with disabilities who may be allergic to dogs; miniature horses also have life spans considerably longer than dogs and are generally stronger than most dogs.<sup>16</sup> Similar to the requirements for service dogs, public accommodations and public entities must permit the use of a miniature horse by a person with a disability where reasonable. In determining whether permitting a miniature horse is reasonable, a facility must consider four factors: whether the miniature horse is housebroken; whether the miniature horse is under the owner's control; whether the facility can accommodate the miniature horse's type, size, and weight; and whether the miniature horse's presence will compromise safety requirements.<sup>17</sup>

If a public accommodation or public entity violates the ADA, a private party may file suit to obtain a court order to stop the violation. No monetary damages will be available in such suits; however, reasonable attorney's fee may be awarded.<sup>18</sup> Individuals may also file complaints with the U.S. Attorney General, who is authorized to file lawsuits in cases of general public importance or where a "pattern or practice" of discrimination is alleged. In suits by the Attorney General, monetary damages and civil penalties may be awarded. Civil penalties may not exceed \$50,000 for a first violation or \$100,000 for any subsequent violation.<sup>19</sup>

### **Fair Housing Act**

The federal Fair Housing Act (FHA)<sup>20</sup> prohibits discrimination against a person with a disability in the sale or rental of housing.<sup>21</sup> Similar to the ADA, the FHA also requires a landlord to provide reasonable accommodations, including permitting the use of service animals, to a person with a disability.<sup>22</sup> However, unlike the ADA which does not require reasonable accommodations for emotional support animals, accommodation of untrained emotional support animals may be required under the FHA, if such an accommodation is reasonably necessary to allow a person with a handicap an equal opportunity to enjoy and use housing.<sup>23</sup> A reasonable accommodation may include waiving a no-pet rule or a pet deposit.<sup>24</sup>

<sup>15</sup> 28 C.F.R. ss. 35.136(i) and 36.302(c)(9). Miniature horses generally range in height from 2 to 3 feet to the shoulders and weigh between 70 and 100 pounds. U.S. Dep't of Justice, Civil Rights Division, *Service Animals*, 3 (July 2011), available at [http://www.ada.gov/service\\_animals\\_2010.pdf](http://www.ada.gov/service_animals_2010.pdf) (Last visited January 6, 2020).

<sup>16</sup> U.S. Dep't. of Justice, *Americans with Disabilities Act Title III Regulations: Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities*, 96 (Sept. 15, 2010) available at [http://www.ada.gov/regs2010/titleIII\\_2010/titleIII\\_2010\\_regulations.pdf](http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.pdf) (Last visited January 6, 2020).

<sup>17</sup> 28 C.F.R. ss. 35.136(i) and 36.302(c)(9)ii.

<sup>18</sup> 42 U.S.C. ss. 12188 and 2000a-3.

<sup>19</sup> 42 U.S.C. s. 12188.

<sup>20</sup> 42 U.S.C. s. 3601 *et seq.*

<sup>21</sup> 42 U.S.C. s. 3604(f).

<sup>22</sup> *Id.*; 24 C.F.R. 5.303.

<sup>23</sup> Pet Ownership for the Elderly and Persons With Disabilities, 73 Fed Reg. 63834, 63836 (Oct 27, 2008); *see, Fair Housing of the Dakotas, Inc. v. Goldmark Prop. Mgmt., Inc.*, 778 F. Supp. 2d 1028, 1036 (D.N.D. 2011) (finding that "the FHA encompasses all types of assistance animals regardless of training . . ."); *Overlook Mut. Homes, Inc. v. Spencer*, 666 F. Supp. 2d 850, 859 (S.D. Ohio 2009).

<sup>24</sup> *See* 24 C.F.R. s. 100.204 (Example (1)); *Intermountain Fair Housing Council v. CVE Falls Park, L.L.C.*, 2011 WL 2945824 (D. Idaho 2011); *Bronk v. Ineichen*, 54 F. 3d 425, 429 (7th Cir. 1995).



A landlord may not ask about the existence, nature, and extent of a person's disability. However, an individual with a disability who requests a reasonable accommodation may be asked to provide documentation for proper review of the accommodation request. A landlord may ask a person to certify, in writing, that the tenant or a member of his or her family is a person with a disability; the need for the animal to assist the person with that specific disability; and that the animal actually assists the person with a disability.<sup>25</sup>

### **Florida Service Animal Law**

Section 413.08, F.S., is Florida's companion to the ADA and FHA provisions regarding service animals.

Section 413.08, F.S., provides that an individual with a disability is entitled to equal access in public accommodations,<sup>26</sup> public employment,<sup>27</sup> and housing.<sup>28</sup> An "individual with a disability" means a person who has a physical or mental impairment that substantially limits one or more major life activities of the individual.<sup>29</sup>

Under s. 413.08, F.S., an individual with a disability has the right to be accompanied by a trained service animal in all areas of public accommodations that the public is normally allowed to occupy.<sup>30</sup> Section 413.08, F.S., requires a public accommodation to modify its policies, practices, and procedures to permit use of a service animal by an individual with a disability. However, the public accommodation is not required to modify or provide any vehicle, premises, facility, or service to a higher degree of accommodation than is required for a non-disabled person.

Section 413.08(1)(d), F.S., in part, defines "service animal" to mean "an animal that is trained to perform tasks for an individual with a disability." Respecting access to or enjoyment of public accommodations, the term "service animal" is limited to mean a dog or miniature horse. The term "service animal" is not limited to a dog or miniature horse in the context of an employment-related accommodation.

Similar to the ADA, s. 413.08, F.S., provides that documentation that a service animal is trained is not a precondition for providing service, though a public accommodation may ask if an animal is a service animal and what tasks it is trained to perform.<sup>31</sup> Additionally, a public accommodation:

- May not ask about the nature or extent of a disability;<sup>32</sup>

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<sup>25</sup> 73 Fed Reg. 63834.

<sup>26</sup> Section 413.08(1)(c), F.S., defines a "public accommodation" to mean "a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation; hotel; a timeshare that is a transient public lodging [...]; lodging place; place of public accommodation, amusement, or resort; and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons. The term does not include air carriers..."

<sup>27</sup> Sections 413.08(5) and (7), F.S.

<sup>28</sup> Section 13.08(6), F.S.

<sup>29</sup> Section 413.08(1)(b), F.S.

<sup>30</sup> Sections 413.08(3), F.S.

<sup>31</sup> Sections 413.08(3)(b), F.S.

<sup>32</sup> *Id.*

- May require the service animal to be under the control of its handler and have a harness or leash;<sup>33</sup>
- May not impose a deposit or surcharge on an individual with a disability as a precondition, even if a deposit is routinely required for pets;<sup>34</sup>
- May hold an individual with a disability liable for damage caused by a service animal if it is the regular policy and practice of the public accommodation to charge nondisabled persons for damages caused by their pets;<sup>35</sup>
- Is not required to provide care or food or a special location for the service animal or assistance with removing animal excrement;<sup>36</sup> and
- May exclude a service animal from the premises if the animal is out of control and the animal's handler does not take effective action to control it, the animal is not housebroken, or the animal's behavior poses a direct threat to the health and safety of others.<sup>37</sup>

Like the FHA, under s. 413.08, F.S., an individual with a disability is entitled to rent or purchase any housing accommodations subject to the same conditions that are applicable to everyone.<sup>38</sup> An individual with a disability who has a service animal is entitled to full and equal access to all housing accommodations, and may not be required to pay extra compensation for the service animal.<sup>39</sup>

Section 413.08(9), F.S., provides that any person who denies or interferes with the rights of a person with a disability or an individual training a service animal commits a second-degree misdemeanor.<sup>40</sup>

### **Emotional Support Animals**

According to the United States Department of Housing and Urban Development (HUD),<sup>41</sup> an emotional support animal (ESA) is not a pet, but includes any animal providing emotional support to a person with a disability.<sup>42</sup> Unlike a service animal, an ESA is not trained to work or perform certain tasks, but provides emotional support alleviating one or more symptoms or effects of a person's disability.<sup>43</sup> The most common type of ESA is a dog; however, other species of animals may be an ESA.

