

Tab 1	SB 220 by Latvala; (Identical to H 0199) Veterinary Medicine						
223912	A	S	RCS	RI, Latvala	Delete L.58 - 109:	02/10 02:21 PM	
Tab 2	SB 190 by Artiles; (Similar to H 0241) Low-voltage Electric Fences						
254056	D	S	RCS	RI, Artiles	Delete everything after	02/10 02:22 PM	
Tab 3	SB 166 by Steube (CO-INTRODUCERS) Brandes, Hutson; (Similar to H 0141) Alcoholic Beverages						
496414	A	S	RCS	RI, Hutson	Delete L.48 - 143:	02/10 04:11 PM	
Tab 4	SB 336 by Hutson (CO-INTRODUCERS) Book; (Similar to H 0327) Household Movers						
432108	A	S	RCS	RI, Hutson	Delete L.22 - 40:	02/10 04:05 PM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES

Senator Hutson, Chair
Senator Hukill, Vice Chair

MEETING DATE: Wednesday, February 8, 2017

TIME: 2:00—4:00 p.m.

PLACE: 301 Senate Office Building

MEMBERS: Senator Hutson, Chair; Senator Hukill, Vice Chair; Senators Benacquisto, Bracy, Brandes, Braynon, Gibson, Perry, Steube, Thurston, and Young

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 220 Latvala (Identical H 199)	Veterinary Medicine; Defining "complementary or alternative and integrative therapies," "physical examination," "veterinary dentistry," and "veterinary telemedicine"; revising the definitions of "veterinarian/client/patient relationship," and "veterinary medicine", etc. RI 02/08/2017 Fav/CS AGG AP	Fav/CS Yeas 7 Nays 0
2	SB 190 Artiles (Similar H 241)	Low-voltage Electric Fences; Providing requirements for a low-voltage electric fence to be permitted as a low-voltage alarm system project, etc. RI 02/08/2017 Fav/CS CA RC	Fav/CS Yeas 8 Nays 0
3	SB 166 Steube (Similar H 141, Compare H 689, S 400)	Alcoholic Beverages; Providing that the ownership, management, operation, or control of up to three vendor's licenses for the sale of alcoholic beverages by a certified Florida Craft Distillery is not prohibited under specified laws; requiring the Division of Alcoholic Beverages and Tobacco to issue permits to certified Florida Craft Distilleries to conduct certain tastings and sales; specifying authorized products for sale by craft distilleries, etc. RI 02/08/2017 Fav/CS CM AGG AP	Fav/CS Yeas 5 Nays 4
4	SB 336 Hutson (Similar H 327)	Household Movers; Requiring the Department of Agriculture and Consumer Services to deny or refuse to renew the registration of a mover under certain circumstances; prohibiting a mover from knowingly refusing or failing to disclose in writing specified criminal information under certain circumstances, etc. RI 02/08/2017 Fav/CS AEN AP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Regulated Industries

Wednesday, February 8, 2017, 2:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

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 Regulated Industries

BILL: CS/SB 220

INTRODUCER: Regulated Industries Committee and Senator Latvala

SUBJECT: Veterinary Medicine

DATE: February 8, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	McSwain	RI	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 220 revises the laws governing the practice of veterinary medicine in ch. 474, F.S., to include alternative veterinary medicine, veterinary dentistry, and veterinary telemedicine. Alternative veterinary medicine includes therapies outside of conventional medicine, such as veterinary acupuncture, and other therapies that are based on techniques practiced in osteopathy, chiropractic medicine, or physical therapy.

The bill specifies activities that are included in the practice of veterinary dentistry which must be performed by a licensed veterinarian or by a person under his or her immediate supervision.

Veterinarians engaged in veterinary telemedicine provide animal patient care, treatment, or service through medical information that is exchanged from one site to another by means of electronic communications. The use of telemedicine for patient care and treatment is allowed if a physical examination is performed by a veterinarian and a valid patient relationship between a patient (an animal) and a veterinarian is established. The term “physical examination,” as defined in the bill, does not apply to the disclosure of patient medical records pursuant to s. 474.2165, F.S., by a veterinarian who generates a medical record after making a physical examination.

The bill has no fiscal impact on state government. See Section V.

The bill takes effect July 1, 2017.

II. Present Situation:

Veterinary Medicine, the Practice of Veterinary Medicine, and Exempted Persons

In 1979, the Legislature determined that the practice of veterinary medicine is potentially dangerous to public health and safety if conducted by incompetent and unlicensed practitioners and that minimum requirements for the safe practice of veterinary medicine are necessary.¹ The Board of Veterinary Medicine (board) in the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., on Veterinary Medical Practice.² A veterinarian is a health care practitioner licensed to engage in the practice of veterinary medicine in Florida under ch. 474, F.S.³

Veterinary medicine includes, with respect to animals:⁴

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine);⁵ and
- Other branches or specialties of veterinary medicine.

The practice of veterinary medicine is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁶ Veterinarians who are incompetent or present a danger to the public are subject to discipline and may be prohibited from practicing in the state.⁷

Eight categories of persons are exempt from complying with ch. 474, F.S.:⁸

- Faculty veterinarians when they have assigned teaching duties at accredited⁹ institutions;

¹ See s. 474.201, F.S.

² See ss. 474.204 through 474.2125, F.S., concerning the powers and duties of the board.

³ See s. 474.202(11), F.S.

⁴ See s. 474.202(13), F.S. Section 474.202(1), F.S., defines “animal” as “any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

⁵ The Society for Theriogenology, established in 1954, is composed of veterinarians dedicated to standards of excellence in animal reproduction. See <http://www.therio.org/> (last visited Feb. 1, 2017).

⁶ See s. 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.

⁷ See s. 474.213, F.S., on prohibited acts, and s. 474.214, F.S., on disciplinary proceedings.

⁸ See s. 474.203, F.S.

⁹ Sections 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates. The AVMA Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the United States and Canada, and may also approve foreign veterinary colleges. See <https://www.avma.org/professionaldevelopment/education/accreditation/colleges/pages/coe-pp-overview-of-the-coe.aspx> (last visited Feb. 1, 2017). The AVMA Commission for Foreign Veterinary Graduates assists graduates of foreign, non-accredited schools to meet the requirement of most states that such foreign graduates successfully complete an educational

- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until they complete or terminate their training;
- Students in a school or college of veterinary medicine who perform assigned duties by an instructor (no accreditation of the institution is required), or work as preceptors¹⁰ (if the preceptorship is required for graduation from an accredited institution);
- Doctors of veterinary medicine employed by a state agency or the United States Government while actually engaged in the performance of official duties at the installations for which the services were engaged;
- Persons or their employees caring for the persons' own animals, as well as part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks (excluding immunization or treatment of diseases that are communicable to humans and significant to public health) for herd/flock animals, with certain limitations; however, the exemption is not available to a person licensed as a veterinarian in another state and temporarily practicing in Florida, or convicted of violating ch. 828, F.S., on animal cruelty, or of any similar offense in another jurisdiction, and employment may not be provided for the purpose of circumventing ch. 474, F.S.;
- Certain entities or persons¹¹ that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods of treatment or techniques to diagnose or treatment of human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine;
- Veterinary aides, nurses, laboratory technicians, preceptors, or other employee of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision¹² of a licensed veterinarian; and
- Certain non-Florida veterinarians who are licensed and actively practicing veterinary medicine in another state, are board certified in a specialty recognized by the Florida Board of Veterinary Medicine, and are assisting upon request of a Florida-licensed veterinarian to consult on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner.

Veterinarian/Client/Patient Relationship

Section 474.202(12), F.S., defines a “veterinarian/client/patient relationship” as one in which a veterinarian has assumed responsibility for making medical judgments about the health of an animal and its need for medical treatment.

equivalency assessment certification program. *See*

<https://www.avma.org/professionaldevelopment/education/foreign/pages/ecfvg-about-us.aspx> (last visited Feb. 1, 2017). In turn, the Council for Higher Education Accreditation, a national advocate for regulation of academic quality through accreditation, is an association of 3,000 degree-granting colleges and universities and recognizes 60 institutional and programmatic accrediting organizations. *See* <http://chea.org/> (last visited Feb. 1, 2017).

¹⁰ A preceptor is a skilled practitioner or faculty member who directs, teaches, supervises, and evaluates students in a clinical setting to allow practical experience with patients. *See also* <https://www.merriam-webster.com/dictionary/preceptor#medicalDictionary> (last visited Feb. 1, 2017).

¹¹ *See* s. 474.203(6), F.S., which states that the exemption applies to “[s]tate agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof”

¹² The term “responsible supervision” is defined in s. 474.202(10), F.S., as the “control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services” delegated to unlicensed personnel.

Telemedicine

The use of electronic communications to facilitate patient health care (telemedicine) is not addressed in ch. 474, F.S., and is not authorized for practitioners of veterinary medicine in Florida. However, the Florida Mental Health Act (popularly known as “The Baker Act”),¹³ contains a legislative finding that “the use of telemedicine for patient evaluation, case management, and ongoing care will improve management of patient care and reduce costs of transportation.”¹⁴

III. Effect of Proposed Changes:

The bill amends s. 474.202(16), F.S., to include alternative veterinary medicine and veterinary telemedicine within the practice of veterinary medicine. The bill creates s. 474.202(4), F.S., to specify that the practice of veterinary medicine includes “complementary or alternative and integrative therapies” (therapies), that are a diverse group of philosophies and practices that may be preventive, diagnostic, or therapeutic in nature, but are not part of conventional or Western medicine¹⁵ as practiced by most veterinarians.

The veterinary therapies added to the practice of veterinary medicine include:

- Acupuncture, acuthery;¹⁶ and acupressure;
- Homeopathy;¹⁷
- Manual or manipulative therapy, such as therapies based on techniques practiced in osteopathy,¹⁸ chiropractic medicine, or physical medicine and therapy;
- Nutraceutical¹⁹ therapy; and
- Physiotherapy.²⁰

A similar definition for “complementary, alternative and integrative therapies” is in the Standards of Practice adopted in 2005 by the DBPR.²¹

¹³ See s. 394.451, F.S.

¹⁴ See s. 394.453(3), F.S.

¹⁵ The term “Western medicine” has been defined as a system in which healthcare professionals treat symptoms and diseases using drugs, radiation, or surgery; alternative descriptions include conventional medicine, mainstream medicine, and orthodox medicine. See the *Dictionary of Cancer Terms of the National Cancer Institute at the National Institutes of Health*, available at <https://www.cancer.gov/publications/dictionaries/cancer-terms?cdrid=454743> (last visited Feb. 1, 2017).

¹⁶ Acuthery utilizes needles or non-needle techniques with electrical stimulation or pressure. See <http://medical-dictionary.thefreedictionary.com/acuthery> (last visited Feb. 1, 2017).

¹⁷ *Id.* Homeopathy is an alternative approach to medicine based on the belief that natural substances, specially prepared and used in very small amounts, restore health, and that, in order for a remedy to be effective, it must cause in a healthy person the same symptoms being treated in the patient.

¹⁸ Section 459.003(3), F.S., defines the practice of osteopathic medicine by licensed osteopathic physicians for human patients as “the diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental conditions.” The practice is based in part upon requirements that emphasize the importance of the musculoskeletal structure and manipulative therapy to maintain and restore health. *Id.*

¹⁹ A “nutraceutical” is a food or dietary supplement that is believed to provide health benefits. See the *Dictionary of Cancer Terms of the National Cancer Institute at the National Institutes of Health*, available at <https://www.cancer.gov/publications/dictionaries/cancer-terms?cdrid=454743> (last visited Feb. 1, 2017).

²⁰ Section 486.021(8), F.S., defines “physiotherapy” as identical to and interchangeable with the term “physical therapy.”

²¹ See Fla. Admin. Code R. 61G18-19.002. The rule requires that a licensed veterinarian who offers such treatment must inform the owner of the patient of the treatment and explain (orally or in writing) the associated benefits and risks, along with the veterinarian’s education, experience, and credentials for the proposed treatment option.

The bill creates s. 474.202(17), F.S., to include veterinary telemedicine by licensed veterinarians within the practice of veterinary medicine. The bill requires performance of a physical examination and establishment of a valid patient relationship between a patient (an animal) and a veterinarian. Veterinarians engaged in veterinary telemedicine provide patient care, treatment, or service through medical information that is exchanged from one site to another by means of electronic communications.²²

The bill creates s. 474.202(10), F.S., to define “physical examination” as the evaluation of a patient by personal inspection, palpation,²³ and auscultation (listening to sounds using a stethoscope) by a veterinarian. The term “physical examination” does not apply in the context of investigations pursuant to s. 474.2185, F.S., concerning physical examinations related to lawful investigation of a complaint against a licensed veterinarian (or of an application for licensure).

The bill amends the current definition of “veterinarian/client/patient relationship” in s. 274.202(12), F.S., which is a relationship in which a veterinarian has assumed responsibility for making medical judgments about the health of an animal and its need for medical treatment.²⁴ The existing definition is revised by the bill to be a definition of a “veterinarian relationship,” a “client relationship,” or a “patient relationship.”

The bill creates s. 474.202(15), F.S., to specify the following activities that are included in the practice of veterinary dentistry and performed either by a licensed veterinarian or by a person under his immediate supervision:²⁵

- The examination, evaluation, diagnosis, prevention, and treatment of the oral cavity, jaw and facial (maxillofacial) areas and associated structures; and
- Dental cleaning, which includes
 - Removal of plaque and calcified dental plaque from gums and teeth;²⁶ and
 - Teeth polishing using power or hand instruments.