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<sup>33</sup> Sections 413.08(3)(a), F.S.

<sup>34</sup> Sections 413.08(3)(c), F.S.

<sup>35</sup> Sections 413.08(3)(d), F.S.

<sup>36</sup> Sections 413.08(3)(e), F.S.

<sup>37</sup> Sections 413.08(3)(f), F.S.

<sup>38</sup> Sections 413.08(6), F.S.

<sup>39</sup> Sections 413.08(6)(b), F.S.

<sup>40</sup> Section 775.082, F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S. provides that a misdemeanor of the second degree is punishable by a fine not to exceed \$500.

<sup>41</sup> HUD is the Federal agency responsible for national policy and programs addressing America's housing needs, improving and developing the Nation's communities, and enforcing fair housing laws, including violations of the Fair Housing Act. HUD.GOV, *Questions and Answers about HUD*, <https://www.hud.gov/about/qaintro> (last visited January 6, 2020).

<sup>42</sup> U.S. Department of Housing and Urban Development, *FEHO Notice: FHEO-2013-01*, (Apr. 25, 20013), [https://archives.hud.gov/news/2013/servanimals\\_ntcfheo2013-01.pdf](https://archives.hud.gov/news/2013/servanimals_ntcfheo2013-01.pdf) (last visited January 6, 2020).

<sup>43</sup> *Id.*

According to HUD, “ESAs provide very private functions for persons with mental and emotional disabilities. Specifically, ESAs by their very nature and without training, may relieve depression and anxiety, and help reduce stress-induced pain in persons with certain medical conditions affected by stress.”<sup>44</sup>

ESAs provide therapeutic support to relieve symptoms of psychiatric disabilities, including depression, anxiety, and post-traumatic stress disorder.<sup>45</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 760.27, F.S., to amend Florida’s Fair Housing Act by prohibiting discrimination in housing rental to persons with a disability who use an emotional support animal (ESA). It defines:

- **Emotional support animal** as an animal that does not require training to do specific work or perform special tasks for a person with a disability but, by virtue of its presence, provides support to alleviate one or more identified symptoms or effects of a person’s disability.
- **Landlord** as the owner or lessor of a dwelling.

The bill prohibits a landlord to charge a person with an ESA additional fees. The bill allows a landlord to:

- Prohibit an ESA if it poses a direct threat to the safety, health, or property of others;
- Request additional information regarding each emotional support animal when a person’s disability or disability-related need is not apparent. The documentation must be prepared in a format prescribed by the Department of Health and may not be prepared by a health care practitioner whose exclusive service is to prepare documentation in exchange for a fee. The Department of Health is to establish the format a health care practitioner must follow when providing documentation to a patient and requires the department to adopt rules relating to ESA documentation requirements; and
- Require proof of compliance with state and local licensing and vaccination requirements.

A person who falsifies written documentation for an ESA or misrepresents being qualified to use an emotional an emotional ESA commits a misdemeanor of the second degree, which could result in incarceration for 60 days, a fine of \$500, or both. The person must also 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 within six months after conviction. It makes an ESA’s owner liable for any damages caused by the animal and removes landlord liability for damage done by an authorized emotional support animal. The bill expressly indicates that the guidelines for ESAs do not apply to service animals.

**Section 2** amends s. 413.08, F.S., to make technical and clarifying changes.

**Section 3** amends s. 419.001, F.S., to make conform terminology to changes made by the bill. It also replaces a reference to “handicap” with “disability.”

<sup>44</sup> *Id.*

<sup>45</sup> Brazelon Center for Mental Health Law, *Right to Emotional Support Animals in “No Pet” Housing*, (Jun. 16, 2017), <http://www.bazelon.org/wp-content/uploads/2017/04/2017-06-16-Emotional-Support-Animal-Fact-Sheet-for-Website-final.pdf> (last visited January 6, 2020).

**Section 4** amends s. 760.22, F.S., to replace a reference to “handicap” under the Fair Housing Act with “disability.”

**Section 5** amends s. 760.23, F.S., to replace references to “handicap” under the Fair Housing Act with “disability.” It also replaces “handicapped” person with person “with a disability.”

**Section 6** amends s. 760.24, F.S., to replace a reference to “handicap” under the Fair Housing Act with “disability.”

**Section 7** amends s. 760.25, F.S., to replace references to “handicap” under the Fair Housing Act with “disability.”

**Section 8** amends s. 760.29, F.S., to include s. 760.27, F.S., created by the bill, in the list of exemptions under the Fair Housing Act. It also replaces a reference to “handicap” under the Fair Housing Act with “disability.”

**Section 9** amends s. 760.31, F.S., to replace a reference to “handicapped” under the Fair Housing Act with “for persons with disabilities.”

**Section 10** provides that this act shall take effect July 1, 2020.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends sections 413.08, 419.001, 760.22, 760.23, 760.24, 760.25, 760.29, and 760.31 of the Florida Statutes.

This bill creates section 760.27 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Diaz

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1 A bill to be entitled  
 2 An act relating to emotional support animals; creating  
 3 s. 760.27, F.S.; providing definitions; prohibiting  
 4 discrimination in the rental of a dwelling to a person  
 5 with a disability or a disability-related need who has  
 6 an emotional support animal; prohibiting a landlord  
 7 from requiring such person to pay extra compensation  
 8 for such animal; providing an exception; authorizing a  
 9 landlord to request certain written documentation  
 10 under certain circumstances; authorizing the  
 11 Department of Health to adopt rules; prohibiting the  
 12 falsification of written documentation or other  
 13 misrepresentation regarding the use of an emotional  
 14 support animal; providing penalties; specifying that a  
 15 person with a disability or a disability-related need  
 16 is liable for certain damage done by her or his  
 17 emotional support animal; exempting a landlord from  
 18 certain liability; providing applicability; amending  
 19 s. 413.08, F.S.; providing applicability; amending s.  
 20 419.001, F.S.; conforming terminology to changes made  
 21 by the act; conforming a cross-reference; amending s.  
 22 760.22, F.S.; updating terminology; amending s.  
 23 760.29, F.S.; extending specified exemptions to  
 24 conform to changes made by the act; conforming  
 25 terminology to changes made by the act; amending ss.  
 26 760.23, 760.24, 760.25, and 760.31, F.S.; conforming  
 27 terminology to changes made by the act; providing an  
 28 effective date.  
 29

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

31  
 32 Section 1. Section 760.27, Florida Statutes, is created to  
 33 read:

34 760.27 Prohibited discrimination in the rental of housing  
 35 to persons with a disability or disability-related need who use  
 36 an emotional support animal.—

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

38 (a) "Emotional support animal" means an animal that does  
 39 not require training to do specific work or perform special  
 40 tasks for a person with a disability but, by virtue of its  
 41 presence, provides support to alleviate one or more identified  
 42 symptoms or effects of a person's disability.

43 (b) "Landlord" means the owner or lessor of a dwelling.

44 (2) To the extent required by federal law, rule, or  
 45 regulation, it is unlawful to discriminate in the rental of a  
 46 dwelling to a person with a disability or disability-related  
 47 need who has or obtains an emotional support animal. A person  
 48 with a disability or a disability-related need must, upon  
 49 request, be allowed to keep such animal in the dwelling as a  
 50 reasonable accommodation in housing, and such person may not be  
 51 required to pay extra compensation for such animal.

52 (3) Unless otherwise prohibited by federal law, rule, or  
 53 regulation, a landlord may:

54 (a) Prohibit an emotional support animal if such animal  
 55 poses a direct threat to the safety or health of others or poses  
 56 a direct threat of physical damage to the property of others  
 57 which cannot be reduced or eliminated by another reasonable  
 58 accommodation.

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59 (b) If a person's disability or disability-related need is  
 60 not readily apparent, request written documentation prepared by  
 61 a health care practitioner, as defined in s. 456.001, which  
 62 verifies that the person has a disability or a disability-  
 63 related need and has been under the practitioner's care or  
 64 treatment for such disability or need, and the animal provides  
 65 support to alleviate one or more identified symptoms or effects  
 66 of the person's disability or disability-related need. If a  
 67 person requests to keep more than one emotional support animal,  
 68 the landlord may request such written documentation establishing  
 69 the need for each animal. The written documentation must be  
 70 prepared in a format prescribed by the Department of Health in  
 71 rule and may not be prepared by a health care practitioner whose  
 72 exclusive service to the person with a disability is preparation  
 73 of the written documentation in exchange for a fee. The  
 74 department may adopt rules to administer this paragraph.

75 (c) Require proof of compliance with state and local  
 76 requirements for licensing and vaccination of an emotional  
 77 support animal.

78 (4) A person who falsifies written documentation, as  
 79 described in subsection (3), for an emotional support animal or  
 80 otherwise knowingly and willfully misrepresents herself or  
 81 himself, through conduct or verbal or written notice, as having  
 82 a disability or disability-related need and being qualified to  
 83 use an emotional support animal commits a misdemeanor of the  
 84 second degree, punishable as provided in s. 775.082 or s.  
 85 775.083, and must perform 30 hours of community service for an  
 86 organization that serves persons with disabilities or for  
 87 another entity or organization at the discretion of the court,

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88 to be completed within 6 months after conviction.

89 (5) (a) A person with a disability or disability-related  
 90 need is liable for any damage done to the premises or to another  
 91 person on the premises by her or his emotional support animal.

92 (b) A landlord is not liable for any damage done to the  
 93 premises or to any person on the premises by an emotional  
 94 support animal that is authorized as a reasonable accommodation  
 95 for a person with a disability or disability-related need under  
 96 this section, the federal Fair Housing Act, s. 504 of the  
 97 Rehabilitation Act of 1973, or any other federal, state, or  
 98 local law.

99 (6) This section does not apply to a service animal as  
 100 defined in s. 413.08.

101 Section 2. Paragraph (b) of subsection (6) of section  
 102 413.08, Florida Statutes, is amended to read:

103 413.08 Rights and responsibilities of an individual with a  
 104 disability; use of a service animal; prohibited discrimination  
 105 in public employment, public accommodations, and housing  
 106 accommodations; penalties.—

107 (6) An individual with a disability is entitled to rent,  
 108 lease, or purchase, as other members of the general public, any  
 109 housing accommodations offered for rent, lease, or other  
 110 compensation in this state, subject to the conditions and  
 111 limitations established by law and applicable alike to all  
 112 persons.

113 (b) An individual with a disability who has a service  
 114 animal or who obtains a service animal is entitled to full and  
 115 equal access to all housing accommodations provided for in this  
 116 section, and such individual ~~a person~~ may not be required to pay

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 117 extra compensation for such animal. However, such individual a  
 118 ~~person~~ is liable for any damage done to the premises or to  
 119 another individual person on the premises by the animal. A  
 120 housing accommodation may request proof of compliance with  
 121 vaccination requirements. This paragraph does not apply to an  
 122 emotional support animal as defined in s. 760.27.

Section 3. Paragraph (e) of subsection (1) of section  
 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the term:

(e) "Resident" means any of the following: a frail elder as  
 defined in s. 429.65; a person who has a disability handicap as  
 defined in s. 760.22(3)(a) ~~s. 760.22(7)(a)~~; a person who has a  
 developmental disability as defined in s. 393.063; a  
 nondangerous person who has a mental illness as defined in s.  
 394.455; or a child who is found to be dependent as defined in  
 s. 39.01 or s. 984.03, or a child in need of services as defined  
 in s. 984.03 or s. 985.03.

Section 4. Present subsections (3) through (6) of section  
 760.22, Florida Statutes, are redesignated as subsections (4)  
 through (7), respectively, and present subsection (7) of that  
 section is amended, to read:

760.22 Definitions.—As used in ss. 760.20-760.37, the term:  
(3)(7) "Disability" "Handicap" means:

(a) A person has a physical or mental impairment which  
 substantially limits one or more major life activities, or he or  
 she has a record of having, or is regarded as having, such  
 physical or mental impairment; or

(b) A person has a developmental disability as defined in

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 146 s. 393.063.

147 Section 5. Section 760.23, Florida Statutes, is amended to  
 148 read:

149 760.23 Discrimination in the sale or rental of housing and  
 150 other prohibited practices.—

(1) It is unlawful to refuse to sell or rent after the  
 making of a bona fide offer, to refuse to negotiate for the sale  
 or rental of, or otherwise to make unavailable or deny a  
 dwelling to any person because of race, color, national origin,  
 sex, disability handicap, familial status, or religion.

(2) It is unlawful to discriminate against any person in  
 the terms, conditions, or privileges of sale or rental of a  
 dwelling, or in the provision of services or facilities in  
 connection therewith, because of race, color, national origin,  
 sex, disability handicap, familial status, or religion.

(3) It is unlawful to make, print, or publish, or cause to  
 be made, printed, or published, any notice, statement, or  
 advertisement with respect to the sale or rental of a dwelling  
 that indicates any preference, limitation, or discrimination  
 based on race, color, national origin, sex, disability handicap,  
 familial status, or religion or an intention to make any such  
 preference, limitation, or discrimination.

(4) It is unlawful to represent to any person because of  
 race, color, national origin, sex, disability handicap, familial  
 status, or religion that any dwelling is not available for  
 inspection, sale, or rental when such dwelling is in fact so  
 available.

(5) It is unlawful, for profit, to induce or attempt to  
 induce any person to sell or rent any dwelling by a



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175 representation regarding the entry or prospective entry into the  
 176 neighborhood of a person or persons of a particular race, color,  
 177 national origin, sex, disability handicap, familial status, or  
 178 religion.

179 (6) The protections afforded under ss. 760.20-760.37  
 180 against discrimination on the basis of familial status apply to  
 181 any person who is pregnant or is in the process of securing  
 182 legal custody of any individual who has not attained the age of  
 183 18 years.

184 (7) It is unlawful to discriminate in the sale or rental  
 185 of, or to otherwise make unavailable or deny, a dwelling to any  
 186 buyer or renter because of a disability handicap of:

187 (a) That buyer or renter;

188 (b) A person residing in or intending to reside in that  
 189 dwelling after it is sold, rented, or made available; or

190 (c) Any person associated with the buyer or renter.

191 (8) It is unlawful to discriminate against any person in  
 192 the terms, conditions, or privileges of sale or rental of a  
 193 dwelling, or in the provision of services or facilities in  
 194 connection with such dwelling, because of a disability handicap  
 195 of:

196 (a) That buyer or renter;

197 (b) A person residing in or intending to reside in that  
 198 dwelling after it is sold, rented, or made available; or

199 (c) Any person associated with the buyer or renter.

200 (9) For purposes of subsections (7) and (8), discrimination  
 201 includes:

202 (a) A refusal to permit, at the expense of the ~~handicapped~~  
 203 person with a disability, reasonable modifications of existing

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204 premises occupied or to be occupied by such person if such  
 205 modifications may be necessary to afford such person full  
 206 enjoyment of the premises; or

207 (b) A refusal to make reasonable accommodations in rules,  
 208 policies, practices, or services, when such accommodations may  
 209 be necessary to afford such person equal opportunity to use and  
 210 enjoy a dwelling.