The treatment of diseased periodontal tissues (periodontal therapy) is also included in veterinary dentistry; periodontal therapy includes dental cleaning and one or more of the following treatments:

- Root planing (trimming);
- Gum trimming (gingival curettage);

²² Electronic communication” is defined in 18 U.S. Code s. 2510(10) to mean, in pertinent part, any transfer of signals, writing, images, sounds, data, or intelligence of any nature transmitted by a wire, radio, electromagnetic, photo-electronic or photo-optical system, excluding (a) any wire or oral communication; (b) any communication made through a tone-only paging device; (c) any communication from a tracking device; or (d) electronic funds transfer information stored by a financial institution in an electronic communications system used for the storage and transfer of funds;

²³ Palpation is an examination that includes pressing on the body to feel organs and tissues underneath. *See the Dictionary of Cancer Terms of the National Cancer Institute at the National Institutes of Health, available at <https://www.cancer.gov/publications/dictionaries/cancer-terms?cdrid=454743>* (last visited Feb. 1, 2017).

²⁴ See s. 474.202(12), F.S.

²⁵ The term “immediate supervision” is defined in s. 474.202(5), F.S., to mean that “a licensed doctor of veterinary medicine is on the premises whenever veterinary services are being provided.” Section 474.215, F.S., requires a premises permit from the DBPR for any permanent or mobile establishment where a licensed veterinarian practices. *See also* Fla. Admin. Code R. Ch. 61G18-15, for the requirements for issuance of a premises permit by the DBPR.

²⁶ The technical terms in the bill are scaling and supragingival and subgingival plaque and calculus removal.

- Removal or repositioning of soft tissue (periodontal flaps);
- Extractions of teeth;
- Regenerative surgery (for natural renewal of a tissue or part);
- Procedures to remove or re-contour gums (gingivectomy or gingivoplasty); and
- Local administration of antiseptics or antibiotics.

The bill revises two references in s. 474.2165, F.S., to substitute the term “physical examination” for “examination,” to conform to the definition of “physical examination” created in s. 474.202(10), F.S.

The bill amends s. 474.202, F.S., to conform cross-references.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

By specifying that the practice of veterinary medicine includes alternative veterinary medicine, veterinary telemedicine, and veterinary dentistry, as defined in CS/SB 220, and requiring that such activities be performed by licensed veterinarians (and others if properly supervised), the bill may adversely affect persons who have previously engaged in such activities, but are not licensed as veterinarians in Florida.

The DBPR maintains that licensure as a veterinarian is required for a person to provide the complementary or alternative and integrative therapies” described in the bill.²⁷ Prosecution of the unlicensed practice of veterinary medicine by the DBPR is based upon

²⁷ See 2017 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation) for SB 220, dated February 2, 2017 (on file with Senate Committee on Regulated Industries) at page 2.

the definition of “veterinary medicine” in s. 474.202(13), F.S.²⁸ The DBPR has prosecuted individuals for unlicensed activity based on the performance of the services described in the bill as “veterinary dentistry” and “veterinary telemedicine,” and the revised definition of veterinary medicine may increase the number of persons deemed to be engaging in the unlicensed practice of veterinary medicine.²⁹

C. Government Sector Impact:

The DBPR indicates that SB 220 as filed has no fiscal impact, but also says the bill could lead to an increase in the number of cases of unlicensed veterinary practice.³⁰ The DBPR also indicates that rulemaking may be necessary to clarify undefined terms in the bill and to implement veterinary telemedicine regulations, including:

- The means and methods of such implementation; and
- Any requirements for third-party service providers to be licensed by the DBPR.³¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DBPR Office of the General Counsel commented that an unlicensed person may try to defend against a charge of engaging in the practice of veterinary medicine related to the definition of “veterinary telemedicine” by claiming that a physical examination by a “licensed veterinary practitioner” did not occur.³²

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 474.202 and 474.2165.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Regulated Industries on February 8, 2017:

The committee substitute revises:

- The definition of “physical examination” in s. 474.202(10), F.S., to substitute the term “veterinarian” for “licensed veterinary practitioner”; and
- The definition of “veterinary telemedicine” in s. 474.202(17), F.S., to substitute:
 - The term “veterinarian” for the term “licensed Florida veterinarian”; and
 - The term “physical examination,” for the term “complete physical examination.”

²⁸ *Id.*

²⁹ *Id.* at page 5.

³⁰ *Id.* at pp. 4 and 5.

³¹ *Id.* at page 5.

³² *Id.* at page 6.

B. Amendments:

None.

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

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: SB 220
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, February 8, 2017
TIME: 2:00—4:00 p.m.
PLACE: 301 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



223912

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2017	.	
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The Committee on Regulated Industries (Latvala) recommended the following:

Senate Amendment

Delete lines 58 - 109
and insert:
by a veterinarian. This definition does not apply to s.
474.2185.

(11)(9) "Practice of veterinary medicine" means diagnosing
the medical condition of animals and prescribing, dispensing, or
administering drugs, medicine, appliances, applications, or
treatment of whatever nature for the prevention, cure, or relief



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of a wound, fracture, bodily injury, or disease thereof;
performing any manual procedure for the diagnosis of or
treatment for pregnancy or fertility or infertility of animals;
or representing oneself by the use of titles or words, or
undertaking, offering, or holding oneself out, as performing any
of these functions. The term includes the determination of the
health, fitness, or soundness of an animal.

(12)~~(10)~~ "Responsible supervision" or words of similar
purport mean the control, direction, and regulation by a
licensed doctor of veterinary medicine of the duties involving
veterinary services which she or he delegates to unlicensed
personnel.

(13)~~(11)~~ "Veterinarian" means a health care practitioner
who is licensed to engage in the practice of veterinary medicine
in Florida under the authority of this chapter.

(14)~~(12)~~ "Veterinarian relationship," "client
relationship," or "patient Veterinarian/client/patient
relationship" means a relationship where the veterinarian has
assumed the responsibility for making medical judgments
regarding the health of the animal and its need for medical
treatment.

(15) "Veterinary dentistry" means a discipline within the
scope of veterinary practice that involves the professional
examination, evaluation, diagnosis, prevention, and nonsurgical
and surgical treatment of conditions, diseases, and disorders of
the oral cavity and maxillofacial area and their adjacent and
associated structures. A veterinary dental cleaning refers to
scaling, supragingival and subgingival plaque and calculus
removal, and polishing of the teeth with power or hand



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instruments by a licensed veterinarian or under his or her
immediate supervision. Periodontal therapy, which is also
included within veterinary dentistry, refers to the treatment of
diseased periodontal tissues which includes professional dental
cleaning as defined in this subsection and one or more of the
following treatments: root planing, gingival curettage,
periodontal flaps, extractions, regenerative surgery,
gingivectomy or gingivoplasty, and local administration of
antiseptics or antibiotics.

(16)(13) "Veterinary medicine" includes, with respect to
animals, surgery, acupuncture, obstetrics, veterinary dentistry,
physical therapy, radiology, theriogenology, complementary or
alternative veterinary medicine, veterinary telemedicine, and
other branches or specialties of veterinary medicine.

(17) "Veterinary telemedicine" means the practice of
veterinary medicine by a veterinarian following a physical
examination and the establishment of a valid

By Senator Latvala

16-00120A-17

2017220__

A bill to be entitled
An act relating to veterinary medicine; amending s.
474.202, F.S.; defining "complementary or alternative
and integrative therapies," "physical examination,"
"veterinary dentistry," and "veterinary telemedicine";
revising the definitions of
"veterinarian/client/patient relationship," and
"veterinary medicine"; amending s. 474.2165, F.S.;
conforming terminology; providing an effective date.

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

Section 1. Section 474.202, Florida Statutes, is amended to
read:

474.202 Definitions.—As used in this chapter:

(1) "Animal" means any mammal other than a human being or
any bird, amphibian, fish, or reptile, wild or domestic, living
or dead.

(2) "Board" means the Board of Veterinary Medicine.

(3) "Client" means the owner or caretaker of an animal who
arranges for its veterinary care.

(4) "Complementary or alternative and integrative
therapies" means a heterogeneous group of preventive,
diagnostic, and therapeutic philosophies and practices that are
not considered part of conventional or Western medicine as
practiced by most veterinarians. These therapies include, but
are not limited to, veterinary acupuncture, acutherapy, and
acupressure; veterinary homeopathy; veterinary manual or
manipulative therapy, such as therapies based on techniques
practiced in osteopathy, chiropractic medicine, or physical
medicine and therapy; veterinary nutraceutical therapy; and
veterinary physiotherapy.

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33 (5)~~(4)~~ "Department" means the Department of Business and
34 Professional Regulation.

35 (6)~~(5)~~ "Immediate supervision" or words of similar purport
36 mean a licensed doctor of veterinary medicine is on the premises
37 whenever veterinary services are being provided.

38 (7)~~(6)~~ "Limited-service veterinary medical practice" means
39 offering or providing veterinary services at any location that
40 has a primary purpose other than that of providing veterinary
41 medical service at a permanent or mobile establishment permitted
42 by the board; provides veterinary medical services for privately
43 owned animals that do not reside at that location; operates for
44 a limited time; and provides limited types of veterinary medical
45 services.

46 (8)~~(7)~~ "Mobile veterinary establishment" and "mobile
47 clinic" mean a mobile unit which contains the same treatment
48 facilities as are required of a permanent veterinary
49 establishment or which has entered into a written agreement with
50 another veterinary establishment to provide any required
51 facilities not available in the mobile unit. The terms do not
52 refer to the use of a car, truck, or other motor vehicle by a
53 veterinarian making a house call.

54 (9)~~(8)~~ "Patient" means any animal for which the
55 veterinarian practices veterinary medicine.

56 (10) "Physical examination" means the evaluation of a
57 patient by the personal inspection, palpation, and auscultation
58 by a licensed veterinary practitioner. This definition does not
59 apply to s. 474.2185.

60 (11)~~(9)~~ "Practice of veterinary medicine" means diagnosing
61 the medical condition of animals and prescribing, dispensing, or

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administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof; performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or representing oneself by the use of titles or words, or undertaking, offering, or holding oneself out, as performing any of these functions. The term includes the determination of the health, fitness, or soundness of an animal.

(12)~~(10)~~ "Responsible supervision" or words of similar purport mean the control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services which she or he delegates to unlicensed personnel.

(13)~~(11)~~ "Veterinarian" means a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under the authority of this chapter.

(14)~~(12)~~ "Veterinarian relationship," "client relationship," or "patient Veterinarian/client/patient relationship" means a relationship where the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and its need for medical treatment.

(15) "Veterinary dentistry" means a discipline within the scope of veterinary practice that involves the professional examination, evaluation, diagnosis, prevention, and nonsurgical and surgical treatment of conditions, diseases, and disorders of the oral cavity and maxillofacial area and their adjacent and associated structures. A veterinary dental cleaning refers to

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91 scaling, supragingival and subgingival plaque and calculus
92 removal, and polishing of the teeth with power or hand
93 instruments by a licensed veterinarian or under his or her
94 immediate supervision. Periodontal therapy, which is also
95 included within veterinary dentistry, refers to the treatment of
96 diseased periodontal tissues which includes professional dental
97 cleaning as defined in this subsection and one or more of the
98 following treatments: root planing, gingival curettage,
99 periodontal flaps, extractions, regenerative surgery,
100 gingivectomy or gingivoplasty, and local administration of
101 antiseptics or antibiotics.

102 ~~(16)~~ ~~(13)~~ "Veterinary medicine" includes, with respect to
103 animals, surgery, acupuncture, obstetrics, veterinary dentistry,
104 physical therapy, radiology, theriogenology, complementary or
105 alternative veterinary medicine, veterinary telemedicine, and
106 other branches or specialties of veterinary medicine.

107 (17) "Veterinary telemedicine" means the practice of
108 veterinary medicine by a licensed Florida veterinarian following
109 a complete physical examination and the establishment of a valid
110 patient relationship where patient care, treatment, or service
111 is provided through the use of medical information exchanged
112 from one site to another via electronic communications.

113 Section 2. Subsection (3) and paragraph (a) of subsection
114 (4) of section 474.2165, Florida Statutes, are amended to read:
115 474.2165 Ownership and control of veterinary medical
116 patient records; report or copies of records to be furnished.—

117 (3) Any records owner licensed under this chapter who makes
118 a physical an examination of, or administers treatment or
119 dispenses legend drugs to, any patient shall, upon request of

16-00120A-17

2017220__

the client or the client's legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.

(4) Except as otherwise provided in this section, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the client or the client's legal representative or other veterinarians involved in the care or treatment of the patient, except upon written authorization of the client. However, such records may be furnished without written authorization under the following circumstances:

(a) To any person, firm, or corporation that has procured or furnished physical ~~such~~ examination or treatment with the client's consent.

Section 3. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/8/16
Meeting Date

220
Bill Number (if applicable)

Topic Veterinary Practice Act

Amendment Barcode (if applicable)

Name Corinne Mixon

Job Title Lobbyist

Address 119 S. Monroe St
Street

Phone (850) 766-5795

Tallahassee FL 32301
City State Zip

Email corinne@rutledge-ecenia.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Veterinary Medical 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
APPEARANCE RECORD

02/08/2017

Meeting Date

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

SB 220

Bill Number (if applicable)

223912

Amendment Barcode (if applicable)

Topic Practice of Veterinary Medicine

Name Dr. Steve Steversen

Job Title Veterinarian and Small Business Owner

Address 6714 Thomasville Rd,

Street

Tallahassee

City

FL

State

32312

Zip

Phone Phone: (850) 893-3047

Email

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Veterinary Medical 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.

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations, *Chair*
Commerce and Tourism
Environmental Preservation and Conservation
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission,
Alternating Chair

SENATOR JACK LATVALA

16th District

January 24, 2017

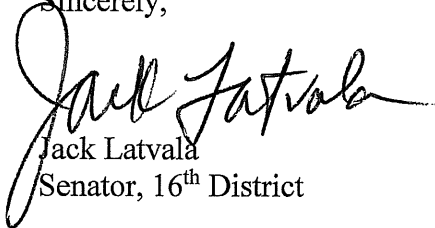
The Honorable Travis Hutson
314 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Hutson,

I respectfully request you place Senate Bill 220, relating to Veterinary Medicine, on your Regulated Industries agenda at your earliest convenience.