211 (10) Covered multifamily dwellings as defined herein which  
 212 are intended for first occupancy after March 13, 1991, shall be  
 213 designed and constructed to have at least one building entrance  
 214 on an accessible route unless it is impractical to do so because  
 215 of the terrain or unusual characteristics of the site as  
 216 determined by commission rule. Such buildings shall also be  
 217 designed and constructed in such a manner that:

218 (a) The public use and common use portions of such  
 219 dwellings are readily accessible to and usable by ~~handicapped~~  
 220 persons with disabilities.

221 (b) All doors designed to allow passage into and within all  
 222 premises within such dwellings are sufficiently wide to allow  
 223 passage by a person in a wheelchair.

224 (c) All premises within such dwellings contain the  
 225 following features of adaptive design:

226 1. An accessible route into and through the dwelling.

227 2. Light switches, electrical outlets, thermostats, and  
 228 other environmental controls in accessible locations.

229 3. Reinforcements in bathroom walls to allow later  
 230 installation of grab bars.

231 4. Usable kitchens and bathrooms such that a person in a  
 232 wheelchair can maneuver about the space.

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233 (d) Compliance with the appropriate requirements of the  
 234 American National Standards Institute for buildings and  
 235 facilities providing accessibility and usability for persons  
 236 with a physical disability ~~physically handicapped people~~,  
 237 commonly cited as ANSI A117.1-1986, suffices to satisfy the  
 238 requirements of paragraph (c).

239  
 240 State agencies with building construction regulation  
 241 responsibility or local governments, as appropriate, shall  
 242 review the plans and specifications for the construction of  
 243 covered multifamily dwellings to determine consistency with the  
 244 requirements of this subsection.

245 Section 6. Section 760.24, Florida Statutes, is amended to  
 246 read:

247 760.24 Discrimination in the provision of brokerage  
 248 services.—It is unlawful to deny any person access to, or  
 249 membership or participation in, any multiple-listing service,  
 250 real estate brokers' organization, or other service,  
 251 organization, or facility relating to the business of selling or  
 252 renting dwellings, or to discriminate against him or her in the  
 253 terms or conditions of such access, membership, or  
 254 participation, on account of race, color, national origin, sex,  
 255 disability handicap, familial status, or religion.

256 Section 7. Subsection (1) and paragraph (a) of subsection  
 257 (2) of section 760.25, Florida Statutes, are amended to read:

258 760.25 Discrimination in the financing of housing or in  
 259 residential real estate transactions.—

260 (1) It is unlawful for any bank, building and loan  
 261 association, insurance company, or other corporation,

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262 association, firm, or enterprise the business of which consists  
 263 in whole or in part of the making of commercial real estate  
 264 loans to deny a loan or other financial assistance to a person  
 265 applying for the loan for the purpose of purchasing,  
 266 constructing, improving, repairing, or maintaining a dwelling,  
 267 or to discriminate against him or her in the fixing of the  
 268 amount, interest rate, duration, or other term or condition of  
 269 such loan or other financial assistance, because of the race,  
 270 color, national origin, sex, disability handicap, familial  
 271 status, or religion of such person or of any person associated  
 272 with him or her in connection with such loan or other financial  
 273 assistance or the purposes of such loan or other financial  
 274 assistance, or because of the race, color, national origin, sex,  
 275 disability handicap, familial status, or religion of the present  
 276 or prospective owners, lessees, tenants, or occupants of the  
 277 dwelling or dwellings in relation to which such loan or other  
 278 financial assistance is to be made or given.

279 (2) (a) It is unlawful for any person or entity whose  
 280 business includes engaging in residential real estate  
 281 transactions to discriminate against any person in making  
 282 available such a transaction, or in the terms or conditions of  
 283 such a transaction, because of race, color, national origin,  
 284 sex, disability handicap, familial status, or religion.

285 Section 8. Paragraph (a) of subsection (1) and paragraph  
 286 (a) of subsection (5) of section 760.29, Florida Statutes, are  
 287 amended to read:

288 760.29 Exemptions.—

289 (1) (a) Nothing in ss. 760.23, ~~and~~ 760.25, and 760.27  
 290 applies to:

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291 1. Any single-family house sold or rented by its owner,  
 292 provided such private individual owner does not own more than  
 293 three single-family houses at any one time. In the case of the  
 294 sale of a single-family house by a private individual owner who  
 295 does not reside in such house at the time of the sale or who was  
 296 not the most recent resident of the house prior to the sale, the  
 297 exemption granted by this paragraph applies only with respect to  
 298 one sale within any 24-month period. In addition, the bona fide  
 299 private individual owner shall not own any interest in, nor  
 300 shall there be owned or reserved on his or her behalf, under any  
 301 express or voluntary agreement, title to, or any right to all or  
 302 a portion of the proceeds from the sale or rental of, more than  
 303 three single-family houses at any one time. The sale or rental  
 304 of any single-family house shall be excepted from the  
 305 application of ss. 760.20-760.37 only if the house is sold or  
 306 rented:

307 a. Without the use in any manner of the sales or rental  
 308 facilities or the sales or rental services of any real estate  
 309 licensee or such facilities or services of any person in the  
 310 business of selling or renting dwellings, or of any employee or  
 311 agent of any such licensee or person; and

312 b. Without the publication, posting, or mailing, after  
 313 notice, of any advertisement or written notice in violation of  
 314 s. 760.23(3).

315  
 316 Nothing in this provision prohibits the use of attorneys, escrow  
 317 agents, abstractors, title companies, and other such  
 318 professional assistance as is necessary to perfect or transfer  
 319 the title.

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320 2. Rooms or units in dwellings containing living quarters  
 321 occupied or intended to be occupied by no more than four  
 322 families living independently of each other, if the owner  
 323 actually maintains and occupies one of such living quarters as  
 324 his or her residence.

325 (5) Nothing in ss. 760.20-760.37:

326 (a) Prohibits a person engaged in the business of  
 327 furnishing appraisals of real property from taking into  
 328 consideration factors other than race, color, national origin,  
 329 sex, disability ~~handicap~~, familial status, or religion.

330 Section 9. Subsection (5) of section 760.31, Florida  
 331 Statutes, is amended to read:

332 760.31 Powers and duties of commission.—The commission  
 333 shall:

334 (5) Adopt rules necessary to implement ss. 760.20-760.37  
 335 and govern the proceedings of the commission in accordance with  
 336 chapter 120. Commission rules shall clarify terms used with  
 337 regard to ~~handicapped~~ accessibility for persons with  
 338 disabilities, exceptions from accessibility requirements based  
 339 on terrain or site characteristics, and requirements related to  
 340 housing for older persons. Commission rules shall specify the  
 341 fee and the forms and procedures to be used for the registration  
 342 required by s. 760.29(4)(e).

343 Section 10. This act shall take effect July 1, 2020.

Page 12 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/20

Meeting Date

T5  
1084 ✓  
Bill Number (if applicable)

Topic Emotional Support Animals

Name TRAVIS MOORE

Job Title \_\_\_\_\_

Address P.O. Box 2020  
Street

Phone 727.421.6902

St. Petersburg FL 33731  
City State Zip

Email travis@moore-relations.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Community Associations Institute + First Service Residential

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

✓ T5

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/20  
Meeting Date

1084  
Bill Number (if applicable)

Topic Emotional Support Animals

Amendment Barcode (if applicable)

Name Kelly Mallette

Job Title \_\_\_\_\_

Address 104 W. Jefferson Street

Phone (800) 224 3427

Tallahassee, FL 32301

Email kelly@artbodycare.com

City State Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Apartment Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

T5

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-14

Meeting Date

✓  
684

Bill Number (if applicable)

Topic Emotional Support Animals

Amendment Barcode (if applicable)

Name Andrew Rutledge

Job Title Policy Rep

Address 200 S. Monroe ST

Phone -

Street

Tallahassee

FL

State

32312

Zip

Email -

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Realtors

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 1130  
 INTRODUCER: Senator Albritton  
 SUBJECT: Young Farmers and Ranchers  
 DATE: January 15, 2020      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	<b>Favorable</b>
2.	_____	_____	AEG	_____
3.	_____	_____	AP	_____

**I. Summary:**

SB 1130 establishes the Florida Young Farmer and Rancher Matching Grant Program within the Department of Agriculture and Consumer Services (department) to support startup functions for new farming and ranching operations. To receive a grant, an individual must:

- Be an agricultural producer, be an employee of a farm or ranch, or have been actively involved in Future Farmers of America for at least one year;
- Be between the ages of 18 and 35;
- Have operated a farm or ranch for not more than 10 years;
- Demonstrate, at minimum, a dollar-for dollar matching investment for the grant amount requested; and
- Submit a timely grant application.

If funded by the Legislature, each grant award would be between \$5,000 and \$20,000, and a recipient may receive only one award per year.

**II. Present Situation:**

Opportunities exist within farming and ranching, but beginning farmers and ranchers have unique educational, training, technical assistance, and outreach needs. Capital access, land access, and access to knowledge and information to assist in ensuring profitability and sustainability are vital to those just entering agriculture and in their first ten years of operation.<sup>1</sup>

<sup>1</sup> See <https://nifa.usda.gov/program/beginning-farmer-and-rancher-development-program-bfrdp> (Last visited December 19, 2019).

Currently, there are no grant programs within the department specifically to assist young farmers and ranchers. The department does provide resources through its Grant Opportunity<sup>2</sup> public webpage.

To address the lack of resources and assistance, the 2018 Legislature created a 12 member Florida Young Farmer and Rancher Advisory Council<sup>3</sup> to provide an opportunity for young people to offer advice and to give recommendations to the Commissioner of Agriculture about the challenges facing aspiring farmers and ranchers in the early stages of their careers. The council is authorized to examine issues such as access to land, availability of credit and capital, and access to business skills training. The Legislature also directed the department to create the Florida Young Farmer and Rancher Resource Clearinghouse on its website<sup>4</sup> in order to provide career information and resources to young farmers who will be entering a wide range of jobs involving food production, natural resources, plant systems, animal management, and much more.

### III. Effect of Proposed Changes:

**Section 1** creates s. 570.842, F.S., to establish the Florida Young Farmer and Rancher Matching Grant Program. The bill requires the department to administer grants to foster the creation and expansion of agricultural businesses by young farmers and ranchers in Florida. The department is directed to adopt rules regarding the program. To be eligible, grant recipients must:

- Be an agricultural producer, employee of a farm or ranch, or have been actively involved in Future Farmers of America for at least 1 year;
- Be at least 18 years of age, but younger than 35 years of age;
- Have operated a farm or ranch for not more than 10 years;
- Demonstrate, at a minimum, a dollar-for-dollar matching investment for grant money requested; and
- Submit a grant application during the time period designated by the department.

The bill requires the department to give preference to applicants who are veterans, as defined in s. 1.01(14), F.S. If funded by the Legislature, each grant award must be between \$5,000 and \$20,000, and a recipient may receive only one award per year.

**Section 2** provides that this act shall take effect July 1, 2020.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

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<sup>2</sup> See <https://www.freshfromflorida.com/Business-Services/Grant-Opportunities> (Last visited December 19, 2019).

<sup>3</sup> Section 570.843, F.S.

<sup>4</sup> See <https://www.freshfromflorida.com/Education/Preparing-for-Careers-in-Agriculture> (Last visited December 19, 2019).



C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services would be responsible for the creation, administering, and management of the grant program created by this bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 570.842 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Albritton

26-01739-20

20201130\_\_

A bill to be entitled

An act relating to young farmers and ranchers; creating s. 570.842, F.S.; creating the Florida Young Farmer and Rancher Matching Grant Program within the Department of Agriculture and Consumer Services; specifying the purpose of the grants; requiring the department to select grant recipients based on specified criteria; requiring the department to adopt rules; requiring that applicants meet specified eligibility requirements; requiring the department to give preference to veterans; specifying a range for grant amounts awarded; providing that a recipient may not receive more than one award per grant period under the program; specifying that grant funding is contingent upon specific appropriation from the Legislature; providing an effective date.

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

Section 1. Section 570.842, Florida Statutes, is created to read:

570.842 Florida Young Farmer and Rancher Matching Grant Program.—

(1) The Florida Young Farmer and Rancher Matching Grant Program is created within the department to support the startup functions associated with new farming and ranching operations.

(a) Grants administered by the department through this program must be for the purpose of fostering the creation and expansion of agricultural businesses by young farmers and

Page 1 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

26-01739-20

20201130\_\_

ranchers in this state.

(b) The department shall select grant recipients based on selection criteria adopted pursuant to subsection (2).

(2) The department shall adopt rules governing the operation of the program, including an application process and selection criteria for grant recipients.

(a) At a minimum, in order to be eligible to receive a grant, an individual must meet all of the following requirements:

1. Be an agricultural producer, be an employee of a farm or ranch, or have been actively involved in Future Farmers of America for at least 1 year.

2. Be at least 18 years of age, but younger than 35 years of age.

3. Have operated a farm or ranch for not more than 10 years.

4. Demonstrate, at a minimum, a dollar-for-dollar matching investment for the grant amount requested.

5. Submit, on a form prescribed by the department, a grant application during the application period established by the department. The department may designate only one period each year for accepting applications.

(b) In the application review process, the department shall give a preference to an applicant who is a veteran, as defined in s. 1.01(14).

(3) Each grant award under the program must be between \$5,000 and \$20,000, with no more than one award being made to an individual grant recipient per grant period.

(4) Annual grant funding for this program is contingent

Page 2 of 3

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26-01739-20

20201130\_\_

59 upon specific annual appropriation by the Legislature.

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Ben Albritton, Chair  
Committee on Agriculture

**Subject:** Committee Agenda Request

**Date:** January 2, 2020

---

I respectfully request that **Senate Bill #1130**, relating to Young Farmers and Ranchers Grant Program, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Ben Albritton".

---

Senator Ben Albritton  
Florida Senate, District 26

T6

# THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14/20

Meeting Date

1130

Bill Number (if applicable)

Topic YOUNG FARMERS & RANCHERS

Name NANCY STEPHENS

Job Title VOLUNTEER

Address \_\_\_\_\_

Street

TALLAHASSEE

City

State

FL

Zip

Phone 850 445 1607

Email Chairman@Floridaagcoalition.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA AG COALITION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

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**THE FLORIDA SENATE**

**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/14  
Meeting Date

1130  
Bill Number (if applicable)

Topic Young Farmers + Ranchers

Amendment Barcode (if applicable)

Name Landon Hoffman

Job Title Assistant Director

Address 310 West College Ave  
Street

Phone 850 508 1236

City State Zip

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Farm Bureau

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: SB 1276

INTRODUCER: Senator Albritton

SUBJECT: Department of Citrus

DATE: January 15, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	<b>Favorable</b>
2.			GO	
3.			AP	

---

**I. Summary:**

SB 1276 establishes the Friends of Florida Citrus Program within the Department of Citrus (department). It provides for the powers and duties of the program and requires any funds received to be deposited into the Florida Citrus Advertising Trust Fund. It also creates the Friends of Florida Citrus Advisory Council which is to advise and provide recommendations to the Florida Citrus Commission regarding the use of any funds received for the Friends of Florida Citrus Program.