Should you have any questions or concerns regarding this legislation, please do not hesitate to contact me personally.

Sincerely,


Jack Latvala
Senator, 16th District

cc: Ross McSwain, Staff Director

*Received
1/24/17*

REPLY TO:

- ☐ 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- ☐ 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

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 Regulated Industries

BILL: CS/SB 190

INTRODUCER: Regulated Industries Committee and Senator Artiles

SUBJECT: Low-voltage Electric Fences

DATE: February 8, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	McSwain	RI	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 190 revises s. 553.793, F.S., concerning streamlined low-voltage alarm system installation permitting, to include a new or existing low-voltage electric fence as a “low-voltage alarm system project.” A low-voltage electric fence is composed of an alarm system (a device used to detect a burglary, fire, robbery, or medical emergency) consisting of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts that produces an electric charge upon contact with the fence structure. The ancillary components or equipment that may be attached to an alarm system or low-voltage electric fence are revised to include closed-circuit television systems, access controls, and battery-charging devices.

A low-voltage electric fence: 1) must produce a limited electric charge; 2) must be completely enclosed by a nonelectric fence or wall; 3) may be up to two feet higher than the perimeter nonelectric fence or wall; 4) must be identified with attached warning signs not more than 60 feet apart; and 5) may not be installed in areas zoned primarily or exclusively for single-family or multifamily residential use. No further permit may be required for a low-voltage alarm system project that is composed of a low-voltage electric fence that meets all of the above requirements.

Under current law, a municipality, county, district, or other entity of local government (local government) may not adopt or maintain in effect any ordinance or rule regarding a “low-voltage alarm system project” that is inconsistent with s. 553.973, F.S., as revised in the bill. The classification of low-voltage electric fences as a “low-voltage alarm system project” will

eliminate the authority of a local government to adopt new ordinances or rules, or maintain existing ordinances or rules, concerning low-voltage electric fences.

The bill has no fiscal impact on state government. See Section V.

The bill takes effect July 1, 2017.

II. Present Situation:

Part II of ch. 489, F.S., dealing with electrical and alarm system contracting, sets forth requirements for qualified persons to be licensed if they have sufficient technical expertise in the applicable trade, and have been tested on technical and business matters.¹ The Electrical Contractors' Licensing Board (board) in the Department of Business and Professional Regulation (DBPR) implements Part II of ch. 489, F.S.² An alarm system is “any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.”³ An alarm system includes home-automation equipment, thermostats, and video cameras.⁴

Section 489.505, F.S., specifies the types of contractors that may lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace or service alarm systems. An alarm system contractor is a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to conduct all alarm services for compensation, for all types of alarm systems for all purposes.⁵ The term also includes any person, firm, or corporation that engages in the business of alarm contracting under an expressed or implied contract or that undertakes, offers to undertake, or submits a bid to engage in the business of alarm contracting.⁶ An alarm system contractor whose business includes all types of alarm systems for all purposes is designated as an “alarm system contractor I;” the practice area of an “alarm system contractor II” is identical except that it does not include fire alarm systems.⁷

The DBPR may also issue geographically unlimited certificates of competency to an alarm system contractor (certificateholder).⁸ The scope of certification is limited to specific alarm

¹ See s. 489.501, F.S.

² See ss. 489.507 through 489.517, F.S., concerning the powers and duties of the board.

³ See s. 489.505(1), F.S.

⁴ See s. 553.793(1)(b), F.S.

⁵ See s. 489.505(2), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ See ss. 489.505(4), 489.505(5), and 489.515(1), F.S.

circuits and equipment.⁹ No mandatory licensure requirement is created by the availability of a certification.¹⁰

Part IV of ch. 553, F.S., constitutes the Florida Building Codes Act (act). The act provides a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of the Florida Building Code, consisting of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities, and to the enforcement of such requirements.¹¹ The Florida Building Code is adopted, modified, updated, interpreted, and maintained by the Florida Building Commission.¹²

Pursuant to s. 553.88, F.S., the current edition of the following standards are in effect for the purpose of establishing minimum electrical and alarm standards in Florida:

- National Electrical Code, NFPA¹³ No. 70;
- Underwriters' Laboratories, Inc. (UL), Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps, UL 57 and UL 153;
- Underwriters' Laboratories, Inc., Standard for Electric Signs, UL 48;
- The provisions of the following which prescribe minimum electrical and alarm standards:
 - NFPA No. 56A, Inhalation Anesthetics;
 - NFPA No. 56B, Respiratory Therapy;
 - NFPA No. 56C, Laboratories in Health-related Institutions;
 - NFPA No. 56D, Hyperbaric Facilities;
 - NFPA No. 56F, Nonflammable Medical Gas Systems;
 - NFPA No. 72, National Fire Alarm Code; and
 - NFPA No. 76A, Essential Electrical Systems for Health Care Facilities;
- The rules and regulations of the Department of Health, entitled "Nursing Homes and Related Facilities Licensure"; and
- The minimum standards for grounding of portable electric equipment in Florida Administrative Code Rule Chapter 8C-27, as recommended by the Division of Workers' Compensation in the Department of Financial Services.

⁹ Section 489.505(7), F.S., describes the limitations on the scope of a certificate of competency as those circuits originating in alarm control panels, equipment governed by the Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition, as well as the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks. RMS is the abbreviation for "root mean square," a statistical term defined as the square root of mean square. See <http://www.practicalphysics.org/explaining-rms-voltage-and-current.html> (last visited Feb. 3, 2017).

¹⁰ *Id.*

¹¹ See s. 553.72(1), F.S., which also indicates that effective and reasonable protection for public safety, health, and general welfare at the most reasonable cost to the consumer is also intended.

¹² See s. 553.72(3), F.S.

¹³ NFPA is the acronym for the National Fire Protection Association, which is an international nonprofit organization established in 1896. Its mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes, standards, research, training and education. NFPA develops, publishes, and disseminates more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks. See <http://www.nfpa.org/about-nfpa> (last visited Feb. 2, 2017).

Section 553.71(5), F.S., provides that a local enforcement agency¹⁴ is an agency with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities. A local enforcement agency must make uniform permit labels available for purchase by a contractor for the installation or replacement of a new or existing alarm system for not more than \$40 per label per project per unit, and may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of an alarm system.¹⁵

A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with s. 553.793, F.S.¹⁶

III. Effect of Proposed Changes:

The bill revises s. 553.793, F.S., dealing with streamlined low-voltage alarm system installation permitting, to include a new or existing low-voltage electric fence within the definition of a low-voltage alarm system project.

A low-voltage electric fence is composed of an alarm system as defined in s. 489.505, F.S.,¹⁷ that operates in conjunction with a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.

A low-voltage electric fence:

- Must produce an electric charge upon contact that may not exceed certain energizer characteristics that are set forth in International Electrotechnical Commission Standard No. 60335-2-76;¹⁸
- Must be completely enclosed by a nonelectric fence or wall;
- May be up to two feet higher than the perimeter nonelectric fence or wall;
- Must be identified with attached warning signs at least 60 feet apart; and
- May not be installed in areas zoned primarily or exclusively for single-family or multifamily residential use.

¹⁴ Section 553.71(5), F.S., of the Florida Building Codes Act defines local enforcement agency as an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

¹⁵ See s. 553.793(4), F.S.

¹⁶ See s. 553.793(9), F.S.

¹⁷ Section 489.505, F.S., defines an alarm system as “any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.”

¹⁸ The limits on energizer characteristics are those set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76, Current Edition (the Energizer Standard); however, the Energizer Standard does not appear to be incorporated as a reference in the Florida Administrative Code, and use of the Energizer Standard document is subject to copyright protection. See <https://webstore.iec.ch/publication/1736> (last visited Feb. 2, 2017). The Energizer Standard is not published on the Internet and must be purchased from the IEC.

Because s. 553.793(9), F.S., prohibits a municipality, county, district, or other entity of local government (local government) from adopting or maintaining in effect any ordinance or rule regarding a “low-voltage alarm system project” inconsistent with s. 553.793, F.S., the classification of low-voltage electric fences as “low-voltage alarm system projects” will eliminate the authority of a local government to adopt new ordinances or rules, or to maintain existing ordinances or rules, concerning low-voltage electric fences.

The bill amends s. 553.793, F.S., to conform cross-references.

The bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The DBPR states that the classification of a low-voltage electric fence as a low-voltage alarm system project will have no fiscal impact to the private sector.¹⁹ Representatives of a security fence company that has been in operation in the United States for more than 20 years indicate that standardization of the requirements for installation of low-voltage electric fences will assist property owners and their tenants by:

- Qualifying many property owners and tenants to receive discounts on their property insurance premiums; and
- Reducing delay and expense to property owners and tenants associated with the differing requirements for the installation of low-voltage electric fences that exist in more than 240 jurisdictions in Florida.²⁰

¹⁹ See 2017 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation) for SB 190, dated January 17, 2017 (on file with Senate Committee on Regulated Industries) at page 4.

²⁰ Conversation with R. LaFace and S. Ross with staff of the Committee on Regulated Industries in Tallahassee, Fla. (Jan. 31, 2017).

Persons who attempt to breach a low-voltage electric fence are shocked by electrical current that provides an electric charge of approximately 7,000 volts that pulses every 1.3 seconds, for a duration ranging from one ten-thousandth (0.0001) of a second to four ten-thousandths (0.0004) of a second.²¹

C. Government Sector Impact:

The DBPR states that SB 190 as filed will have no fiscal impact to state government, and no federal impact (i.e., no federal compliance issues, federal funding issues, or federal agency involvement).²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Division of Professions in the DBPR commented that the installation of low-voltage electric fences may be beyond “the scope of [a] licensed alarm contractor”²³ and may cause confusion among local building departments about the type of license or certification required to install low-voltage electric fences.²⁴

The DBPR reports that the head electrical inspector in the Miami-Dade County Building Department has contacted the office of the board with concerns that plans reviewed for the types of systems used for low-voltage electrical fences “exceed the scope of work” for alarm system contractors “based on the secondary voltage.”²⁵ The DBPR indicates that “portions of these systems will utilize voltages in excess of 98 volts.”²⁶

Counsel for the Florida Building Commission indicates that the revisions to s. 553.793 F.S., must be incorporated into the Florida Building Code through standard rulemaking processes, and counsel for the board states that ch. 489, F.S., relating to electrical and alarm system contracting, may require an amendment to allow alarm system contractors to perform installations of low-voltage electric fences.²⁷

VIII. Statutes Affected:

This bill substantially amends s. 553.793 of the Florida Statutes.

²¹ *Id.*

²² See 2017 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation) for SB 190, dated January 17, 2017 (on file with Senate Committee on Regulated Industries) at pp. 4-5.

²³ See 2017 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation) for SB 190, dated January 17, 2017 (on file with Senate Committee on Regulated Industries) at page 5.

²⁴ *Id.*

²⁵ *Id.* at page 3.

²⁶ *Id.* at page 2.

²⁷ *Id.* at page 5.

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 Regulated Industries on February 8, 2017:

The committee substitute:

- Includes the term “fence structure” in the definition of “low-voltage electric fence.”
- Revises the additional ancillary components that may be attached to an alarm system or “low-voltage electric fence” to include closed-circuit television systems, access controls; and battery-charging devices;
- Clarifies and expands the requirements for a low-voltage electric fence to:
 - Require that a nonelectric fence or wall “completely enclose” the low-voltage electric fence or wall;
 - Allow the low-voltage electric fence to be up to two feet higher than the perimeter nonelectric fence or wall; and
 - Prohibit, as to a low-voltage alarm system project composed of a low-voltage electric fence that meets all requirements in s. 553.793(3), F.S., created in the bill, any further permit being required for such project.

B. Amendments:

None.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: SB 190
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, February 8, 2017
TIME: 2:00—4:00 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE			2/08/2017 Amendment 254056 ¹					
Yea	Nay		Articles		Yea	Nay	Yea	Nay
X		Benacquisto						
X		Bracy						
X		Brandes						
X		Braynon						
X		Gibson						
X		Perry						
		Steube						
		Thurston						
X		Young						
		Hukill, VICE CHAIR						
X		Hutson, CHAIR						
8	0		RCS	-				
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



254056

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2017	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Artiles) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (3) through (10) of section 553.793, Florida Statutes, are redesignated as subsections (4) through (11), respectively, subsection (1) and present subsection (6) of that section are amended, and a new subsection (3) is added to that section, to read:

553.793 Streamlined low-voltage alarm system installation



254056

11 permitting.—

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

13 (a) "Contractor" means a person who is qualified to engage
14 in the business of electrical or alarm system contracting
15 pursuant to a certificate or registration issued by the
16 department under part II of chapter 489.

17 (b) "Low-voltage alarm system project" means a project
18 related to the installation, maintenance, inspection,
19 replacement, or service of a new or existing alarm system, as
20 defined in s. 489.505, which ~~that~~ is hardwired and operating at
21 low voltage, as defined in the National Electrical Code Standard
22 70, Current Edition, or a new or existing low-voltage electric
23 fence, and ancillary components or equipment attached to such a
24 system or fence, including, but not limited to, home-automation
25 equipment, thermostats, closed-circuit television systems,
26 access controls, battery-charging devices, and video cameras.

27 (c) "Low-voltage electric fence" means an alarm system, as
28 defined in s. 489.505, consisting of a fence structure and an
29 energizer powered by a commercial storage battery not exceeding
30 12 volts which produces an electric charge upon contact with the
31 fence structure.

32 (d) "Wireless alarm system" means a burglar alarm system or
33 smoke detector that is not hardwired.

34 (3) A low-voltage electric fence must meet all of the
35 following requirements to be permitted as a low-voltage alarm
36 system project, and no further permit shall be required for such
37 low-voltage alarm system project other than as provided in this
38 section:

39 (a) The electric charge produced by the low-voltage



254056

electric fence upon contact does not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.

(b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.

(c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.

(d) The low-voltage electric fence may not be installed in an area zoned primarily or exclusively for single-family or multi-family residential use.

(7)~~(6)~~ A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (8) ~~(7)~~ to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.

Section 2. This act shall take effect July 1, 2017.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:



254056

69 A bill to be entitled
70 An act relating to low-voltage electric fences;
71 amending s. 553.793, F.S.; redefining the term "low-
72 voltage alarm system project" to include low-voltage
73 electric fences; defining the term "low-voltage
74 electric fence"; providing requirements for a low-
75 voltage electric fence to be permitted as a low-
76 voltage alarm system project; conforming a cross-
77 reference; providing an effective date.

By Senator Artiles

40-00155-17

2017190__

A bill to be entitled
An act relating to low-voltage electric fences;
amending s. 553.793, F.S.; redefining the term "low-
voltage alarm system project"; defining the term "low-
voltage electric fence"; providing requirements for a
low-voltage electric fence to be permitted as a low-
voltage alarm system project; conforming a cross-
reference; providing an effective date.

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

Section 1. Subsection (1) of section 553.793, Florida
Statutes, is amended, present subsections (3) through (10) are
redesignated as subsections (4) through (11), respectively, a
new subsection (3) is added to that section, and subsection (6)
of that section is amended, to read:

553.793 Streamlined low-voltage alarm system installation
permitting.—

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

(a) "Contractor" means a person who is qualified to engage
in the business of electrical or alarm system contracting
pursuant to a certificate or registration issued by the
department under part II of chapter 489.

(b) "Low-voltage alarm system project" means a project
related to the installation, maintenance, inspection,
replacement, or service of a new or existing alarm system, as
defined in s. 489.505, that is hardwired and operating at low
voltage, as defined in the National Electrical Code Standard 70,
Current Edition, or a new or existing low-voltage electric
fence, and ancillary components or equipment attached to such a
system, including, but not limited to, home-automation
equipment, thermostats, and video cameras.

40-00155-17

2017190__

(c) "Low-voltage electric fence" means an alarm system, as defined in s. 489.505, that operates in conjunction with a fence that is no higher than 10 feet and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact.

(d) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.

(3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project:

(a) The electric charge produced by the fence upon contact does not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.

(b) The low-voltage electric fence must be completely surrounded by a nonelectric fence or wall that is not less than 6 feet high.

(c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet which read: "Warning-Electric Fence."

(d) The low-voltage electric fence may not be installed in a residential area as defined in s. 316.2126(3).

(7) ~~(6)~~ A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (8) ~~(7)~~ to the local enforcement agency within 14 days after completing the project. A local enforcement agency

40-00155-17

2017190__

62 may take disciplinary action against a contractor who fails to
63 timely submit a Uniform Notice of a Low-Voltage Alarm System
64 Project.

65 Section 2. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-8-17

Meeting Date

190

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Cindy Williams

Job Title Business Development Director - Electric Guard Dog

Address 121 Executive Center Dr.

Street

Columbia

City

SC

State

29310

Zip

Phone 919-740-5033

Email Cindy@electricguarddog.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Electric Guard Dog

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
APPEARANCE RECORD

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

2/8/2017

Meeting Date

190

Bill Number (if applicable)

Topic

Low voltage

Amendment Barcode (if applicable)

Name

Jorge Chamizo

Job Title

A-Horney

Address

108 South Monroe Street

Phone

(880) 682-0024

Street

Tallahassee

FL

32301

Email

jorge@naparthur.com

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

ADT

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
APPEARANCE RECORD

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

2/8/2017
Meeting Date

190
Bill Number (if applicable)

254056
Amendment Barcode (if applicable)

Topic Low Voltage

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe St.

Tallahassee, FL 32301
City State Zip

Phone (850) 681-0024

Email jorge@flapartners.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing ADT

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)

District Office
13501 SW 128th Street
Ste 115 A
Miami, FL 33186
305- 252- 4300



Tallahassee Office
308 Senate Office Building
402 South Monroe Street
Tallahassee, FL 32399
850-487-5040

**Florida Senate
Office of Senator Frank Artiles- District 40**

Wednesday, January 11th, 2017

The Honorable Travis Hutson
Chairman, Committee on Regulated Industries
330 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: SB 190 – Low-voltage Electric Fences

Dear Chairman Hutson,

I hope this correspondence finds you well.

Please have this letter serve as my formal request to have **SB 190: Low-voltage Electric Fences**, be heard during the next Regulated Industries Committee Meeting.

The purpose of this legislation is to provide requirements for a low-voltage electric fence to be permitted as a low-voltage alarm system project.

Should you have any questions or concerns, please feel free to reach out to my office at any time.

Respectfully,

A handwritten signature in black ink, appearing to read "Frank Artiles", written in a cursive style.

Senator Frank Artiles, District 40

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 Regulated Industries

BILL: CS/SB 166

INTRODUCER: Regulated Industries Committee and Senators Steube and others

SUBJECT: Alcoholic Beverages

DATE: February 8, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	McSwain	RI	Fav/CS
2.			CM	
3.			AGG	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 166 permits a designated Florida Craft Distillery to:

- Own, manage, operate, or control up to three vendor licenses, even if the manufacturer is licensed as a distributor, for licensed premises situated on property contiguous to the manufacturing premises; and
- Conduct tastings and sales at Florida fairs, trade shows, expositions, and festivals of distilled spirits that it produces, provided it pays all entry fees and has a representative present during the event.

The bill permits a certified Florida Farm Winery or a designated Florida Craft Distillery to transfer wine or distilled spirits produced at the winery or distillery from their federal bonded space or non-bonded space at its licensed premises or storage areas to its vendor-licensed premises or approved sales room. The transfers of wine or distilled spirits must be reported to the Division of Alcoholic Beverages and Tobacco (division) of the Department of Business and Professional Regulation (DBPR) and included in the winery's or distillery's monthly excise tax payment.

Regarding a craft distillery, the bill:

- Increases the maximum number of gallons required to be produced to qualify as a craft distillery from 75,000 to 250,000 gallons per calendar year;

- Provides that a distillery is certified by the division as a “craft distillery” upon the distillery providing written notification of the distillery’s decision to qualify as a craft distillery;
- Permits a craft distillery to have one additional sales room located in the same county as the distillery’s production building, which shall be an extension of the craft distillery’s licensed premises, without requiring a vendor’s license for that additional location;
- Repeals the limitation on the number of individual containers that a craft distillery may sell to consumers;
- Repeals the requirement that a craft distillery’s sales must be for the consumer’s personal use and not for resale;
- Permits a craft distillery that reaches the production qualification limit of 250,000 gallons per calendar year to continue retail sales if the distillery has a vendor’s license for each craft distillery and additional sales room;
- Provides that a craft distillery may retain and renew its vendor’s license(s) if it exceeds the 250,000-gallon production limitation;
- Repeals the prohibition against the transfer of a craft distillery’s license or any ownership interest to any individual or entity with a direct or indirect interest in another distillery licensed in any other state, territory, or country; and
- Permits a craft distillery to conduct tastings of distilled spirits products at the premises of any vendor licensed for the sale of such products by package or for consumption on the premises.

The bill will increase revenue to the Alcoholic Beverage and Tobacco Trust Fund (AB&T TF) by \$62,244. *See* Section V.

The bill takes effect upon becoming law.

II. Present Situation:

In Florida, alcoholic beverages are regulated by the Beverage Law,¹ which regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors.² The division administers and enforces the Beverage Law.³

Three-Tier System

In the United States, the regulation of alcohol since the repeal of Prohibition has traditionally been based upon a “three-tier system.” The system requires separation of the manufacture, distribution, and sale of alcoholic beverages. The manufacturer creates the beverages. The distributor obtains the beverages from the manufacturer and delivers them to the vendor. The vendor (retailer) makes the ultimate sale to the consumer.⁴ Manufacturers may not sell directly to retailers or directly to consumers.

Generally, in Florida, only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.⁵ Licensed manufacturers, distributors, and registered exporters are prohibited

¹ Section 561.01(6), F.S., provides that the “The Beverage Law” means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

² *See* s. 561.14, F.S.

³ Section 561.02, F.S.

⁴ Section 561.14, F.S.

⁵ Section 561.14(3), F.S. However, see the exceptions provided in ss. 561.221 and 565.03, F.S.

from also being licensed as vendors.⁶ Manufacturers are also generally prohibited from having an interest in a vendor and from distributing directly to a vendor.⁷

Tied House Evil Prohibitions

The system is deeply rooted in the perceived evils of the “tied house” in which a bar is owned or operated by a manufacturer or the manufacturer exercises undue influence over the retail vendor.⁸ Activities are heavily regulated to prevent a manufacturer or distributor from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor.

Three-Tier System Exceptions

Exceptions to the three-tier regulatory system permit in-state wineries,⁹ breweries,¹⁰ and craft distilleries to sell directly to consumers.¹¹ Restaurants licensed as vendors (brew pubs) may manufacture a limited quantity of malt beverages and sell directly to consumers for consumption on the licensed premises of a restaurant.¹²

A winery, even if licensed as a distributor,¹³ may be licensed as a vendor for a licensed premises situated on property contiguous to the manufacturing premises of the winery. A winery may not be issued more than three vendor licenses.¹⁴

The division may issue permits for a certified Florida Farm Winery¹⁵ to conduct tasting and sales of its wines at Florida fairs, trade shows, expositions, and festivals. The permit is limited to the length of the event. The certified Florida Farm Winery is required to pay all entry fees and must have a winery representative present during the event.

Distilleries and Craft Distilleries

Section 565.01, F.S., defines the terms “liquor,” “distilled spirits,” “spirituous liquors,” “spirituous beverages,” or “distilled spirituous liquors” to mean “that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.”

⁶ Section 561.22, F.S.

⁷ Sections 563.022(14) and 561.14(1), F.S.

⁸ Erik D. Price, *Time to Untie the House? Revisiting the Historical Justifications of Washington’s Three-Tier System Challenged by Costco v. Washington State Liquor Control Board*, (June 2004) available at: http://www.lanepowell.com/wp-content/uploads/2009/04/pricce_001.pdf (last visited January 31, 2017).

⁹ See s. 561.221(1), F.S.

¹⁰ See s. 561.221(2), F.S.

¹¹ See s. 565.03, F.S.

¹² See s. 561.221(3), F.S.

¹³ Section 561.14(1), F.S., permits manufacturers to distribute at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.

¹⁴ See s. 561.221(1), F.S.

¹⁵ Section 599.004, F.S., establishes the Florida Farm Winery Program within the Department of Agriculture and Consumer Services. The requirements for certification include that a winery produce or sell less than 250,000 gallons of wine annually and that 60 percent of the wine produced is made from state agricultural products.

A “distillery” is a manufacturer of distilled spirits,¹⁶ and a “craft distillery” is a licensed distillery that produces 75,000 or fewer gallons of distilled spirits per calendar year on its premises. A craft distillery must notify the division in writing of its decision to qualify as a craft distillery.¹⁷

Distilleries and craft distilleries pay the same amount of state license tax. All distilleries engaged solely in the business of manufacturing distilled spirits, or engaged in the business of blending and rectifying¹⁸ distilled spirits must pay a state license tax of \$4,000 for each plant or branch operating in Florida. Persons who engage in the business of distilling spirits may also rectify and blend spirituous liquors without paying an additional license tax.¹⁹

There are 45 distilleries that produced fewer than 75,000 gallons of distilled spirits in 2016.²⁰ The DBPR advises that 23 distilleries have provided the division with written notification that they qualify as a craft distillery.

Retail Sales by Distilleries

A craft distillery is allowed to sell to consumers branded products²¹ distilled on the licensed premises. The products must be in factory-sealed containers that are filled at the distillery and sold for off-premises consumption.²² The sales must occur at the distillery’s souvenir gift shop located on private property contiguous to the licensed distillery premises, and included on the sketch submitted with the license application.²³ The division must approve any subsequent revisions to a craft distillery’s sketch to verify that the retail location operated by the craft distillery is “owned or leased by the craft distillery and on property contiguous to the craft distillery’s production building.”²⁴ The craft distillery is not required to obtain, in addition to its manufacturer’s license, a vendor’s license in order to sell distilled spirits to consumers.

Sales must be in face-to-face transactions with consumers²⁵ who are making a purchase of no more than:

- Two individual containers of each branded product;
- Three individual containers of a single branded product and up to one individual container of a second branded product; or
- Four individual containers of a single branded product.²⁶

¹⁶ Section 565.03(1)(c), F.S.

¹⁷ Section 565.03(1)(b), F.S.

¹⁸ Merriam-Webster defines rectify as the purification (of alcohol) especially by repeated or fractional distillation, *available at* <http://www.merriam-webster.com/dictionary/rectify> (last visited January 27, 2017).

¹⁹ Section 565.03(3), F.S.

²⁰ See 2017 Agency Legislative Bill Analysis issued by the DBPR for SB 166, dated January 17, 2017 (on file with Senate Committee on Regulated Industries) at page 2.

²¹ Section 565.03(1)(a), F.S., defines “branded product” to mean “any distilled spirits product manufactured on site, which requires a federal certificate and label approval by the Federal Alcohol Administration Act or federal regulations.”

²² Section 565.03(1)(c), F.S.

²³ *Id.*

²⁴ *Id.*

²⁵ Section 565.03(1)(c)4., F.S.