The bill authorizes the Department of Citrus to loan department employees to or to share department employees with specified state and federal entities and to enter into agreements with such entities. The bill also deletes provisions setting out the required work schedule and staffing of the department.

**II. Present Situation:**

**Florida Department of Citrus**

The Florida Department of Citrus (department) is an executive agency of Florida government charged with the marketing, research, and regulation of the Florida citrus industry. Its activities are funded by an assessment paid by growers on each box of citrus that moves through commercial channels. The industry employs more than 45,000 people, provides an annual economic impact of \$8.6 billion to the state, and contributes hundreds of millions of dollars in tax revenues that help support Florida's schools, roads and health care services. The department also has extensive regulatory responsibilities, covering every aspect of the industry, including



research, production, maturity standards, licensing, transportation, labeling, packing and processing.<sup>1</sup>

### **The Florida Citrus Commission**

The Florida Citrus Commission governs the Department of Citrus.<sup>2</sup> The commission is a nine-member board appointed by the governor to represent citrus growers, processors, and packers. The department carries out commission policy and acts as the commission's staff by conducting a wide variety of programs involving regulation, scientific, market, and economic research, advertising, merchandising, public and industry relations, and consumer promotions.<sup>3</sup>

### **Advisory Committees**

Advisory committees serve a public purpose by providing the department with information and expertise on a number of issues important to the citrus industry, such as identifying and prioritizing citrus harvesting problems and evaluating proposals for conducting research on the nutritional benefits of citrus products. Department funding support for these committees comes from excise taxes paid by Florida citrus growers on each box of citrus moved through commercial channels.<sup>4</sup>

The Florida Citrus Commission currently has the following five advisory councils/committees:

- Fruit Classification & Standards Committee
- Gift Fruit Advisory Council
- Processing Statistics Reporting Advisory Committee
- Scientific Research Advisory Committee
- State Test House Advisory Council

### **Marketing Orders**

Marketing agreements and orders are initiated by industry to help provide stable markets for dairy products and twenty-one types of fruits, vegetables, and specialty crops. Each order and agreement is tailored to the individual industry's needs. Marketing Orders are a binding regulation for the entire industry in the specified geographical area, once it is approved by the producers and the Secretary of Agriculture. Marketing Agreements are only binding for those handlers that sign the agreement.

Fruit, vegetable, and specialty crop marketing orders and agreements help producers and handlers work together to solve marketing problems that they cannot solve individually by (1) maintaining the high quality of produce that is on the market; (2) standardizing packages and containers; (3) regulating the flow of product to market; (4) establishing reserve programs for

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<sup>1</sup> Florida Department of Citrus, See <https://www.floridacitrus.org/grower/about/florida-department-of-citrus> (Last visited January 8, 2020).

<sup>2</sup> See generally s. 601.04, F.S.

<sup>3</sup> Florida Citrus Commission, See <https://www.floridacitrus.org/grower/about/florida-citrus-commission/> (Last visited January 8, 2020).

<sup>4</sup> Office of Program Policy Analysis and Government Accountability, "Florida Department of Citrus Advisory Committees," September 6, 2007, See <http://www.oppaga.state.fl.us/reports/pdf/07-S09.pdf> (Last visited January 8, 2020).

storable commodities; and (5) authorizing production research, marketing research and development, and advertising.<sup>5</sup> Provisions in this bill will help the department accommodate the federal Marketing Order process.

### III. Effect of Proposed Changes:

**Section 1** creates s. 601.041, F.S., to establish the Friends of Florida Citrus Program within the Department of Citrus (department). Its purpose is to support and assist existing and future programs within the department. Through the program, the department shall:

- Conduct programs and activities related to the protection and enhancement of the quality and reputation of Florida citrus fruit and the canned and concentrated products that are sold in domestic and foreign markets;
- Identify and pursue methods to provide resources and materials for the program; and
- Research methods to integrate the resources and materials that have been identified.

The bill authorizes the department to receive donations from private corporations to support the program. Donations must be deposited into the Florida Citrus Advertising Trust Fund.

The bill establishes The Friends of Florida Citrus Advisory Council to advise and provide recommendations to the Florida Citrus (commission) regarding the use of any funds received for the Friends of Florida Citrus Program. The council shall consist of the following members, appointed by the chair of the commission annually upon the concurrence of the commission:

- One member of the commission;
- One member recommended by a consortium of citrus processors in Florida;
- One member recommended by the statewide voluntary Florida citrus growers association with the highest membership; and
- Two at-large members, at the discretion of the commission.

**Section 2** amends s. 601.10, F.S., to authorize the department to loan department employees to or to share department employees with other state and federal agencies, state universities, or the Department of Agriculture and Consumer Services or its direct support organizations or for marketing orders adopted under the authority of the United States Secretary of Agriculture. The bill authorizes the department to enter into agreements with such entity or entities under terms and conditions that will benefit the state, if the agency or entity with which the employee is loaned or shared reimburses the state for all pay and benefits of the employee, not including a service fee for administration. If the entity directly pays the loaned or shared employee his or her salary and benefits, if applicable, an agreement with the department is not necessary and the employee may work part-time with the department under terms and conditions mutually agreed to between the department and the employee. All arrangements and agreements are subject to approval by the department.

The bill deletes provisions setting out the required work schedule and staffing of the department.

**Section 3** provides that this act shall take effect July 1, 2020.

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<sup>5</sup> United States Department of Agriculture, Agricultural Marketing Service, See <https://ams.usda.gov/rules-regulations/moa> (Last visited January 8, 2020).

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 601.10 of the Florida Statutes.  
This bill creates section 601.041 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Albritton

26-00995A-20

20201276\_\_

A bill to be entitled

An act relating to the Department of Citrus; creating s. 601.041, F.S.; establishing the Friends of Florida Citrus Program within the Department of Citrus; providing a purpose of the program; providing duties of the department; authorizing the program to receive certain funds; requiring funds to be deposited into the Florida Citrus Advertising Trust Fund; creating the Friends of Florida Citrus Advisory Council adjunct to the department; providing for the membership and duties of the advisory council; amending s. 601.10, F.S.; authorizing the Department of Citrus to loan department employees to or share department employees with specified state and federal entities; authorizing the department to enter into agreements with such entities; providing that agreements are subject to prior approval by the department; deleting provisions setting out the required work schedule for the department; providing an effective date.

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

Section 1. Section 601.041, Florida Statutes, is created to read:

601.041 The Friends of Florida Citrus Program; advisory council.-

(1) The Friends of Florida Citrus Program is established within the department to provide support and assistance for existing and future programs within the department.

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

26-00995A-20

20201276\_\_

(a) Through the program, the department shall:

1. Conduct programs and activities related to the protection and enhancement of the quality and reputation of Florida citrus fruit and the canned and concentrated products thereof in domestic and foreign markets.

2. Identify and pursue methods to provide resources and materials for the programs.

3. Research methods to integrate the resources and materials identified pursuant to subparagraph 2.

(b) The department may receive donations from private corporations to support the program. The department shall deposit donations to the program into the Florida Citrus Advertising Trust Fund, as established in s. 601.15(7), and such donations shall be exempt from s. 601.15(7)(a).

(2) The Friends of Florida Citrus Advisory Council, an advisory council as defined in s. 20.03(7), is established adjunct to the department. The advisory council shall advise and provide recommendations to the commission regarding the use of any funds received for the Friends of Florida Citrus Program. The advisory council shall operate in a manner consistent with s. 20.052 and shall consist of the following members, appointed by the chair of the commission annually upon the concurrence of the commission:

(a) One member of the commission.

(b) One member recommended by a consortium of citrus processors in this state.