²⁶ Section 565.03(1)(c)1., F.S.

Each container sold must comply with the container limits in s. 565.10, F.S., which prohibits the sale and distribution of distilled spirits in any size container in excess of 1.75 liters or 59.18 ounces.²⁷

A craft distillery must report to the division within 5 business days after it has reached the 75,000-gallon production limit and cease making sales to consumers on the day after it reaches the production limit.²⁸

A craft distillery may not ship, arrange to ship, or deliver distilled spirits to consumers, but may ship, arrange to ship, or deliver distilled spirits to manufacturers of distilled spirits, wholesale distributors of distilled spirits, state or federal bonded warehouses, and exporters.²⁹

A craft distillery may not transfer its license or any ownership interest to any individual or entity with a direct or indirect interest in another distillery licensed in any other state, territory, or country.³⁰ However, a craft distillery may be affiliated with another distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises or in any other state, territory, or country.³¹

A craft distillery must submit beverage excise taxes on distilled spirits sold to consumers in its monthly report to the division.³²

Vendor Licenses

Section 561.20, F.S., limits the number of alcoholic beverage licenses that may be issued in a county for the sale of distilled spirits, beer, and wine. The number of licenses is limited to one license per 7,500 residents in the county. These limited alcoholic beverage licenses are known as “quota” licenses. New quota licenses are created and issued when there is an increase in the population of a county. The licenses can also be issued when a county initially changes from a county that does not permit the sale of intoxicating liquors to one that does permit their sale. The quota license is the only type of alcoholic beverage license that is limited in number.³³

Section 561.01(11), F.S., in pertinent part, defines “licensed premises” to mean:

not only rooms where alcoholic beverages are stored or sold by the licensee, but also all other rooms in the building which are so closely connected therewith as to admit of free passage from drink parlor to other rooms over which the licensee has some dominion or control and shall also include all of the area embraced within the sketch, appearing on or

²⁷ Section 565.03(1)(c)2., F.S.

²⁸ Section 565.03(1)(c)3., F.S.

²⁹ Section 565.03(1)(c)4., F.S.

³⁰ Section 565.03(1)(c)5., F.S.

³¹ Section 565.03(1)(c)6., F.S.

³² Section 565.03(5), F.S. Section 565.12, F.S., requires manufactures and distributors to pay an excise tax on alcoholic beverages, with the tax rate per gallon depending on the percent of alcohol by volume of the beverage. Section 565.13, F.S., requires every distributor selling spirituous beverages within the state to pay the tax to the division monthly on or before the 10th day of the following month.

³³ Section 561.20, F.S.

attached to the application for the license involved and designated as such on said sketch, in addition to that included or designated by general law. The area embraced within the sketch may include a sidewalk **or other outside area which is contiguous to the licensed premises**. When the sketch includes a sidewalk or other outside area, written approval from the county or municipality attesting to compliance with local ordinances must be submitted to the division to authorize inclusion of sidewalks and outside areas in licensed premises. (Emphasis added.)

Alcoholic Beverage Tastings

Section 565.17, F.S., permits licensed distributors of spirituous beverages and vendors to conduct spirituous beverage tastings at any licensed premises authorized to sell spirituous beverages by package or for consumption on premises.

Section 563.09, F.S., permits manufacturers, distributors, and importers of malt beverages, or any contracted third-party agent thereof, to conduct sampling malt beverage tastings on the licensed premises of a vendor authorized to sell alcoholic beverages by the drink for consumption on premises.

Section 564.08, F.S., permits licensed distributors of wine, or any vendor, to conduct wine tastings at any licensed premises authorized to sell vinous or spirituous beverages by package or for consumption on premises.

All alcoholic beverage tastings must be limited to and directed toward the general public of the age of legal consumption.

III. Effect of Proposed Changes:

Licensing Manufacturers as Vendors

The bill amends s. 561.221(1), F.S., to incorporate certified craft distilleries into the current authority provided to certified Florida Farm Wineries. The bill permits a designated Florida Craft Distillery to:

- Own, manage, operate, or control up to three vendor licenses, even if the manufacturer is licensed as a distributor, for licensed premises situated on property contiguous to the manufacturing premises; and
- Conduct tastings and sales at Florida fairs, trade shows, expositions, and festivals of distilled spirits that it produces, provided it pays all entry fees and has a representative present during the event.

The bill references the licensing of a craft distillery as a distributor.³⁴

³⁴ Section 561.14(1), F.S., permits distilleries licensed under s. 565.03(2), F.S., to sell and distribute such beverages at wholesale only to other manufacturers and to licensed distributors and to no one else within this state.

The bill creates s. 561.221(1)(c), F.S., to permit a designated Florida Farm Winery and a certified Florida Craft Distillery to transfer wine or distilled spirits produced at the winery or distillery out of their federal bonded space or non-bonded space at its licensed premises or storage areas to its vendor's licensed premises or approved sales room. The division must approve the storage areas, provided that each is included in the winery's or distillery's current state tax bond. The transfers of wine or distilled spirits must be reported to the division pursuant to s. 561.55, F.S., and included in the winery's or distillery's monthly excise tax payment. The bill provides a comparable provision in s. 565.03(2)(c)5., F.S., for designated craft distilleries with a vendor's license.

Craft Distilleries

Qualifications

The bill amends s. 565.03(1)(b), F.S., to increase the maximum number of gallons required to qualify as a craft distillery from 75,000 to 250,000 gallons per calendar year. It provides that a distillery is designated by the division as a "craft distillery" upon the distillery providing written notification to the division of its decision to qualify as a craft distillery.

Additional Sales Room

The bill amends s. 565.03(2)(c), F.S., to permit a craft distillery to have one additional sales room located in the same county as the distillery's production building, as an extension of the craft distillery's licensed premises. The bill does not require that the additional sales room be licensed apart from the craft distillery's manufacturer license. It provides that all sketch and diagram revisions require local zoning approval.

Section 565.03(2)(c)6., F.S., permits the craft distillery to include the sales room location its original license application or to amend its license application on forms prescribed by the division.

Sales Limits

The bill amends s. 565.03(2)(c)2., F.S., to repeal the limitation on the number of individual containers that a craft distillery may sell to consumers. The bill maintains the requirement that sales to consumers must be in face-to-face transactions without quantity limitations, but repeals the requirement that sales must be for the consumer's personal use and not for resale.

Sales after Production Limit is Reached

The bill amends s. 565.03(2)(c)3., F.S., to permit a craft distillery that reaches the production qualification limit during a license year (i.e., 250,000 gallons) to continue retail sales at its distillery or at its additional sales room located in the same county as the craft distillery if the distillery has been issued a vendor's license for the craft distillery and for its additional sales room as authorized by s. 561.221, F.S., as amended by the bill. A craft distillery may retain and renew its vendor's license or licenses if it exceeds the 250,000-gallon production limitation.

Shipping Distilled Spirits

The bill amends s. 565.03(2)(c)4., F.S., to provide that the shipping prohibitions in this subparagraph apply to a craft distillery “licensed under this section.” The bill does not authorize a craft distillery to ship distilled spirits if licensed as a vendor under s. 561.221, F.S. Although a winery may ship wine to consumers,³⁵ deliveries of alcoholic beverages by a vendor away from its place of business may be made only in vehicles that are owned or leased by the licensee.³⁶

Transferring Distilled Spirits

The bill creates s. 565.03(2)(c)5., F.S., and permits a craft distillery to transfer distilled spirits from its federal bonded space or non-bonded space at its licensed premises or storage areas to its souvenir gift shop or additional sales room. The division must approve the storage areas, provided that each is included in the distillery’s current state tax bond. The transfers of wine or distilled spirits must be reported to the division pursuant to s. 561.55, F.S., and included in the winery’s or distillery’s monthly excise tax payment. The bill provides a comparable provision in s. 561.221(1)(c), F.S., for a vendor-licensed craft distillery.

Transferring a License

The bill amends s. 565.03(2)(c)5., F.S., to repeal the prohibition against a craft distillery transferring its license or any ownership interest in it to any individual or entity with a direct or indirect interest in another distillery licensed in any other state, territory, or country.

The bill also amends s. 565.03(2)(c)6., F.S., to repeal the prohibition on a craft distillery being affiliated with another distillery that produces more than 75,000 gallons per calendar year of distilled spirits on its premises in this state or in any other state, territory, or country.

Tastings of Distilled Spirits

The bill amends s. 565.17, F.S., to permit a craft distillery to conduct tastings of distilled spirits products at the premises of any vendor licensed for the sale of such products by package or for consumption on the premises, if limited to, and directed toward the general public of the age of legal consumption.

Effective Date

The bill takes effect upon becoming law.

³⁵ See *Bainbridge v. Turner*, No. 8:99-CV-2681-T-27TBM (M.D. Fla. August 5, 2005), which held that ss. 561.54(1)-(2) and 561.545(1), F.S., which prohibit out-of-state shipments of alcoholic beverages into Florida, violate the Commerce Clause of the U.S. Constitution and were therefore unconstitutional under the authority in *Granholm v. Heald*, 125 S.Ct.1885, 161 L.Ed.2d 796 (2005), and enjoined the enforcement of those provisions against out-of-state vendors and producers. Consequently, the division permits in-state wineries to ship wine to consumers because out-of-state wineries may ship wine directly to consumers in Florida.

³⁶ Section 561.57(2), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 166 permits a designated craft distillery to hold up to three vendor licenses. However, the bill permits each distillery to hold two vendor licenses per distillery (i.e., one license on property contiguous to the craft distillery's production building, and a second license for the additional sales room located within the same county as the distillery). The DBPR states that 45 distilleries qualify as craft distilleries.³⁷ If each distillery holds two vendor licenses (assuming no common ownership among the craft distilleries), the bill may result in a \$163,800 revenue increase, based on the maximum fee of \$1,820 per vendor license.³⁸

Current law requires that 24 percent of the license tax collected for a license issued in a county under ss. 561.14(6), 563.02, 564.02, 565.02(1), (4), and (5), and 565.03, F.S., be returned to the appropriate county tax collector.³⁹ Thirty-eight percent of the license taxes collected within an incorporated municipality pursuant to these provisions must be returned to the appropriate municipal officer.⁴⁰ Consequently, the additional vendor licenses may cause license taxes returned to counties and municipalities to increase annually by up to \$39,800 and \$62,244, respectively; and, a net increase in payments to the AB&T TF of up to \$62,244.

³⁷ See 2017 Agency Legislative Bill Analysis issued by the DBPR for SB 166, dated January 17, 2017 (on file with Senate Committee on Regulated Industries) at page 2.

³⁸ See ss. 561.02(1)(b)-(g), F.S., which provides the license fees for vendors operating a place of business where consumption of beer, wine and distilled spirits on the premises is permitted.

³⁹ Section 561.342(1), F.S.

⁴⁰ Section 561.342(2), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 561.221, 565.03, and 565.17.

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 Regulated Industries on February 8, 2017:

The committee substitute:

- Amends s. 561.221(1), F.S., to replace the term “certified” with the term “designated” in reference to a Florida craft distillery;
- Does not reduce the annual license tax for a craft distillery in s. 565.03(2)(a)1., F.S.;
- Revises s. 565.03(1)(b), F.S., to provide that a distillery is “designated” instead of “certified” by the division as a “craft distillery” when the distillery provides written notice to the division of its decision to qualify as a craft distillery; and
- Amends 565.03(2)(c)3., F.S., to provide that a craft distillery may retain and renew its vendor’s licenses if it exceeds the production limitation to qualify as a craft distillery.

B. Amendments:

None.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: SB 166
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, February 8, 2017
TIME: 2:00—4:00 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE			2/08/2017 Amendment 496414					
				Hutson				
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Benacquisto						
	X	Bracy						
X		Brandes						
	X	Braynon						
	X	Gibson						
X		Perry						
		Steube						
	X	Thurston						
X		Young						
		Hukill, VICE CHAIR						
X		Hutson, CHAIR						
5	4	TOTALS	RCS	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



496414

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2017	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 48 - 143
and insert:
manufacturer of wine or a designated Florida Craft Distillery
~~who is~~ licensed and engaged in the manufacture of wine or
distilled spirits in this state, even if such manufacturer is
also licensed as a distributor; provided that ~~no~~ such vendor's
license is not ~~shall be~~ owned, managed, operated, or controlled
by any licensed manufacturer of wine or any craft distillery



496414

unless the licensed premises of the vendor are situated on property contiguous to the manufacturing premises of the licensed manufacturer of wine or distilled spirits or in its sales room pursuant to s. 565.03.

(b) The Division of Alcoholic Beverages and Tobacco shall issue permits to a certified Florida Farm Winery or a designated Florida Craft Distillery to conduct tasting and sales of wine or distilled spirits produced by certified Florida Farm Wineries or designated Florida Craft Distilleries at Florida fairs, trade shows, expositions, and festivals. The certified Florida Farm Winery or designated Florida Craft Distillery shall pay all entry fees and shall have a winery or distillery representative present during the event. The permit is limited to the length of the event.

(c) A certified Florida Farm Winery or designated Florida Craft Distillery may transfer wine or distilled spirits produced at such winery or distillery, respectively, out of its federal bonded space or nonbonded space at its licensed premises or storage areas to its vendor's licensed premises or approved sales room. The division shall approve the storage areas, provided that each is included in the winery's or distillery's current state tax bond. All such transfers of wine or distilled spirits shall be reported to the division pursuant to s. 561.55 and included in the winery's or distillery's excise tax payment to the state each month.

Section 2. Paragraph (b) of subsection (1) and paragraph (c) of subsection (2) of section 565.03, Florida Statutes, are amended to read:

565.03 License fees; manufacturers, distributors, brokers,



496414

sales agents, and importers of alcoholic beverages; vendor licenses and fees; craft distilleries.—

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

(b) "Craft distillery" means a licensed distillery that produces 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled spirits on its premises and is designated as a craft distillery by ~~has notified~~ the division upon notification in writing of its decision to qualify as a craft distillery.

(2)(c) A craft distillery licensed under this section may sell to consumers, at its souvenir gift shop, branded products distilled and bottled on its premises in this state in factory-sealed containers approved for sale ~~that are filled at the distillery~~ for off-premises consumption. Such sales are authorized only on ~~private~~ property owned or leased by the distillery which is contiguous to the licensed distillery premises and at one other approved sales room located in the same county as the distillery's production building which shall be an extension of the craft distillery's licensed premises ~~in this state~~ and included on the sketch or diagram defining the licensed premises submitted with the distillery's license application. All sketch or diagram revisions by the distillery shall require local zoning approval and the division's approval verifying that the souvenir gift shop location and all areas used and operated by the licensed distillery are ~~is~~ owned or leased by the distillery and on property contiguous to the distillery's production building in this state or within the extended licensed premises.

1. A craft distillery licensed under this section may not sell any factory-sealed individual containers of spirits except



496414

in face-to-face sales transactions at the craft distillery's
licensed premises with consumers who are making a purchase ~~of no~~
~~more than:~~

~~a. Two individual containers of each branded product;~~

~~b. Three individual containers of a single branded product~~
~~and up to one individual container of a second branded product;~~
~~or~~

~~c. Four individual containers of a single branded product.~~

2. Each container sold in face-to-face transactions with
consumers must comply with the container limits in s. 565.10,
~~per calendar year for the consumer's personal use and not for~~
~~resale and who are present at the distillery's licensed premises~~
~~in this state.~~

3. A craft distillery licensed under this section must
report to the division within 5 days after it reaches the
production limitations provided in paragraph (1)(b). Any retail
sales to consumers at the craft distillery's licensed premises
are prohibited beginning the day after it reaches the production
limitation unless it has been issued a vendor's license at each
craft distillery and additional sales room authorized in s.
561.221. Notwithstanding any of the provisions of this section
or s. 561.221, a craft distillery which holds a vendor's license
may retain and renew such license, if such craft distillery
exceeds the production limitation in paragraph (1)(b).

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

And the title is amended as follows:

Delete lines 6 - 23

and insert:



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by a designated Florida Craft Distillery is not prohibited under specified laws; requiring the Division of Alcoholic Beverages and Tobacco to issue permits to a designated Florida Craft Distilleries to conduct certain tastings and sales; requiring such distilleries to pay entry fees and have a representative present during certain events; authorizing the transfer of wine and distilled spirits to vendors by specified wineries and distilleries under certain circumstances; requiring the division to approve certain storage areas; requiring wineries and distilleries to report all such transfers to the division and to include them in monthly excise tax payments; amending s. 565.03, F.S.; redefining the term "craft distillery"; specifying authorized products for sale by craft distilleries; providing limitations on retail sales by craft distilleries to consumers; permitting craft distilleries to retain and renew a vendor's license under specified circumstances;

By Senator Steube

23-00220-17

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A bill to be entitled

An act relating to alcoholic beverages; amending s. 561.221, F.S.; providing that the ownership, management, operation, or control of up to three vendor's licenses for the sale of alcoholic beverages by a certified Florida Craft Distillery is not prohibited under specified laws; requiring the Division of Alcoholic Beverages and Tobacco to issue permits to certified Florida Craft Distilleries to conduct certain tastings and sales; requiring such distilleries to pay entry fees and have a representative present during certain events; authorizing the transfer of wine and distilled spirits to vendors by specified wineries and distilleries under certain circumstances; requiring the division to approve certain storage areas; requiring wineries and distilleries to report all such transfers to the division and to include them in monthly excise tax payments; amending s. 565.03, F.S.; redefining the term "craft distillery"; providing license fees for craft distilleries; specifying authorized products for sale by craft distilleries; providing limitations on retail sales by craft distilleries to consumers; authorizing craft distilleries to transfer distilled spirits under certain conditions; requiring the division to approve certain storage areas; requiring distilleries to report all such transfers to the division and to include them in monthly excise tax payments; deleting certain prohibitions on the transfer of a distillery license and affiliated ownership; authorizing craft distilleries to apply for a sales room location under certain circumstances;

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amending s. 565.17, F.S.; authorizing craft distilleries to conduct tastings under certain circumstances; providing an effective date.

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

Section 1. Subsection (1) of section 561.221, Florida Statutes, is amended to read:

561.221 Licensing of manufacturers and distributors as vendors and of vendors as manufacturers; conditions and limitations.—

(1)(a) Nothing contained in s. 561.22, s. 561.42, or any other provision of the Beverage Law prohibits the ownership, management, operation, or control of not more than three vendor's licenses for the sale of alcoholic beverages by a manufacturer of wine or a certified Florida Craft Distillery ~~who~~ ~~is~~ licensed and engaged in the manufacture of wine or distilled spirits in this state, even if such manufacturer is also licensed as a distributor; provided that ~~no~~ such vendor's license is not ~~shall be~~ owned, managed, operated, or controlled by any licensed manufacturer of wine or any craft distillery unless the licensed premises of the vendor are situated on property contiguous to the manufacturing premises of the licensed manufacturer of wine or distilled spirits or in its sales room pursuant to s. 565.03.

(b) The Division of Alcoholic Beverages and Tobacco shall issue permits to a certified Florida Farm Winery or a certified Florida Craft Distillery to conduct tasting and sales of wine or distilled spirits produced by certified Florida Farm Wineries or

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certified Florida Craft Distilleries at Florida fairs, trade shows, expositions, and festivals. The certified Florida Farm Winery or certified Florida Craft Distillery shall pay all entry fees and shall have a winery or distillery representative present during the event. The permit is limited to the length of the event.

(c) A certified Florida Farm Winery or certified Florida Craft Distillery may transfer wine or distilled spirits produced at such winery or distillery, respectively, out of its federal bonded space or nonbonded space at its licensed premises or storage areas to its vendor's licensed premises or approved sales room. The division shall approve the storage areas, provided that each is included in the winery's or distillery's current state tax bond. All such transfers of wine or distilled spirits shall be reported to the division pursuant to s. 561.55 and included in the winery's or distillery's excise tax payment to the state each month.

Section 2. Paragraph (b) of subsection (1) and paragraphs (a) and (c) of subsection (2) of section 565.03, Florida Statutes, are amended to read:

565.03 License fees; manufacturers, distributors, brokers, sales agents, and importers of alcoholic beverages; vendor licenses and fees; craft distilleries.—

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

(b) "Craft distillery" means a licensed distillery that produces 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled spirits on its premises and is certified by ~~has notified the division upon notification~~ in writing of its decision to qualify as a craft distillery.

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91 (2) (a) A distillery authorized to do business under the
92 Beverage Law shall pay an annual state license tax for each
93 plant or branch operating in the state, as follows:

94 1. If engaged in the business of manufacturing distilled
95 spirits, a state license tax of \$4,000. For a craft distillery
96 manufacturing distilled spirits, a state license tax shall be
97 \$1,000, provided it is distilling and bottling all of its
98 distilled products in containers approved for sale.

99 2. If engaged in the business of rectifying and blending
100 spirituous liquors and nothing else, a state license tax of
101 \$4,000.

102 (c) A craft distillery licensed under this section may sell
103 to consumers, at its souvenir gift shop, branded products
104 distilled and bottled on its premises in this state in factory-
105 sealed containers approved for sale ~~that are filled at the~~
106 ~~distillery~~ for off-premises consumption. Such sales are
107 authorized only on ~~private~~ property owned or leased by the
108 distillery which is contiguous to the licensed distillery
109 premises and at one other approved sales room located in the
110 same county as the distillery's production building which shall
111 be an extension of the craft distillery's licensed premises ~~in~~
112 ~~this state~~ and included on the sketch or diagram defining the
113 licensed premises submitted with the distillery's license
114 application. All sketch or diagram revisions by the distillery
115 shall require local zoning approval and the division's approval
116 verifying that the souvenir gift shop location and all areas
117 used and operated by the licensed distillery are ~~is~~ owned or
118 leased by the distillery and on property contiguous to the
119 distillery's production building in this state or within the

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120 extended licensed premises.

121 1. A craft distillery licensed under this section may not
122 sell any factory-sealed individual containers of spirits except
123 in face-to-face sales transactions at the craft distillery's
124 licensed premises with consumers who are making a purchase ~~of no~~
125 ~~more than:~~

126 ~~a. Two individual containers of each branded product;~~

127 ~~b. Three individual containers of a single branded product~~
128 ~~and up to one individual container of a second branded product;~~
129 ~~or~~

130 ~~c. Four individual containers of a single branded product.~~

131 2. Each container sold in face-to-face transactions with
132 consumers must comply with the container limits in s. 565.10,
133 ~~per calendar year for the consumer's personal use and not for~~
134 ~~resale and who are present at the distillery's licensed premises~~
135 ~~in this state.~~

136 3. A craft distillery licensed under this section must
137 report to the division within 5 days after it reaches the
138 production limitations provided in paragraph (1)(b). Any retail
139 sales to consumers at the craft distillery's licensed premises
140 are prohibited beginning the day after it reaches the production
141 limitation unless it has been issued a vendor's license at each
142 craft distillery and additional sales room authorized in s.
143 561.221.

144 4. A craft distillery licensed under this section may not
145 ship or arrange to ship any of its distilled spirits to
146 consumers and may sell and deliver only to consumers within the
147 state in a face-to-face transaction at the distillery property.
148 However, a craft distiller licensed under this section may ship,

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149 arrange to ship, or deliver such spirits to manufacturers of
150 distilled spirits, wholesale distributors of distilled spirits,
151 state or federal bonded warehouses, and exporters.

152 5. A craft distillery may transfer distilled spirits it
153 manufactures from its federal bonded space or nonbonded space at
154 its licensed premises or storage areas to its souvenir gift shop
155 and additional sales room. The division shall approve all
156 storage areas requested by the craft distillery which are
157 included in its current state bond. All such transfers of
158 distilled spirits shall be reported to the division pursuant to
159 s. 561.55 and included in the excise tax payment due the state
160 ~~Except as provided in subparagraph 6., it is unlawful to~~
161 ~~transfer a distillery license for a distillery that produces~~
162 ~~75,000 or fewer gallons per calendar year of distilled spirits~~
163 ~~on its premises or any ownership interest in such license to an~~
164 ~~individual or entity that has a direct or indirect ownership~~
165 ~~interest in any distillery licensed in this state; another~~
166 ~~state, territory, or country; or by the United States government~~
167 ~~to manufacture, blend, or rectify distilled spirits for beverage~~
168 ~~purposes.~~

169 6. A craft distillery may include a sales room location
170 authorized by this subsection on its original license
171 application or by an amendment to its license application on
172 forms prescribed by the division ~~shall not have its ownership~~
173 ~~affiliated with another distillery, unless such distillery~~
174 ~~produces 75,000 or fewer gallons per calendar year of distilled~~
175 ~~spirits on each of its premises in this state or in another~~
176 ~~state, territory, or country.~~

177 Section 3. Section 565.17, Florida Statutes, is amended to

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178 read:

179 565.17 Beverage tastings by distributors and vendors.—A
180 licensed distributor of spirituous beverages, or any vendor or
181 craft distillery, is authorized to conduct spirituous beverage
182 tastings upon any licensed premises authorized to sell
183 spirituous beverages by package or for consumption on premises
184 without being in violation of s. 561.42, provided that the
185 conduct of the spirituous beverage tasting shall be limited to
186 and directed toward the general public of the age of legal
187 consumption.

188 Section 4. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

February 8, 2017

Meeting Date

SB 166

Bill Number (if applicable)

Topic Alcoholic Beverages

Amendment Barcode (if applicable)

Name Patricia Greene

Job Title Senior Policy Advisor

Address 119 South Monroe Street, Suite 200

Phone 850-205-9000

Street

Tallahassee

FL

32301

City

State

Zip

Email patricia.greene@mhdfirm.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Restaurant & Lodging 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.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

February 8, 2017
Meeting Date

166
Bill Number (if applicable)

Topic Alcoholic Beverages

Amendment Barcode (if applicable)

Name Josh Aubuchon

Job Title attorney

Address 315 S. Calhoun St. Suite 600

Phone 222-7600

Street

Tallahassee

City

FL

State

32301

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Chamber of Commerce

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
APPEARANCE RECORD

Feb. 8, 2017
Meeting Date

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

SB 166
Bill Number (if applicable)

Topic Craft Distilleries

Amendment Barcode (if applicable)

Name Scott Ashley

Job Title President & General Counsel

Address 215 S. Monroe St. #800-A

Street

Tallahassee FL 32301

City

State

Zip

Phone (850) 681-8700

Email scott@wsdfloida.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Wine & Spirits Distributors of Florida

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

APPEARANCE RECORD

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

2/8/17

Meeting Date

166

Bill Number (if applicable)

Topic Alcoholic Beverages / Craft Distilling

Amendment Barcode (if applicable)

Name Michael Diaz

Job Title Chief Financial Officer

Address 112 Riberia St

Phone (904) 608-6236

Street

St Augustine FL 32084

City

State

Zip

Email mike@staugustinedistillery.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing St. Augustine Distillery

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
APPEARANCE RECORD

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

2-8

Meeting Date

166

Bill Number (if applicable)

Topic CRAFT DISTILLERIES

Amendment Barcode (if applicable)

Name JASON UNGER

Job Title _____

Address 301 S. BRONOUGH ST #600

Street

Phone 577-9090

TLH

City

FL

State

32301

Zip

Email junger@gray-robinson.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA DISTILLERS GUILD

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

APPEARANCE RECORD

February 7, 2017

Meeting Date

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

SB 166

*Bill Number (if applicable)*Topic Craft distilling*Amendment Barcode (if applicable)*Name Trey MillsJob Title Chief of OperationsAddress 960 East Forsyth StreetPhone 904.346.5902*Street*JacksonvilleFL32202*City**State**Zip*Email trey@manifestdistilling.comSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing Manifest DistillingAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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
APPEARANCE RECORD

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

2-8-2017

Meeting Date

SB166

Bill Number (if applicable)

Topic Alcoholic Beverages

Amendment Barcode (if applicable)

Name Richard deMontmollin *D-mont-Malin*

Job Title Owner- Liberty Bar and Restaurant

Address 532 Hart St.