(c) One member recommended by the statewide voluntary Florida citrus growers association with the highest membership.

(d) Two at-large members, at the discretion of the

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

26-00995A-20

20201276\_\_

59 commission.

60 Section 2. Subsection (3) of section 601.10, Florida  
61 Statutes, is amended to read:

62 601.10 Powers of the Department of Citrus.—The department  
63 shall have and shall exercise such general and specific powers  
64 as are delegated to it by this chapter and other statutes of the  
65 state, which powers shall include, but are not limited to, the  
66 following:

67 (3)~~(a)~~ To pay, or participate in the payment of, premiums  
68 for health, accident, and life insurance for its full-time  
69 employees, pursuant to such rules as the department may adopt,  
70 in addition to the regular salaries of such full-time employees.

71 (a) The payment of such or similar benefits to its  
72 employees in foreign countries, including, but not limited to,  
73 social security, retirement, and other similar fringe benefit  
74 costs, may be in accordance with laws in effect in the country  
75 of employment, except that no benefits will be payable to  
76 employees not authorized for other state employees, as provided  
77 in the Career Service System.

78 (b) The department may loan department employees to or  
79 share department employees with other state and federal  
80 agencies, state universities, or the Department of Agriculture  
81 and Consumer Services for marketing and promotion orders  
82 authorized under the authority of the Department of Agriculture  
83 and Consumer Services or its direct support organizations or for  
84 orders adopted under the authority of the United States  
85 Secretary of Agriculture. The department may enter into  
86 agreements with such entity or entities under such terms and  
87 conditions as will benefit the state, if the agency or entity

26-00995A-20

20201276\_\_

88 with which the employee is loaned or shared reimburses the state  
89 for all pay and benefits of the employee, not including a  
90 service fee for administration. If the entity directly pays the  
91 loaned or shared employee his or her salary and benefits, if  
92 applicable, an agreement with the department is not necessary  
93 and the employee may work part-time with the department under  
94 terms and conditions mutually agreed to between the department  
95 and the employee. All arrangements made pursuant to this  
96 paragraph are subject to prior approval by the department  
97 ~~Subject to all applicable rules adopted by the Department of~~  
98 ~~Management Services, the department shall be staffed 5 days per~~  
99 ~~week, 40 hours per week, as necessary to accommodate industry~~  
100 ~~inquiries. However, the executive director, with the~~  
101 ~~commission's approval, may establish alternative schedules for~~  
102 ~~individual department employees to ensure maximum efficiencies.~~

103 Section 3. This act shall take effect July 1, 2020.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

T7 ✓

1276  
~~7032~~

1/14/20

Meeting Date

Bill Number (if applicable)

Topic Citrus

Amendment Barcode (if applicable)

Name Greg Fovard

Job Title \_\_\_\_\_

Address 9166 Sunrise Dr.

Phone \_\_\_\_\_

Street

Largo Fl. 33773

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

# CourtSmart Tag Report

Room: SB 301  
Caption: Senate Comimittee on Agriculture

Case No.:

Type:  
Judge:

Started: 1/14/2020 2:32:25 PM

Ends: 1/14/2020 4:29:56 PM

Length: 01:57:32

2:32:24 PM Chair Albritton called meeting to order  
2:32:40 PM Stand for Pledge  
2:33:05 PM Stand for Pledge  
2:33:08 PM Lauren call roll  
2:33:34 PM Chair Albritton speaking  
2:33:34 PM Chair Albritton advises that SB 48 is TP  
2:33:49 PM Senator Diaz presents SB 1084  
2:36:28 PM Chair Albritton ask if there are any questions  
2:36:35 PM Senator Broxson has a question  
2:37:15 PM Senator Broxson with a question  
2:37:16 PM Senator Diaz answers  
2:38:25 PM Senator Broxson with a question  
2:38:36 PM Senator Diaz answers  
2:39:23 PM Chair Albritton is speaking  
2:41:11 PM Senator Rader has a question  
2:41:44 PM Senator Diaz answers  
2:42:23 PM Senator Rader with a question  
2:42:42 PM Senator Diaz answers  
2:43:28 PM Chair Albritton is speaking  
2:43:35 PM Senator Gainer has a question  
2:43:44 PM Senator Diaz answers  
2:44:02 PM Senator Gainer with a question  
2:44:08 PM Senator Diaz answers  
2:44:11 PM Senator Gainer with question  
2:44:14 PM Senator Diaz answers  
2:44:39 PM Senator Gainer has a question  
2:44:45 PM Senator Diaz answers  
2:45:03 PM Senator Gainer with a question  
2:45:12 PM Chair Albritton speaking and Senator Diaz answers  
2:45:29 PM Chair Albritton speaking  
2:47:35 PM Senator Gainer with a question  
2:47:55 PM Senator Diaz answers  
2:48:15 PM Senator Gainer makes a statement  
2:49:00 PM Senator Diaz replies  
2:49:53 PM Senator Gainer makes a comment  
2:49:58 PM Senator Diaz responds  
2:50:06 PM Chair Albritton is speaking  
2:50:39 PM Senator Montford has a question  
2:51:41 PM Senator Diaz answers  
2:52:13 PM Senator Montford with a question  
2:52:31 PM Senator Diaz responds  
2:52:39 PM Chair Albritton is speaking  
2:52:44 PM Senator Broxson with a question  
2:53:19 PM Senator Diaz answers  
2:54:40 PM Senator Broxson has a question  
2:55:03 PM Senator Diaz answers  
2:55:59 PM Chair Albritton is speaking  
2:56:45 PM Senator Gainer with a question  
2:56:55 PM Senator Diaz answers  
2:57:04 PM Senator Gainer has a question  
2:57:20 PM Senator Diaz answers  
2:57:41 PM Senator Gainer with question



2:57:53 PM Senator Diaz with answer  
2:58:20 PM Senator Gainer has a question  
2:58:32 PM Senator Diaz answers  
2:58:52 PM Chair Albritton is speaking  
2:59:49 PM Senator Diaz is talking  
3:00:44 PM Chair Albritton is speaking  
3:01:10 PM Senator Gainer with another question  
3:01:21 PM Senator Diaz answers  
3:02:07 PM Chair Albritton is talking  
3:02:30 PM Senator Rader with a question  
3:03:00 PM Senator Diaz answers  
3:04:06 PM Senator Rader with a question  
3:04:13 PM Senator Diaz answers  
3:04:35 PM Chair Albritton is talking  
3:04:45 PM Chair Albritton calls Travis Moore to speak  
3:04:55 PM Mr. Moore is speaking  
3:07:12 PM Chair Albritton ask a question  
3:07:17 PM Senator Rader has a question  
3:07:24 PM Mr. Moore answers  
3:09:00 PM Senator Rader with a follow up question  
3:09:28 PM Mr. Moore answers  
3:10:12 PM Senator Broxson with a question  
3:11:29 PM Mr. Moore answers  
3:14:39 PM Senator Broxson with comment  
3:15:17 PM Mr. Moore replies  
3:15:52 PM Chair Albritton ask if there are any other questions  
3:16:11 PM Chair Albritton recognizes Kelly Mallette  
3:16:19 PM Ms. Mallette is speaking  
3:19:18 PM Chair Albritton ask if there are any other questions  
3:20:04 PM Chair Albritton advises we are taking a 5 min recess  
3:20:16 PM Recording Paused 5 minute recess called by Chair  
3:21:05 PM Recording Resumed  
3:21:10 PM Chair Albritton calls the meeting back in order  
3:21:19 PM Chair Albritton states we are now in debate  
3:21:24 PM Senator Rader is speaking  
3:24:56 PM Senator Broxson is speaking  
3:25:32 PM Senator Montford is speaking  
3:27:26 PM Senator Gainer is speaking  
3:29:18 PM Chair Albritton is speaking  
3:29:41 PM Chair Albritton speaking  
3:29:46 PM Chair Albritton tells Senator Diaz he is recognized to close  
3:29:53 PM Senator Diaz closing on bill  
3:30:36 PM Chair Albritton calls roll on vote  
3:31:14 PM Chair Albritton states to show SB 1084 reported favorably  
3:31:20 PM Chair Albritton states now taking up SB 1048  
3:31:33 PM Senator Pizzo introduces bill  
3:32:08 PM Chair Albritton ask if there are any questions  
3:32:18 PM Senator Montford has a question  
3:32:29 PM Senator Pizzo answering  
3:34:48 PM Senator Montford with question  
3:36:01 PM Senator Pizzo answers  
3:37:50 PM Senator Pizzo answers  
3:37:51 PM Senator Montford with a question  
3:37:54 PM Senator Pizzo answers  
3:39:18 PM Senator Montford asks a question  
3:39:24 PM Senator Pizzo answers  
3:40:15 PM Senator Broxson with a question  
3:40:59 PM Senator Pizzo answers  
3:42:48 PM Senator Gainer with a question  
3:43:17 PM Senator Pizzo answers  
3:45:23 PM Chair Albritton states we will now take public statements  
3:45:33 PM Chair Albritton calls Kate Macfall

3:45:47 PM Chair Albritton calls Travis Moore  
3:45:55 PM Chair Albritton ask is there is any debate  
3:46:02 PM No debate  
3:46:05 PM Senator Pizzo to close on bill  
3:46:11 PM Chair Albritton ask Laureen to call roll on vote  
3:46:25 PM Chair Albritton states to show SB 1048 favorable  
3:46:35 PM Chair Albritton ask Senator Gainer to present his bill  
3:46:52 PM Senator Gainer presents SB 786  
3:48:05 PM Chair Albritton ask if there are any questions on the bill  
3:48:13 PM Chair Albritton: no questions/ going to appearance cards  
3:48:20 PM Emily Duda Buckley waives in support  
3:48:27 PM Jim Spratt waives in support  
3:48:36 PM Landon Hoffman waives in support  
3:48:41 PM Chair Albritton states there is no debate  
3:48:45 PM Senator Gainer waives close  
3:48:50 PM Laureen calls roll on vote  
3:48:59 PM Chair Albritton state to show SB 786 reported favorably  
3:49:11 PM Senator Rader makes motion to report vote yes on SB1048  
3:49:30 PM Chair Albritton states he is turning the gavel over to Vice Chair Gainer so he can now present his bills  
3:49:48 PM Chair Albritton getting prepared to present his bills  
3:49:53 PM Vice-Chair Gainer recognizes Senator Albritton to present SB 1082  
3:51:00 PM Vice-Chair Gainer ask if there are any questions  
3:51:07 PM There are no questions  
3:51:12 PM Vice-Chair Gainer states we are going to appearance cards  
3:51:27 PM Vice-Chair Gainer advises to take up amendment 967986  
3:51:52 PM Senator Albritton recognized to explain the amendment  
3:51:56 PM Senator Albritton explains amendment 967986  
3:51:58 PM Vice-Chair Gainer states there are no questions on the amendment  
3:52:01 PM Vice-Chair Gainer states there is no debate on the amendment  
3:52:13 PM No appearance cards on the amendment  
3:52:17 PM Vice-Chair Gainer ask all in favor of amendment to say yea/nay  
3:52:24 PM Vice-Chair Gainer says to show Amendment adopted  
3:52:31 PM Vice-Chair Gainer states we are taking up amendment 656936  
3:52:39 PM Senator Albritton explains the amendment  
3:52:45 PM No questions on the amendment  
3:52:57 PM Vice-Chair Gainer states no appearance cards on amendment  
3:53:02 PM Vice-Chair ask if there is any debate on amendment/ no debate  
3:53:06 PM Senator Albritton waives close on amendment  
3:53:11 PM Vice-Chair Gainer ask all in favor of amendment to say yea/nay  
3:53:19 PM Vice-Chair Gainer states amendment is adopted  
3:53:25 PM Vice-Chair Gainer says we are back on the bill as amended  
3:53:30 PM Vice-Chair Gainer ask if there are any appearance cards on the bill  
3:53:44 PM Angela Drzewiecki waives in support  
3:53:53 PM Jennifer Hobgood waives in support  
3:54:03 PM Vice-Chair Gainer ask if there is any debate  
3:54:09 PM No debate  
3:54:12 PM Vice-Chair Gainer ask Senator Albritton to close  
3:54:18 PM Senator Albritton ask for their support  
3:54:23 PM Laureen call roll for CS for SB 1082  
3:54:44 PM CS for SB 1082 is reported favorably  
3:54:55 PM Vice-Chair Gainer states we will now take up SB 1130  
3:55:35 PM Senator Albritton presenting bill  
3:56:22 PM Vice-Chair Gainer ask if there are any questions  
3:56:40 PM Vice-Chair Gainer ask if there are any appearance cards  
3:56:45 PM Nancy Stephens called up  
3:56:51 PM Nancy Stephens waives in support  
3:56:57 PM Landon Hoffman waives in support  
3:57:11 PM Vice-Chair ask if there is any debate  
3:57:17 PM Senator Albritton ask for their support  
3:57:21 PM Laureen calls roll for vote  
3:57:35 PM Vice Chair Gainer state SB 1130 reported favorably  
3:57:46 PM Vice-Chair advises we are now taking up SB 1276

3:58:00 PM Senator Albritton recognized to present bill  
3:58:02 PM Senator Albritton explains the bill  
4:09:01 PM Vice-Chair Gainer ask if there are any questions  
4:09:26 PM Senator Rader has a question  
4:09:52 PM Senator Albritton answers  
4:11:38 PM Senator Broxson makes a comment  
4:14:30 PM Greg Pound is recognized to speak  
4:16:29 PM Vice-Chair Gainer ask is there is debate  
4:16:58 PM Vice-Chair advises for Senator Albritton to close on bill  
4:17:08 PM Senator Albritton closes on bill  
4:20:13 PM Vice-Chair Gainer ask if there is any more debate  
4:20:27 PM Vice-Chair Gainer is speaking  
4:20:40 PM Vice-Chair Gainer ask roll call for vote  
4:20:49 PM Vice-Chair Gainer: let it show SB 1276 is reported favorably  
4:21:04 PM Vice-Chair Gainer turns gavel back over to Chair Albritton  
4:21:11 PM Chair Albritton is speaking  
4:21:53 PM Chair Albritton ask Dr. Sy Woon to come up and speak on SB 48 that was TP  
4:22:42 PM Dr. Sy Woon is speaking  
4:24:10 PM Chair Albritton reminder her to make it fast as there are a few others that wish to speak  
4:24:24 PM Dr. Sy Woon continues  
4:24:59 PM Chair Albritton calls up Dara Eckart  
4:25:10 PM Eckart waives in support  
4:25:20 PM Chair Albritton calls up Dr. Nicole Crainick  
4:25:35 PM Dr. Nichole Crainick is speaking Medical Director Lane Emmanuel Hospital  
4:26:48 PM Senator Broxson has a question  
4:27:03 PM Dr. Nichole Crainick responds  
4:27:07 PM Senator Broxson ask another question  
4:27:15 PM Dr. Crainick answers  
4:27:22 PM Senator Broxson with follow up question  
4:27:32 PM Dr. Crainick answers  
4:27:35 PM Chair Albritton thanks her for speaking  
4:27:47 PM Chair Albritton is speaking  
4:28:09 PM Senator Rader is speaking  
4:29:03 PM Chair Albritton is speaking  
4:29:33 PM Chair Albritton states meeting is adjourned