Phone 850-567-6238

Street

Tallahassee

FL

32301

Email ricdemont@gmail.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing St Augustine Distilling Company/ Myself, aspiring distiller

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 Regulated Industries

BILL: CS/SB 336

INTRODUCER: Regulated Industries Committee and Senators Hutson and Book

SUBJECT: Household Movers

DATE: February 8, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	McSwain	RI	Fav/CS
2.			AEN	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 336 prohibits a mover from knowingly refusing or failing to provide written notice to a customer before a household move that the mover or an employee of the mover who has access to the customer's dwelling or property is a convicted sexual predator in Florida, or has been convicted of a similar offense of another jurisdiction, regardless of when the felony offense was committed.

The bill requires the DACS either to impose an administrative fine or seek a civil penalty, of \$10,000 or more for each violation of that requirement.

In addition, the bill requires that the Department of Agriculture and Consumer Services (DACS) deny or refuse to renew the registration of a mover or the mover's directors, officers, owners, or general partners, if the mover has not satisfied a civil fine or penalty imposed for refusing or knowingly failing to provide the customer with the required written notice.

The bill takes effect on October 1, 2017.

II. Present Situation:

Regulation of Intrastate Movers and Moving Brokers

Chapter 507, F.S., provides for the regulation by the DACS of movers and moving brokers engaged in the **intrastate** transportation or shipment of household goods originating in this state and terminating in this state.¹ Chapter 507, F.S., does not apply to shipments contracted by the United States, the state, or any local government or political subdivision of the state.²

A mover or moving broker who is engaged in **intrastate** moving is required to register with the DACS.³ Section 507.03(1), F.S., specifies the information that must be provided to the DACS, including the mover's or broker's legal business and trade name, mailing address, business locations, and the full names, addresses, and telephone numbers of owners or corporate officers, directors, and the Florida agent of the corporation.

The certificate of registration must be prominently displayed in the mover's or broker's primary place of business.⁴ The registration fee is \$300 per year,⁵ and the registration is renewed biennially.⁶

Movers and moving brokers engaged in the **interstate** transportation of household goods are regulated by the Federal Motor Carrier Safety Administration within the United States Department of Transportation.⁷

Definitions

Section 507.01(7), F.S., defines the terms "household goods" or "goods" to mean:

personal effects or other personal property commonly found in a home, personal residence, or other dwelling, including, but not limited to, household furniture. The term does not include freight or personal property moving to or from a factory, store, or other place of business.

Section 507.01(8), F.S., defines the terms "household move" or "move" to mean:

the loading of household goods into a vehicle, moving container, or other mode of transportation or shipment; the transportation or shipment of those household goods; and the unloading of those household goods, when the transportation or shipment originates and terminates at one of the following ultimate locations, regardless of whether the mover temporarily

¹ Section 507.02(2), F.S.

² *Id.*

³ Section 507.03 (1), F.S.

⁴ Section 507.03(2), F.S.

⁵ Section 507.03(3)(a), F.S.

⁶ Section 507.03(4), F.S.

⁷ See "Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations," 47 C.F.R part 375 (2003).

stores the goods while en route between the originating and terminating locations:

- (a) From one dwelling to another dwelling;
- (b) From a dwelling to a storehouse or warehouse that is owned or rented by the shipper or the shipper's agent; or
- (c) From a storehouse or warehouse that is owned or rented by the shipper or the shipper's agent to a dwelling.

Section 507.01(9), F.S., defines the term "mover" to mean:

a person who, for compensation, contracts for or engages in the loading, transportation or shipment, or unloading of household goods as part of a household move. The term does not include a postal, courier, envelope, or package service that does not advertise itself as a mover or moving service.

Section 507.01(10), F.S., defines the term "moving broker" or "broker" to mean:

a person who, for compensation, arranges for another person to load, transport or ship, or unload household goods as part of a household move or who, for compensation, refers a shipper to a mover by telephone, postal or electronic mail, Internet website, or other means.

Denial of Registration or Registration Renewal

Section 507.03(8), F.S., permits the DACS to deny, refuse to renew, or revoke the registration of any mover or moving broker when it determines that the mover or moving broker, or any of the mover's or moving broker's directors, officers, owners, or general partners has:

- Failed to meet the requirements for registration as provided in this chapter;
- Been convicted of a crime involving fraud, dishonest dealing, or any other act of moral turpitude;
- Not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by any governmental agency or private person based upon conduct involving fraud, dishonest dealing, or any violation of this chapter;
- Pending against him or her any criminal, administrative, or enforcement proceedings in any jurisdiction, based upon conduct involving fraud, dishonest dealing, or any other act of moral turpitude; or
- Had a judgment entered against him or her in any action brought by the department or the Department of Legal Affairs under this chapter or ss. 501.201-501.213, [F.S.,] the Florida Deceptive and Unfair Trade Practices Act.

Administrative Remedies

Section 507.09(1), F.S., authorizes the DACS to issue an order for one or more of the following administrative remedies if it finds that a mover or moving broker, or a person employed or contracted by a mover or broker, has violated or is operating in violation of ch. 507, F.S., or rules or orders issued pursuant to the chapter:

- Issuing a notice of noncompliance under s. 120.695, F.S.⁸
- Imposing an administrative fine in the Class II category pursuant to s. 570.971, F.S., for each act or omission.
- Directing that the person cease and desist specified activities.
- Refusing to register or revoking or suspending a registration.
- Placing the registrant on probation, subject to the conditions specified by the department.

Fines and Penalties

Section 570.971(1), F.S., authorizes the DACS to impose the following fines based on the class category assigned in the law violated:

- (a) Class I. - For each violation in the Class I category, a fine not to exceed \$1,000 may be imposed.
- (b) Class II. - For each violation in the Class II category, a fine not to exceed \$5,000 may be imposed.
- (c) Class III. - For each violation in the Class III category, a fine not to exceed \$10,000 may be imposed.
- (d) Class IV. - For each violation in the Class IV category, a fine of \$10,000 or more may be imposed.

A person who violates ch. 570, F.S., which relates to the functions and programs of the DACS, or any rule adopted by the DACS under ch. 570, F.S., may be subject to an administrative fine under the Class II category in addition to any penalty provided by law.⁹

The DACS may refuse to issue or renew any license, permit, authorization, certificate, or registration to a person who has not paid a penalty.¹⁰

Florida Administrative Code Rule 5J-15.002 provides the penalty guidelines for violations of ch. 507, F.S., or rules adopted by the DACS. The DACS may issue a Notice of Noncompliance for a first violation in which the DACS determines that the violator was unaware of the rule or unclear as to how to comply with the rule.¹¹ The DACS may impose fines for “minor violations” that range from \$1,000 to \$2,500.¹² At present, for a “major violation,” the DACS may impose an administrative fine that ranges from \$1,000 to \$5,000, suspend or revoke the license, or impose any of the penalties provided in s. 507.09(1)(b)-(e), F.S.¹³

⁸ Section 120.695(2)(a), F.S., provides that a “notice of noncompliance” is “a notification by the agency charged with enforcing the rule issued to the person or business subject to the rule. A notice of noncompliance may not be accompanied with a fine or other disciplinary penalty.”

⁹ Section 570.971(3), F.S.

¹⁰ Section 570.971(4), F.S.

¹¹ See Fla. Admin. Code R. 5J-15.002(8)(a) (2015).

¹² See Fla. Admin. Code R. 5J-15.002(8)(b) (2015). The DACS defines a “minor violation” as a violation of specified provisions and a violation that “does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm.”

¹³ See Fla. Admin. Code R. 5J-15.002(8)(c) (2015). The DACS defines a “major violation” as a violation of specified provisions and a violation that “results in economic or physical harm to a person or adversely affects the public health, safety, or welfare, or creates a significant threat of such harm.”

Criminal Penalties

Section 507.11(1), F.S., provides that a mover or a mover's employee, agent, or contractor who refuses to comply with an order from a law enforcement officer to relinquish a shipper's household goods after the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, or after the officer determines that the mover did not produce a signed estimate or contract supporting the demanded payment, commits a felony of the third degree, punishable as provided in s. 775.082, F.S., s. 775.083, F.S., or s. 775.084, F.S.¹⁴

A person or business who violates any other provision of ch. 507, F.S., commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.¹⁵

Sexual Predator Criteria

Florida law requires certain persons to register as a sexual predator or sexual offender. The distinction between a sexual predator and a sexual offender depends on the offense the person has been convicted of, whether the person has previously been convicted of a sexual offense, and the date the offense occurred.¹⁶ "Sex offender" is defined in s. 943.0435, F.S.; the term "sex offenders" when under the custody, control, or supervision of the Department of Corrections is defined in s. 944.607, F.S.; the term "sexual predator" is defined in s. 775.21, F.S.; and the term "sex offender" when a juvenile is adjudicated delinquent is defined in s. 943.0435(1)(h)1.d., F.S.

A sexual predator or sexual offender must comply with a number of registration requirements.¹⁷ Most of the requirements relate to the registration of particular identifying and residence information, but other information may also be required (e.g., vehicular information, attendance at an institution of higher education, and temporarily or permanently departing from or reentering Florida).

Section 775.21(4)(a)1., F.S., defines a sexual predator as a person who is convicted, on or after October 1, 1993, of the following offenses:¹⁸

¹⁴ Section 775.082, F.S., provides that a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides that a felony of the third degree is punishable by a fine not to exceed \$5,000. Section 775.084, F.S., provides increased penalties for habitual offenders.

¹⁵ Section 775.082, F.S., provides that the penalty for a misdemeanor of the first degree is punishable by a term of imprisonment not to exceed one year. Section 775.083, F.S., provides that the penalty for a misdemeanor of the first degree is punishable by a fine not to exceed \$1,000.

¹⁶ See generally, ss. 775.21, 943.0435, 944.607, and 985.4815, F.S. "All sex offenders that are required to register have been convicted of certain qualifying felonies set forth in Florida statutes or have registration requirements in other states.... Some sex offenders are designated by the court as sexual predators because they are deemed to present an extreme threat to public safety as demonstrated through repeated sex offenses, the use of physical violence, or preying on child victims." *Sex Offender Registration and Monitoring: Statewide Requirements, Local Practices, and Monitoring Procedures*, Report No. 15-16, p. 2 (footnote omitted), Office of Program Policy Analysis & Government Accountability, The Florida Legislature. This report is available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1516rpt.pdf> (last visited February 1, 2017).

¹⁷ *Id.* Failure to comply with these requirements is generally a third degree felony. See ss. 775.21, 943.0435, and 985.4815, F.S.

¹⁸ These convictions may only be used as a qualifying offense for designation as a sexual predator if there is a finding that the conviction has a sexual component. The sexual predator designation may not be applied if it is clear that the qualifying crime is totally devoid of a sexual component. *Raines v. State*, 805 So. 2d 999, 1003 (Fla. 4th DCA 2001); see also *Robinson v. State*, 873 So. 2d 1205 (Fla. 2004), and *Munroe v. State*, 69 So.3d 1044 (Fla. 2nd DCA 2011).

- A capital, life, or first degree felony violation, or any attempt thereof, of any of the criminal offenses prescribed in the following statutes in this state or a similar offense in another jurisdiction:
 - Section 787.01, F.S., kidnapping, or s. 787.02, F.S., false imprisonment, where the victim is a minor;
 - Section 794.011, F.S., sexual battery;
 - Section 800.04, F.S., lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;
 - Section 847.0145, F.S., selling or buying of minors;
 - A violation of a similar law in another jurisdiction; or
- Any felony violation, or attempt thereof, of the following offenses:
 - Section 393.135(2), F.S., sexual misconduct with an individual with a developmental disability;
 - Section 394.4593(2), F.S., sexual misconduct with a person in the custody of the Department of Children and Families or in treatment facility;
 - Section 787.01, F.S., kidnapping, or s. 787.02, F.S., false imprisonment, where the victim is a minor;
 - Section 787.025(2)(c), F.S., luring or enticing a child;
 - Section 787.06(3)(b),(d),(f),(g), or former (h), F.S., relating to human trafficking;
 - Section 794.011, F.S., sexual battery, excluding s. 794.011(10), F.S.;¹⁹
 - Section 794.05, F.S., unlawful activity with certain minors;
 - Former s. 796.03, F.S., procuring a person under the age of 18 for prostitution;
 - Former s. 796.035, F.S., selling or buying of minors into sex trafficking or prostitution;
 - Section 800.04, F.S., lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;
 - Section 810.145(8)(b), F.S., relating to video voyeurism;
 - Section 825.1025, F.S., lewd or lascivious battery upon or in the presence of an elderly person or disabled person;
 - Section 827.071, F.S., sexual performance by a child;
 - Section 847.0135, F.S., excluding s. 847.0135(6), F.S., knowingly owning or operating an Internet service used for pornography;
 - Section 847.0145, F.S., selling or buying of minors;
 - Section 895.03, F.S., racketeering activity involving at least one of sexual offenses listed;
 - Section 916.1075(2), F.S., sexual misconduct with a forensic client;
 - Section 985.701(1), F.S., sexual misconduct with a juvenile offender; or
 - A violation of a similar law in another jurisdiction.

III. Effect of Proposed Changes:

The bill creates s. 507.03(9), F.S., to provide that the DACS must deny or refuse to renew the registration of a mover or the mover's directors, officers, owners, or general partners if the mover has not satisfied a civil fine or administrative fine imposed for a violation of s. 507.07(9), F.S.

¹⁹ Section 794.011(10), F.S., relates to falsely accusing specified persons of sexual battery.

The bill creates s. 507.07(9), F.S., to prohibit a mover from knowingly refusing or failing to disclose in writing to a customer before a household move that the mover or an employee of the mover who has access to the dwelling or property of the customer has been convicted of a sexual predator felony offense listed in s. 775.21(4)(a)1., F.S., or convicted of a similar offense of another jurisdiction, regardless of when such felony offense was committed.

The bill amends s. 507.09(1)(b), F.S., to require the DACS to impose a Class IV category administrative fine for each violation of s. 507.07(9), F.S., if it does not seek a civil penalty for the same offense. A Class IV category fine is \$10,000 or more for each violation in the category.²⁰

The bill amends s. 507.10, F.S., relating to the civil penalties that the DACS may impose, to require the DACS to seek a civil penalty in the Class IV category for each violation of s. 507.07(9), F.S., if it does not impose an administrative fine for the same offense. A Class IV category penalty requires a fine of \$10,000 or more for each violation in the category.²¹

The bill takes effect on October 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under CS/SB 336, movers may incur expenses related to providing customers with written notices that it or an employee who has access to the dwelling or property of the customer has been convicted of a sexual predator offense.

²⁰ See s. 570.971(1)(d), F.S.

²¹ *Id.*

C. Government Sector Impact:

The DACS does not anticipate that the bill will have a fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 507.03, 507.07, 507.09, and 507.10.

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 Regulated Industries on February 8, 2017:

The committee substitute:

- Revises s. 507.03(9), F.S., to include a mover's failure to satisfy an administrative penalty imposed for a violation of s. 507.07(9), F.S., as a basis for the DACS to deny or refuse to renew the registration of a mover or the mover's directors, officers, owners, or general partners;
- Amends s. 507.09(1)(b), F.S., to require the DACS to impose a Class IV category administrative fine if it does not seek civil penalty for the same offense; and
- Revises s. 507.10, F.S., to require the DACS to seek a civil penalty in the Class IV category for each violation of s. 507.07(9), F.S., if it does not impose an administrative fine for the same offense.

B. Amendments:

None.

COMMITTEE: Regulated Industries
ITEM: SB 336
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, February 8, 2017
TIME: 2:00—4:00 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE			2/08/2017 Amendment 432108 Hutson					
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Benacquisto						
X		Bracy						
X		Brandes						
X		Braynon						
X		Gibson						
X		Perry						
		Steube						
X		Thurston						
X		Young						
		Hukill, VICE CHAIR						
X		Hutson, CHAIR						
9	0		RCS	-				
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



432108

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2017	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 22 - 40
and insert:
general partners if the mover has not satisfied a civil penalty
or administrative fine for a violation of s. 507.07(9).

Section 2. Subsection (9) is added to section 507.07,
Florida Statutes, to read:

507.07 Violations.—It is a violation of this chapter:

(9) For a mover to knowingly refuse or fail to disclose in



432108

11 writing to a customer before a household move that the mover or
12 an employee of the mover who has access to the dwelling or
13 property of the customer has been convicted of a felony listed
14 in s. 775.21(4)(a)1. or convicted of a similar offense of
15 another jurisdiction, regardless of when such felony offense was
16 committed.

17 Section 3. Paragraph (b) of subsection (1) of section
18 507.09, Florida Statutes, is amended to read:

19 507.09 Administrative remedies; penalties.—

20 (1) The department may enter an order doing one or more of
21 the following if the department finds that a mover or moving
22 broker, or a person employed or contracted by a mover or broker,
23 has violated or is operating in violation of this chapter or the
24 rules or orders issued pursuant to this chapter:

25 (b) Imposing an administrative fine in the Class II
26 category pursuant to s. 570.971 for each act or omission.
27 However, the department must impose an administrative fine in
28 the Class IV category for each violation of s. 507.07(9) if the
29 department does not seek a civil penalty for the same offense.

30 Section 4. Subsection (2) of section 507.10, Florida
31 Statutes, is amended to read:

32 507.10 Civil penalties; remedies.—

33 (2) The department may seek a civil penalty in the Class II
34 category pursuant to s. 570.971 for each violation of this
35 chapter. However, the department must seek a civil penalty in
36 the Class IV category for each violation of s. 507.07(9) if the
37 department does not impose an administrative fine for the same
38 offense.



432108

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

And the title is amended as follows:

Delete lines 9 - 10

and insert:

circumstances; amending ss. 507.09 and 507.10, F.S.,
relating to administrative remedies and civil
penalties, respectively; requiring the department to
impose either a civil penalty or an administrative
fine for failure to disclose in writing specified
criminal information; providing an effective date.

By Senator Hutson

7-00210A-17

2017336__

A bill to be entitled
An act relating to household movers; amending s.
507.03, F.S.; requiring the Department of Agriculture
and Consumer Services to deny or refuse to renew the
registration of a mover under certain circumstances;
amending s. 507.07, F.S.; prohibiting a mover from
knowingly refusing or failing to disclose in writing
specified criminal information under certain
circumstances; amending s. 507.10, F.S.; providing a
penalty; providing an effective date.

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

Section 1. Present subsections (9) and (10) of section
507.03, Florida Statutes, are redesignated as subsections (10)
and (11), respectively, and a new subsection (9) is added to
that section, to read:

507.03 Registration.—

(9) The department shall deny or refuse to renew the
registration of a mover or deny a registration or renewal
request by any of the mover's directors, officers, owners, or
general partners if the mover has not satisfied a civil fine or
penalty for a violation of s. 507.07(9).

Section 2. Subsection (9) is added to section 507.07,
Florida Statutes, to read:

507.07 Violations.—It is a violation of this chapter:

(9) For a mover to knowingly refuse or fail to disclose in
writing to a customer before a household move that the mover or
an employee of the mover who has access to the dwelling or
property of the customer has been convicted of a felony listed
in s. 775.21(4)(a)1. or convicted of a similar offense of
another jurisdiction, regardless of when such felony offense was

7-00210A-17

2017336__

33 committed.

34 Section 3. Subsection (2) of section 507.10, Florida
35 Statutes, is amended to read:

36 507.10 Civil penalties; remedies.—

37 (2) The department may seek a civil penalty in the Class II
38 category pursuant to s. 570.971 for each violation of this
39 chapter. However, the department must seek a civil penalty in
40 the Class IV category for each violation of s. 507.07(9).

41 Section 4. This act shall take effect October 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/8/17

Meeting Date

SB 336

Bill Number (if applicable)

Topic Movers

Amendment Barcode (if applicable)

Name Ron Beck

Job Title _____

Address 104 W. Jefferson

Street

TLH

City

State

32301

Zip

Phone 850 - 224 3422

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Lauren's Kids

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)

CourtSmart Tag Report

Room: SB 301
Caption: Senate Regulated Industries

Case No.:
Judge:

Type:

Started: 2/8/2017 2:03:16 PM
Ends: 2/8/2017 2:55:38 PM **Length:** 00:52:23

2:03:26 PM Call to Order
2:03:48 PM Roll call
2:04:11 PM Quroum present
2:04:21 PM Senators Hukill and Steube are excused
2:04:27 PM Chair comments
2:04:43 PM Take up Tab 1 - SB 220 Senator Latvala for explanation
2:05:04 PM Explanation of Veterinary Medicine bill
2:05:36 PM Take up amendment barcode 223912
2:05:41 PM technical amendment
2:05:55 PM amendment adopted
2:06:02 PM Questions on the bill
2:06:39 PM Public comments
2:06:47 PM Dr. Steve Steversen waives in support]
2:06:53 PM Corinne Mixon waives in support
2:07:06 PM Senator Latvala waives close
2:07:10 PM Roll call on bill
2:07:28 PM CS/SB 220 reported favorably
2:07:48 PM Take up tab 2--SB 190 Low voltage Fences by Artilies
2:07:51 PM Explanation
2:08:42 PM Questions
2:08:53 PM Amendment 254056
2:08:57 PM Explanation
2:09:18 PM Questions
2:09:37 PM Jorge Chamizo waives in support
2:09:42 PM amendment is adopted
2:09:55 PM Appearance
2:09:55 PM Jorge Chamizo, ADT
2:10:02 PM Cindy Williams, Electric Guard Dog waives in support
2:10:04 PM Debate
2:10:14 PM Senator Artilies closes
2:10:24 PM Roll call on CS/SB 190
2:10:35 PM Bill is reported favorably
2:10:55 PM Senator Brandes is now presiding
2:11:11 PM Senator Hutson explains SB 166
2:11:55 PM Questions
2:12:05 PM Senator Gibson for a question
2:12:32 PM Take up barcode 496414 late filed
2:12:44 PM Explanation
2:13:08 PM Questions
2:13:12 PM Debate
2:13:17 PM amendment adopted
2:13:22 PM Senator Gibson for a question
2:14:42 PM Follow up
2:16:54 PM Senator Gibson for a series of questions
2:18:41 PM Appearance cards
2:18:55 PM Richard deMontollin, Liberty Bar
2:20:01 PM Trey Mills, Manifest Distilling
2:22:14 PM Senator Young for a question
2:23:17 PM Senator Brandes for a question
2:24:01 PM Jason Unger FL Distillers Guild
2:25:32 PM Questions
2:25:35 PM Senator Gibson

2:27:17 PM	Michael Diaz, St. Augustine Distillery
2:31:56 PM	Senator Brandes question
2:32:02 PM	Senator Hutson for a question
2:33:03 PM	Senator Thurston for a question
2:33:45 PM	Scott Ashley, Wine & Spirits Dist. of Florida
2:36:56 PM	Question of staff
2:37:30 PM	Miquel Oximendi for a response
2:39:16 PM	Senator Hutson for a follow up question
2:39:54 PM	Senator Thurston for a question
2:40:18 PM	Scott Ashley for a response
2:41:18 PM	Series of questions
2:42:49 PM	Senator Brandes for a question
2:43:12 PM	Josh Aubuchon waives in support
2:43:20 PM	Patricia Greene waives in support
2:43:23 PM	Debate
2:43:37 PM	Senator Braynon in debate
2:44:23 PM	Senator Gibson in debate
2:45:13 PM	Senator Young in debate
2:47:02 PM	Senator Hutson to close
2:48:13 PM	Roll call on CS/SB 166
2:48:49 PM	Bill is reported favorably
2:49:09 PM	SB 336--Household Movers by Senator Hutson
2:49:13 PM	Explanation
2:49:55 PM	Take up amendment 432108
2:50:16 PM	Debate?
2:50:25 PM	Senator Hutson waives close
2:50:31 PM	Amendment adopted
2:50:37 PM	Appearance cards
2:50:50 PM	Ron Book, Lauren's Kids
2:54:33 PM	Debate?
2:54:38 PM	Senator Hutson to close
2:54:56 PM	Roll call on CS/SB 336
2:55:12 PM	Bill reported favorably
2:55:21 PM	Senator Hutson resumes chair
2:55:30 PM	Senator Gibson moves we adjourn



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education, *Chair*
Regulated Industries, *Vice Chair*
Appropriations Subcommittee on the Environment
and Natural Resources
Health Policy
Transportation

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL
14th District

February 3, 2017

The Honorable Travis Hutson
Regulated Industries Committee, Chair
330 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: Request for Excusal from Committee Meeting

Dear Chairman Hutson:

Please excuse me from the Regulated Industries Committee on February 8, 2017 at 2:00 p.m. as I will not be able to attend due to illness.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Hukill".

A handwritten signature in cursive script that reads "Travis Hutson".

Dorothy L. Hukill
State Senator, District 14

cc: Ross McSwain, Staff Director of the Regulated Industries Committee
Lynn Koon, Committee Administrative Assistant of the Regulated Industries Committee

REPLY TO:

□ 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

Koon, Lynn

From: Hutson, Travis
Sent: Friday, February 3, 2017 3:28 PM
To: Fetterhoff, Elizabeth
Cc: McSwain, Ross; Koon, Lynn; Whitaker, Ronnie
Subject: Re: Regulated Industries Committee_Excusal Letter_Senator Hukill

She's excused.

Sent from my iPhone

On Feb 3, 2017, at 3:24 PM, Fetterhoff, Elizabeth <FETTERHOFF.ELIZABETH@flsenate.gov> wrote:

Dear Chairman Hutson:

Please review the attached letter from Senator Hukill requesting to be excused from the Regulated Industries Committee meeting on February 8, 2017. Let me know if you have any questions or concerns.

Regards,

Elizabeth A. Fetterhoff

Legislative Assistant
Office of State Senator Dorothy L. Hukill, District 14
209 Dunlawton Avenue
Unit 17
Port Orange, FL 32127-4472
386.304.7630

Please note: Florida has a very broad public records law. Written communications (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

<Regulated Industries Committee Excusal Letter_Senator Hukill_02032017.pdf>



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Banking and Insurance, *Vice Chair*
Agriculture
Appropriations Subcommittee on Finance and Tax
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR GREG STEUBE

23rd District

February 7, 2017

The Honorable Travis Hutson
Florida Senate
314 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Hutson,

I respectfully Request an excused absence from the Regulated Industries meeting that is scheduled for Thursday, February 8, 2017. Thank you for your consideration in this matter.

Respectfully yours,

A handwritten signature in dark ink, appearing to be "W. Gregory Steube".

W. Gregory Steube
District 23

A handwritten signature in dark ink, appearing to be "Travis Hutson".

REPLY TO:

- ☐ 722 Apex Road, Unit A, Sarasota, Florida 34240 (941)342-9162
- ☐ 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore