

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**REGULATED INDUSTRIES**  
**Senator Stargel, Chair**  
**Senator Braynon, Vice Chair**

**MEETING DATE:** Thursday, January 16, 2014  
**TIME:** 9:00 —11:00 a.m.  
**PLACE:** 301 Senate Office Building

**MEMBERS:** Senator Stargel, Chair; Senator Braynon, Vice Chair; Senators Detert, Flores, Galvano, Gibson, Legg, Sachs, Sobel, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 404</b> Grimsley (Similar H 223)	Professional Geology; Revising licensure requirements for professional geologists; providing requirements for registration as a geologist-in-training; requiring geologist-in-training applicants to successfully complete the Fundamentals of Geology licensure examination; providing requirements for registration as a geologist-in-training; requiring geologist-in-training applicants to successfully complete the Fundamentals of Geology licensure examination; requiring the department to register each person as a geologist-in-training whom the board certifies has successfully completed the exam, etc.  RI      01/16/2014 Fav/CS RC	Fav/CS Yeas 10 Nays 0
2	<b>SB 406</b> Latvala (Similar H 283, Compare H 387, S 470)	Malt Beverages; Authorizing containers of malt beverages to be sold or offered for sale by a vendor at retail in any size; providing requirements for malt beverage containers; authorizing malt beverage tastings upon certain licensed premises under certain circumstances, etc.  RI      01/16/2014 Temporarily Postponed CA AP RC	Temporarily Postponed
3	<b>SB 470</b> Detert (Similar H 387, Compare H 283, S 406)	Malt Beverages; Removing the prohibition on beer samplings at the premises of certain vendors; authorizing malt beverage tastings upon certain licensed premises, etc.  RI      01/16/2014 Favorable CA AP RC	Favorable Yeas 10 Nays 0

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.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: CS/SB 404

INTRODUCER: Regulated Industries Committee and Senator Grimsley

SUBJECT: Professional Geology

DATE: January 16, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Niles	Imhof	RI	<b>Fav/CS</b>
2.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 404 amends s. 492.105, F.S., revising requirements for licensure by examination of professional geologists.

The bill creates s. 492.1051, F.S., providing requirements for registration as a geologist-in-training (GIT). Geologist-in-training candidates must satisfy all requirements of a candidate under licensure by examination, apart from work experience. Geologist-in-training candidates will be permitted to take the fundamentals of geology portion of the licensing examination prior to gaining work experience. The Department of Business and Professional Regulations (department) will be required to register each candidate who successfully completes the fundamentals of geology portion of the examination as a geologist-in-training.

According to the department, application as a GIT is voluntary and is not required to become a licensed geologist.

The bill provides an effective date of October 1, 2014.

## II. Present Situation:

The Board of Professional Geologists (board), created in the Department of Business and Professional Regulations (department), is authorized to set, by rule, fees for application, certificate of authorization, late renewal, initial licensure, and license renewal in the field of geology.<sup>1</sup>

The board is a member of the National Association of State Boards of Geology (association), which serves as a connective link for state geology licensing boards in the planning and preparation of uniform procedures and the coordination of geologic protective measures for the general public.<sup>2</sup> They provide model legislation for licensing geologists and model legislation for the implementation of a Geologist-in-Training registration.<sup>3</sup> This association does not license or register geologists.<sup>4</sup> One of ASBOG's principal services is to develop standardized written examinations for determining qualifications of applicants seeking licensure as professional geologists. State boards are provided with uniform examinations that are valid measures of competency related to the practice of the profession. Examination candidates are provided with a copy of the Professional Geologist Candidate Handbook which delineates the format and outline for the exam. The two portion examination that is currently used for licensure by examination under s. 492.105(d), F.S., is the product of ASBOG. The board has adopted the examination produced by the association in rule 61G16-6.001, F.A.C.

The association's definitions of exam:<sup>5</sup>

- **Fundamentals of Geology (FG) Examination** - The National Examination tests items related to knowledge and skills acquired in an academic setting that leads to a baccalaureate degree. The exam consists of 140 questions.
- **Practice of Geology (PG) Examination** - The National Examination tests items that assess skills and knowledge acquired or expanded through employment, typically after five years of work experience. The exam consists of 110 questions.
- The FG Examination (total questions = 140) is administered in a four-hour session. The PG Examination (total questions = 110) is also administered during a four-hour session. The FG and PG are separate examinations, and scores are reported for each. Different forms of the examinations are constructed for each administration.

### Current Florida Requirements for Licensing by Examination

Currently, the examination to become a licensed geologist is given in two parts, one covering fundamentals of geology and the other covering practical knowledge of geology gained through work experience.<sup>6</sup> The exams are in the format provided by ASBOG listed above and offered twice a year. Section 492.105, F.S., provides that in order to take this two part licensure examination, a candidate must:

- Complete the application form and pay the application and examination fee;

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<sup>1</sup> See s. 492.104, F.S.

<sup>2</sup> National Association of State Boards of Geology, *Mission Statement*, available at <http://www.asbog.org/> (last visited Jan. 10, 2014).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> National Association of State Boards of Geology, *Professional Geologists Candidate Handbook*, 11 (2013)

<sup>6</sup> See rule 61G16-6.001, F.A.C.

- Be at least 18 years of age;
- Have not committed any act or offense in any jurisdiction which would constitute the basis for disciplining a Florida licensed geologist;
- Be a graduate of a qualifying<sup>7</sup> college or university with a major in geology or related science<sup>8</sup> with 30 satisfactorily completed semester hours of geological coursework with conditions set forth in the statute; and
- Have specified experience:
  - a) At least seven years of experience, which will include a minimum of three years of professional geological work under the supervision of a licensed or qualified geologist or an engineer licensed under chapter 471; or
  - b) At least five accumulative years' experience in responsible charge<sup>9</sup> of geological work.

The following criteria may currently be applied to option (a) for accumulation of seven years' work experience:

- 1) Candidates may claim each year of specified undergraduate study as one half year of work experience, equaling a maximum of two years.
- 2) Candidates may claim each year of specified graduate study as 1 year of work experience.
- 3) Candidates may claim a maximum of two years of study as work experience.
- 4) Candidates may claim full-time specified teaching or research as year for year work experience.
- 5) Candidates' ability shall have been demonstrated by having performed the work in a responsible position<sup>10</sup> as determined by the board.

Applicants for a licensure by examination are required to gain experience prior to their examination. This time lapse between education and the examination has resulted in a 50% pass rate of the fundamentals portion of the examination, with the percentage of passing decreasing the further applicants are removed from their education.<sup>11</sup>

There is currently no GIT registration in Florida. According to the association there are seventeen member states who have GIT requirements. The association provides a model for GIT qualifications to be used by the state's board as follows:<sup>12</sup>

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<sup>7</sup> See rule 61G16-6.001(2), F.A.C.

<sup>8</sup> See rule 61G16-5.001, F.A.C. "Related science means, any science degree demonstrated by the applicant to possess a reasonable and rational nexus to a degree in geology."

<sup>9</sup> See rule 61G16-5.009, F.A.C. "Responsible Charge shall mean one who is accountable for and exercises direct control and personal supervision of one self's and others' geological work with initiative, skill and independent scientific judgment."

<sup>10</sup> See rule 61G16-5.009, F.A.C. "Responsible Position shall mean a position in which one performs geological work with initiative, skill and independent judgment, under the supervision and direction of a professional geologist licensed under Chapter 492, F.S., a professional engineer licensed under Chapter 471, F.S., or other qualified professional."

<sup>11</sup> 2014 Legislative Bill Analysis for SB 404, Department of Business and Professional Regulation (Dec. 20, 2013).

<sup>12</sup> National Association of State Boards of Geology, The professional Geologist Model Licensure Law Section 22 at page 29 (2005) available at <http://www.asbog.org/Documents/Model%20Law%2012-2-05.pdf> (last visited Jan. 10, 2014)

- a) Graduation from a course of study in geology satisfactory to the Board from an accredited college or university...which includes at least thirty (30) semester hours or forty-five (45) quarter hours of credit in geological course work suitable to the Board, with a major in geology or a geological specialty;
- b) Successful passage of a national examination on the fundamentals of geology and any other jurisdictional examinations in geology as determined and prescribed by the Board; and,
- c) Other requirements as may be established in rules and regulations by the Board including that said applicant for enrollment possesses a degree in geology as specified in this section prior to being allowed to sit for any examination.

### III. Effect of Proposed Changes:

#### **Multi-Part Exam and Fee Apportionment**

Section 492.105(1), F.S., is amended to allow the licensure examination to be a “multi-part” examination. The rulemaking authority provision under s. 492.104, F.S., is amended to allow the fee for licensure by examination to be apportioned for such a “multipart” examination.

#### **Fundamentals of Geology**

Section 492.105(1), F.S., is amended to include the term “fundamentals” as an area that shall be included in the examination. Material described as fundamentals is currently covered by one part of a two part examination for licensure. Having this fundamentals designated as a specific part distinguishes for examination purposes for GIT registration, where an individual is required to take only the fundamental portion of the examination to become a registered geologist in training.

#### **Coursework requirement**

Section 492.105(1)(d), F.S., is amended to remove the requirement that 24 of the 30 required semester hours necessary to obtain the licensure by examination be at the third or fourth year or graduate level. As long as a candidate has 30 semester hours or 45 quarter hours in general, these will satisfy the requirement, regardless of what point or level they were complete.

#### **Revision of work experience requirements**

The Board of Professional Geologists indicated that the bill would ensure that licensure by examination is granted only to candidate’s that possess practical work experience in the field of geology.<sup>13</sup> They indicated that the bill accomplishes this goal by limiting the available methods of demonstrating “work experience,” under s. 492.105(1)(e), F.S.

The bill changes the geological work experience necessary for licensure by examination from seven years of professional geological work experience to five years of “verified” professional geological work experience. The board indicated that the word “verified” heightens the standard of review to be implemented at the discretion of the board. Although the time requirement is decreased, the criteria for verified professional work experience is considered to be more demanding than the current statute due to the removal of alternative means of demonstrating work experience currently available under s. 492.105(1)(e), F.S.

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<sup>13</sup> Discussion with Louis Bush, Chair of the Board of Professional Geologists (Jan. 3, 2014).

The two options to demonstrate work experience as a candidate for licensure by examination under s. 492.105(1)(e), F.S., would now require either;

- a) Five years of verified professional geological work experience, which includes at least three years of professional work under a licensed or qualified geologist or professional engineer registered under ch. 471, F.S.; or
- b) Five accumulative years of verified geological work experience in responsible charge of geological work as determined by the Board.

The first option to gain the five years of experience permits working under supervision and direction of a licensed or qualified professional.<sup>14</sup> The second option to gain five years of experience requires one to be in “responsible charge,” which means that one must be accountable for and exercise direct control over the geological work of others for five.

The validity of either option is determined by the board. The bill does not describe how one might “verify” work, but it is the practice of the board now to accept detailed descriptions of the exact nature and extent of the work performed.<sup>15</sup>

### **Geologist-In-Training (GIT) Registration**

The bill creates s. 492.1051, F.S., geologist-in-training (GIT) registration and requirements. According to the board, GIT registration would enable a student in their final year, or a graduate with a degree in geology or related field, to apply for board approval to take a portion of the examination covering only the fundamentals of geology.<sup>16</sup> This may increase the pass rates for this portion of the examination.

According to the department, this registration will not authorize an individual to practice professional geology or use this title to convey such authority under the prohibitions found at s. 492.112(1)(a) and (b), F.S. The department and board have expressed that this provision is not to obtain a license, but only to be registered as completing one portion of the examination required for licensure.

The board indicated that the registration will benefit an applicant primarily by allowing the examination to be conducted closer in time to his/her education. An additional benefit will be the confirmation of one’s character clearance at the point of registration, as the board will only certify individuals to take the examination that have not committed an act or offense which constitutes grounds for disciplining a professional geologist. This may allow candidates the advanced notice of any existing disciplinary actions that may disqualify them from applying for a Florida license prior to initiating their five years of experience.

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<sup>14</sup> See rule 61G16-1.009 F.A.C.

<sup>15</sup> See rule 61G16-5.004(3), F.A.C.

<sup>16</sup> Board of Professional Geologists, *May 2013 General Business Minutes* (May 15-16 2013) available at [http://www.myfloridalicense.com/Dbpr/pro/geolo/documents/geo\\_minutes\\_0513.pdf](http://www.myfloridalicense.com/Dbpr/pro/geolo/documents/geo_minutes_0513.pdf) (last visited Jan. 13, 2014).

**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:

An applicant for Geologist-In-Training registration would have to pay an application and exam fee estimated at \$225.<sup>17</sup> This cost may impact businesses that employ geologists and related staff.<sup>18</sup>

C. Government Sector Impact:

This bill will have an impact on the Bureau of Central Intake and Licensure. The bill adds a new registration category, “registered geologist-in-training”, and alters the experience requirements for licensed geologists to include 5-years of “verified” experience. The increase in workload that this legislation would create is indeterminate at this time; however, based on current licensure levels the department should be able to accommodate this with existing resources.<sup>19</sup>

	FY 2014-15	FY 2015-16	FY 2016-17
Revenues:	Low: \$6,750 High: \$22,500	Low: \$6,750 High: \$22,500	Low: \$6,750 High: \$22,500
Expenditures:	Indeterminate	Indeterminate	Indeterminate

<sup>17</sup> 2014 Legislative Bill Analysis for SB 404, Department of Business and Professional Regulation (Dec. 20, 2013).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

## VI. Technical Deficiencies:

A definition for “verified” may be necessary. The validity of experience required for licensure is determined by the board. The bill does not describe how one might “verify” work, but it is the practice of the board now to accept detailed descriptions of the exact nature and extent of the work performed.<sup>20</sup>

## VII. Related Issues:

### Responsible Charge of Geological Work

Responsible charge is defined in the board rules as “one who is accountable for and exercises direct control and personal supervision of one self's and others' geological work with initiative, skill and independent scientific judgment.”<sup>21</sup> Section 492.112(1)(a), F.S., prohibits the practice of geology unless the person is licensed under this chapter. It is not clear how this type of experience will be gained. Perhaps this is relevant to only out-of-state applicants who do not meet the qualifications of the first option, but do have responsible charge experience as a practicing geologist in another state that does not have a comparable license.

## VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 492.105, F.S.  
This bill creates the following section of the Florida Statutes: 492.1051, F.S.

## 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 January 16, 2014:

- The committee substitute (CS) amends the rulemaking authority provision under s. 492.104 F.S. to allow the fee for licensure by examination to be apportioned for a “multipart” examination.
- The CS amends s. 492.105(1), F.S., to include the term “fundamentals” as an area that shall be included in the examination.
- The CS also amends s. 492.105(1), F.S., to allow for the licensure examination to be a “multi-part” examination.
- The CS amends s. 492.105(1)(e), F.S., uses the term “responsible charge” instead of “responsible position” as the standard of experience required for one of the options to gain five years of experience. The CS maintains the requirements under s. 492.105(1)(e), F.S., that experience be “accumulative.”
- The CS creates s. 492.1051, F.S., using the term “fundamentals of geology” to describe material covered by a portion of the licensure examination instead of referring to the specific “Fundamentals of Geology Licensure examination.”

<sup>20</sup> See rule 61G16-5.004(3), F.A.C.

<sup>21</sup> See rule 61G16-1.009, F.A.C.

- The CS describes the fundamental portion of the examination as a “discrete portion,” distinct within the examination for licensure required for registration as a geologist-in-training under s. 492.1051(1), F.S.

**B. Amendments:**

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/17/2014	.	
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The Committee on Regulated Industries (Braynon) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (2) of section 492.104, Florida  
Statutes, is amended to read

492.104 Rulemaking authority.—The Board of Professional  
Geologists has authority to adopt rules pursuant to ss.

120.536(1) and 120.54 to implement this chapter. Every licensee



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11 shall be governed and controlled by this chapter and the rules  
12 adopted by the board. The board is authorized to set, by rule,  
13 fees for application, examination, certificate of authorization,  
14 late renewal, initial licensure, and license renewal. These fees  
15 should not exceed the cost of implementing the application,  
16 examination, initial licensure, and license renewal or other  
17 administrative process and shall be established as follows:

18 (2) The examination fee shall not exceed \$250 and the fee  
19 may be apportioned to each part of a multi-part examination. The  
20 examination fee shall be refundable in whole or part if the  
21 applicant is found to be ineligible to take any portion of the  
22 licensure examination.

23 Section 2. Paragraphs (d) and (e) of subsection (1) of  
24 section 492.105, Florida Statutes, are amended to read:

25 492.105 Licensure by examination; requirements; fees.—

26 (1) Any person desiring to be licensed as a professional  
27 geologist shall apply to the department to take the licensure  
28 examination. The written licensure examination shall be designed  
29 to test an applicant's qualifications to practice professional  
30 geology, and shall include such subjects as will tend to  
31 ascertain the applicant's knowledge of the fundamentals, theory,  
32 and the practice of professional geology and may include such  
33 subjects as are taught in curricula of accredited colleges and  
34 universities. The written licensure examination may be a multi-  
35 part examination. The department shall examine each applicant  
36 who the board certifies:

37 (d) Has fulfilled ~~Fulfills~~ the following educational  
38 requirements at a college or university, the geological  
39 curricula of which meet the criteria established by an



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40 accrediting agency recognized by the United States Department of  
41 Education:

42 1. Graduation from such college or university with a major  
43 in geology or other related science acceptable to the board; and

44 2. Satisfactory completion of at least 30 semester hours or  
45 45 quarter hours of geological coursework ~~courses, 24 of which~~  
46 ~~must be at the third or fourth year or graduate level.~~

47 (e) Has at least 5 ~~7~~ years of verified professional  
48 geological work experience, which includes ~~shall include~~ a  
49 minimum of 3 years of professional geological work under the  
50 supervision of a licensed or qualified geologist or professional  
51 engineer registered under chapter 471 as qualified in the field  
52 or discipline of professional engineering work performed  
53 ~~involved; or has have~~ a minimum of 5 accumulative years of  
54 verified geological work years' experience in responsible charge  
55 of geological work as determined by the board. ~~The following~~  
56 ~~criteria of education and experience qualify, as specified,~~  
57 ~~toward accumulation of the required 7 years of professional~~  
58 ~~geological work:~~

59 1. ~~Each year of undergraduate study in the geological~~  
60 ~~sciences shall count as 1/2 year of the experience requirement,~~  
61 ~~up to a maximum of 2 years, and each year of graduate study~~  
62 ~~shall count as 1 year of the experience requirement.~~

63 2. ~~Credit for undergraduate study, graduate study, and~~  
64 ~~graduate courses, individually or in any combination thereof,~~  
65 ~~shall in no case exceed a total of 2 years toward meeting the~~  
66 ~~requirements for at least 7 years of professional geological~~  
67 ~~work.~~

68 3. ~~Full-time teaching or research in the geological~~



902008

69 ~~sciences at the college level shall be credited year for year~~  
70 ~~toward meeting the requirement in this category.~~

71 ~~4. The ability of the applicant shall have been~~  
72 ~~demonstrated by his or her having performed the work in a~~  
73 ~~responsible position as determined by the board.~~

74 Section 3. Section 492.1051, Florida Statutes, is created  
75 to read:

76 492.1051 Registered geologist in training; requirements.—

77 (1) A person desiring to register as a geologist in  
78 training shall apply to the department to take the fundamentals  
79 of geology portion of the examination required for licensure as  
80 a professional geologist in this state. The department shall  
81 examine each applicant who the board certifies:

82 (a) Has completed the application form and remitted a  
83 nonrefundable application fee and an examination fee that is  
84 refundable if the applicant is found to be ineligible to take  
85 the examination.

86 (b) Has not committed an act or offense in any jurisdiction  
87 which constitutes grounds for disciplining a professional  
88 geologist licensed under this chapter; and

89 (c) Has successfully completed at least 30 semester hours  
90 or 45 quarter hours of geological coursework at a college or  
91 university, the geological curricula of which meet the criteria  
92 established by an accrediting agency recognized by the United  
93 States Department of Education and, if still enrolled, has  
94 provided a letter of good academic standing from the college or  
95 university.

96 (2) The department shall register as a geologist in  
97 training each applicant who the board certifies has passed the



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98 fundamentals of geology portion of the licensure examination.

99 (3) A registered geologist in training desiring to be

100 licensed as a professional geologist shall apply to the

101 department to take the licensure examination as prescribed in s.

102 492.105(1), but is not required to retake the fundamentals of

103 geology portion of the licensure examination.

104 Section 4. This act shall take effect October 1, 2014.

105

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

107 And the title is amended as follows:

108 Delete everything before the enacting clause

109 and insert:

110 A bill to be entitled

111 An act relating to professional geology; amending s.

112 492.104, F.S.; providing for apportionment of

113 examination fees; amending s. 492.105, F.S.; revising

114 examination requirements for professional geologists;

115 creating s. 492.1051, F.S.; providing requirements for

116 registration as a geologist-in-training; requiring

117 geologist-in-training applicants to successfully

118 complete the fundamentals of geology portion of the

119 licensure examination; requiring an application fee

120 and a refundable examination fee; requiring the

121 Department of Business and Professional Regulation to

122 submit each completed application to the Board of

123 Professional Geologists for certification; setting

124 forth the criteria the board may use to certify

125 applicants; requiring the department to register each

126 person as a geologist-in-training whom the board



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127 certifies has successfully completed the fundamentals  
128 portion of the geology examination; exempting  
129 registered geologist-in-training seeking licensure as  
130 a professional geologist from retaking the  
131 fundamentals of geology portion of the examination;  
132 providing an effective date.



481068

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/17/2014	.	
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The Committee on Regulated Industries (Braynon) recommended the following:

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Delete everything after the enacting clause  
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11 shall be governed and controlled by this chapter and the rules  
12 adopted by the board. The board is authorized to set, by rule,  
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14 late renewal, initial licensure, and license renewal. These fees  
15 should not exceed the cost of implementing the application,  
16 examination, initial licensure, and license renewal or other  
17 administrative process and shall be established as follows:

18 (2) The examination fee shall not exceed \$250 and the fee  
19 may be apportioned to each part of a multi-part examination. The  
20 examination fee shall be refundable in whole or part if the  
21 applicant is found to be ineligible to take any portion of the  
22 licensure examination.

23 Section 2. Paragraphs (d) and (e) of subsection (1) of  
24 section 492.105, Florida Statutes, are amended to read:

25 492.105 Licensure by examination; requirements; fees.—

26 (1) Any person desiring to be licensed as a professional  
27 geologist shall apply to the department to take the licensure  
28 examination. The written licensure examination shall be designed  
29 to test an applicant's qualifications to practice professional  
30 geology, and shall include such subjects as will tend to  
31 ascertain the applicant's knowledge of the fundamentals, theory,  
32 and the practice of professional geology and may include such  
33 subjects as are taught in curricula of accredited colleges and  
34 universities. The written licensure examination may be a multi-  
35 part examination. The department shall examine each applicant  
36 who the board certifies:

37 (d) Has fulfilled ~~Fulfills~~ the following educational  
38 requirements at a college or university, the geological  
39 curricula of which meet the criteria established by an



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40 accrediting agency recognized by the United States Department of  
41 Education:

42 1. Graduation from such college or university with a major  
43 in geology or other related science acceptable to the board; and

44 2. Satisfactory completion of at least 30 semester hours or  
45 45 quarter hours of geological coursework ~~courses, 24 of which~~  
46 ~~must be at the third or fourth year or graduate level.~~

47 (e) Has at least 5 ~~7~~ years of verified professional  
48 geological work experience, which includes ~~shall include~~ a  
49 minimum of 3 years of professional geological work under the  
50 supervision of a licensed or qualified geologist or professional  
51 engineer registered under chapter 471 as qualified in the field  
52 or discipline of professional engineering work performed  
53 ~~involved; or has have~~ a minimum of 5 accumulative years of  
54 verified geological work years' experience in responsible charge  
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65 ~~shall in no case exceed a total of 2 years toward meeting the~~  
66 ~~requirements for at least 7 years of professional geological~~  
67 ~~work.~~

68 3. ~~Full-time teaching or research in the geological~~



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72 ~~demonstrated by his or her having performed the work in a~~  
73 ~~responsible position as determined by the board.~~

74 Section 3. Section 492.1051, Florida Statutes, is created  
75 to read:

76 492.1051 Registered geologist in training; requirements.—

77 (1) A person desiring to register as a geologist in  
78 training shall apply to the department to take a discrete  
79 portion of the examination required for licensure as a  
80 professional geologist in this state. This discrete portion  
81 shall cover the fundamentals of geology. The department shall  
82 examine each applicant who the board certifies:

83 (a) Has completed the application form and remitted a  
84 nonrefundable application fee and an examination fee that is  
85 refundable if the applicant is found to be ineligible to take  
86 the examination.

87 (b) Has not committed an act or offense in any jurisdiction  
88 which constitutes grounds for disciplining a professional  
89 geologist licensed under this chapter; and

90 (c) Has successfully completed at least 30 semester hours  
91 or 45 quarter hours of geological coursework at a college or  
92 university, the geological curricula of which meet the criteria  
93 established by an accrediting agency recognized by the United  
94 States Department of Education and, if still enrolled, has  
95 provided a letter of good academic standing from the college or  
96 university.

97 (2) The department shall register as a geologist in



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98 training each applicant who the board certifies has passed the  
99 fundamentals of geology portion of the licensure examination.

100 (3) A registered geologist in training desiring to be  
101 licensed as a professional geologist shall apply to the  
102 department to take the licensure examination as prescribed in s.  
103 492.105(1), but is not required to retake the fundamentals of  
104 geology portion of the licensure examination.

105 Section 4. This act shall take effect October 1, 2014.

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

108 And the title is amended as follows:

109 Delete everything before the enacting clause  
110 and insert:

111 A bill to be entitled  
112 An act relating to professional geology; amending s.  
113 492.104, F.S.; providing for apportionment of  
114 examination fees; amending s. 492.105, F.S.; revising  
115 examination requirements for professional geologists;  
116 creating s. 492.1051, F.S.; providing requirements for  
117 registration as a geologist-in-training; requiring  
118 geologist-in-training applicants to successfully  
119 complete the fundamentals of geology portion of the  
120 licensure examination; requiring an application fee  
121 and a refundable examination fee; requiring the  
122 Department of Business and Professional Regulation to  
123 submit each completed application to the Board of  
124 Professional Geologists for certification; setting  
125 forth the criteria the board may use to certify  
126 applicants; requiring the department to register each



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127 person as a geologist-in-training whom the board  
128 certifies has successfully completed the fundamentals  
129 portion of the geology examination; exempting  
130 registered geologist-in-training seeking licensure as  
131 a professional geologist from retaking the  
132 fundamentals of geology portion of the examination;  
133 providing an effective date.

By Senator Grimsley

21-00499-14

2014404\_\_

1 A bill to be entitled  
 2 An act relating to professional geology; amending s.  
 3 492.105, F.S.; revising licensure requirements for  
 4 professional geologists; creating s. 492.1051, F.S.;  
 5 providing requirements for registration as a  
 6 geologist-in-training; requiring geologist-in-training  
 7 applicants to successfully complete the Fundamentals  
 8 of Geology licensure examination; requiring an  
 9 application fee and a licensing fee; requiring the  
 10 Department of Business and Professional Regulation to  
 11 submit each completed application to the Board of  
 12 Professional Geologists for certification; setting  
 13 forth the criteria the board may use to certify  
 14 applicants; requiring the department to register each  
 15 person as a geologist-in-training whom the board  
 16 certifies has successfully completed the exam;  
 17 exempting registered geologists-in-training seeking  
 18 licensure as a professional geologist from retaking  
 19 the Fundamentals of Geology licensure examination;  
 20 providing an effective date.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24 Section 1. Paragraphs (d) and (e) of subsection (1) of  
 25 section 492.105, Florida Statutes, are amended to read:

26 492.105 Licensure by examination; requirements; fees.—

27 (1) Any person desiring to be licensed as a professional  
 28 geologist shall apply to the department to take the licensure  
 29 examination. The written licensure examination shall be designed

Page 1 of 4

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

21-00499-14

2014404\_\_

30 to test an applicant's qualifications to practice professional  
 31 geology, and shall include such subjects as will tend to  
 32 ascertain the applicant's knowledge of the theory and the  
 33 practice of professional geology and may include such subjects  
 34 as are taught in curricula of accredited colleges and  
 35 universities. The department shall examine each applicant who  
 36 the board certifies:

37 (d) Has fulfilled ~~Fulfills~~ the following educational  
 38 requirements at a college or university, the geological  
 39 curricula of which meet the criteria established by an  
 40 accrediting agency recognized by the United States Department of  
 41 Education:

42 1. Graduation from such college or university with a major  
 43 in geology or other related science acceptable to the board; and

44 2. Satisfactory completion of at least 30 semester hours or  
 45 45 quarter hours of geological coursework courses, ~~24 of which~~  
 46 ~~must be at the third or fourth year or graduate level.~~

47 (e) Has at least 5 7 years of verified professional  
 48 geological work experience, which includes ~~shall include~~ a  
 49 minimum of 3 years of professional geological work under the  
 50 supervision of a licensed or qualified geologist or professional  
 51 engineer registered under chapter 471 as qualified in the field  
 52 or discipline of professional engineering work performed  
 53 ~~involved~~; or has have a minimum of 5 years of verified  
 54 geological work accumulative years' experience as in responsible  
 55 ~~charge of geological work. The following criteria of education~~  
 56 ~~and experience qualify, as specified, toward accumulation of the~~  
 57 ~~required 7 years of professional geological work:~~

58 ~~1. Each year of undergraduate study in the geological~~

Page 2 of 4

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

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59 ~~sciences shall count as 1/2 year of the experience requirement,~~  
60 ~~up to a maximum of 2 years, and each year of graduate study~~  
61 ~~shall count as 1 year of the experience requirement.~~

62 ~~2. Credit for undergraduate study, graduate study, and~~  
63 ~~graduate courses, individually or in any combination thereof,~~  
64 ~~shall in no case exceed a total of 2 years toward meeting the~~  
65 ~~requirements for at least 7 years of professional geological~~  
66 ~~work.~~

67 ~~3. Full-time teaching or research in the geological~~  
68 ~~sciences at the college level shall be credited year for year~~  
69 ~~toward meeting the requirement in this category.~~

70 ~~4. The ability of the applicant shall have been~~  
71 ~~demonstrated by his or her having performed the work in a~~  
72 ~~responsible position as determined by the board.~~

73 Section 2. Section 492.1051, Florida Statutes, is created  
74 to read:

75 492.1051 Geologist-in-training.—Any person desiring to be  
76 registered as a geologist-in-training must successfully complete  
77 the Fundamentals of Geology licensure examination administered  
78 by the National Association of State Boards of Geology.

79 (1) To take the examination, a person must submit an  
80 application form, a nonrefundable application fee, and an  
81 examination fee to the department. The fees shall be established  
82 pursuant to s. 492.104. The department shall send each completed  
83 application to the board for certification. The board may  
84 certify for examination an applicant who:

85 (a) Has not committed an act or offense in any jurisdiction  
86 which constitutes grounds for disciplining a professional  
87 geologist licensed under this chapter; and

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88 (b) Has successfully completed at least 30 semester hours  
89 or 45 quarter hours of geological coursework at a college or  
90 university, the geological curricula of which meet the criteria  
91 established by an accrediting agency recognized by the United  
92 States Department of Education and, if still enrolled, has  
93 provided a letter of good academic standing from the college or  
94 university.

95 (2) The department shall register each person whom the  
96 board certifies has successfully completed the Fundamentals of  
97 Geology examination as a geologist-in-training.

98 (3) A registered geologist-in-training requesting to be  
99 licensed as a professional geologist in this state is not  
100 required to retake the Fundamentals of Geology licensure  
101 examination.

102 Section 3. This act shall take effect July 1, 2014.



The Florida Senate

## Committee Agenda Request

**To:** Senator Kelli Stargel, Chair  
Committee on Regulated Industries

**Subject:** Committee Agenda Request

**Date:** January 6, 2014

---

I respectfully request that **Senate Bill #404**, relating to Professional Geology, be placed on the:

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

A handwritten signature in cursive script that reads "Denise Grimsley".

---

Senator Denise Grimsley  
Florida Senate, District 21

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/16/14  
Meeting Date

Topic SB 404 Geology

Bill Number SB-404  
*(if applicable)*

Name Lou Bush

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Professional Surveyor

Address 9618 Moore Rd  
*Street*

Phone (813) 255-2308

Lakeland FL 33809  
*City State Zip*

E-mail lgibush1@aol.com

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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





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

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

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: SB 406

INTRODUCER: Senator Latvala

SUBJECT: Malt Beverages

DATE: January 13, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Pre-meeting</u>
2.	<u>                    </u>	<u>                    </u>	<u>CA</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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**I. Summary:**

SB 406 authorizes the sale of individual containers of malt beverages in containers of any size. Current law requires that all malt beverages sold by retail vendors of alcoholic beverages must be packaged in individual containers containing no more than 32 ounces. The bill requires that malt beverage containers must include information specifying the manufacturer and brand of malt beverage. The bill also requires that the malt beverage container must have an unbroken seal or be incapable of being immediately consumed. Current law also permits malt beverages to be packaged in bulk, kegs, barrels, or in any individual container containing one gallon or more of malt beverage regardless of individual container type.

The bill repeals the prohibition against beer tastings and permits licensed malt beverage distributors and vendors to conduct malt beverage tastings at licensed premises that are authorized to sell malt beverage by package or for consumption on premises, provided that the malt beverage tasting is limited to and directed toward the general public of the age of legal consumption. Current law permits wine and spirituous beverage distributors and vendors to conduct wine and spirituous beverage tastings at licensed premises that are authorized to sell such beverages.

The bill provides an effective date of July 1, 2014.

**II. Present Situation:**

In Florida, alcoholic beverages are regulated by the Beverage Law,<sup>1</sup> which regulates the manufacture, distribution, and sale of wine, beer, and liquor via manufacturers, distributors, and

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<sup>1</sup> The Beverage Law means chs. 561, 562, 563, 564, 565, 567, and 568, F.S. See s. 561.01(6), F.S.

vendors.<sup>2</sup> The Division of Alcoholic Beverage and Tobacco (division) within the Department of Business and Professional Regulation (department) administers and enforces the Beverage Law.<sup>3</sup>

### **Three Tier System**

In the United States, the regulation of alcohol has traditionally been through what is termed the “three-tier system.” The system requires that the manufacture, distribution, and sale of alcoholic beverages be separated. Retailers must buy their products from distributors who in turn buy their products from the manufacturers. Manufacturers cannot sell directly to retailers or directly to consumers. 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.<sup>4</sup>

In a three-tier system, each license classification has clearly delineated functions. For example, in Florida, distributors are licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages at retail.<sup>5</sup> Only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.<sup>6</sup> Vendors are limited to purchasing their alcoholic beverage inventory from licensed distributors, manufacturer, or bottler.<sup>7</sup>

There are some exceptions to this regulatory system. The exceptions include allowing beer brew pubs to manufacture malt beverages and to sell them to consumers,<sup>8</sup> allowing individuals to bring small quantities of alcohol back from trips out-of-state,<sup>9</sup> and allowing in-state wineries to manufacture and sell directly to consumers.<sup>10</sup>

There are two license options that permit vendors to manufacture malt beverages for sale directly to consumers. Section 561.221(2), F.S., permits a vendor to be a manufacturer of malt beverages, even if the vendor is also licensed as a distributor. The malt beverages the vendor manufactures must be sold on property consisting of a single complex that includes a brewery and other structures that promote the brewery and the tourist industry of the state. The property may be divided by no more than one public street or highway. This type of license does not limit the amount of malt beverages that may be manufactured.

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<sup>2</sup> See s. 561.14, F.S.

<sup>3</sup> Section 561.02, F.S.

<sup>4</sup> 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*, a copy can be found at: [http://www.lanepowell.com/wp-content/uploads/2009/04/pricce\\_001.pdf](http://www.lanepowell.com/wp-content/uploads/2009/04/pricce_001.pdf) (Last visited January 13, 2014).

<sup>5</sup> Section 561.14(2), F.S.

<sup>6</sup> Section 561.14(3), F.S. However, see discussion regarding the exception for certified Florida Farm Wineries in s. 561.221, F.S.

<sup>7</sup> Section 561.14(3), F.S. Vendors may buy from vendors in a pool buying group if the initial purchase was by a single purchase by a pool buying agent.

<sup>8</sup> See s. 561.221(2), F.S., which permits the limited manufacture of beer by vendors (brew pubs).

<sup>9</sup> See s. 562.16, F.S., which permits the possession of less than one gallon of untaxed alcoholic beverages when purchased by the possessor out-of-state in accordance with the laws of the state where purchased and brought into the state by the possessor.

<sup>10</sup> See s. 561.221, F.S.

Section 561.221(3), F.S., permits a vendor also to be licensed as a manufacturer of malt beverages if the vendor is engaged in brewing malt beverages at a single location in an amount that does not exceed 10,000 kegs per year.<sup>11</sup> The malt beverages must be sold to consumers for consumption on the vendor's licensed premises or on contiguous licensed premises owned by the vendor. These vendors are known as "brew pubs."

Section 561.20, F.S., limits, per county, the number of alcoholic beverage licenses that may be issued that permit the sale of liquor along with beer and wine. Section 561.20, F.S., limits the number of licenses in a county to one license per 7,500 residents within 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 which does not permit the sale of intoxicating liquor to one that does permit their sale. The quota license is the only alcoholic beverage license that is limited in number; all other types of alcoholic beverage licenses are available without limitation.

### **On-Premises or Off-Premises Consumption-Malt Beverages**

Section 564.02, F.S., distinguishes between places of business where a vendor is licensed to only sell malt beverages for on-premises consumption<sup>12</sup> and places of business where such on-premises consumption is permitted.<sup>13</sup> According to the department, vendors licensed to sell malt beverages for on-premises consumption may sell alcoholic beverages for the customer to take it away from the licensed premises for consumption elsewhere. The license for a place of business where consumption on the premises is permitted does not prohibit the sale to a consumer for consumption away from the licensed premises. The license fee for consumption only off the licensed premises is 50 percent less than for a license in which on-premises consumption is permitted.<sup>14</sup>

According to alcoholic beverage industry representatives and a representative for the division, vendors with on-premises licenses routinely fill containers with a malt beverage and seal them for customers to take off-premises for later consumption. They note that current law does not prohibit this practice. The vendors typically seal the beverage container before the consumer leaves the premises so that the consumer will not violate any local ordinances that prohibit the carrying in public of open containers of alcoholic beverages or the state-law prohibition against the possession of open containers of alcoholic beverages in vehicles.<sup>15</sup> The beverage law does not define the term "sealed container."

In 1995, the department repealed a rule which explicitly stated that an on-premises malt beverage licensee could sell malt beverages, for consumption off-premises, in "sealed containers" and could also sell wine and distilled spirits in the "original sealed containers as received from the distributor."<sup>16</sup>

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<sup>11</sup> Section 561.221(3)(a)1., F.S., defines the term "keg" as 15.5 gallons.

<sup>12</sup> See s. 565.02(1)(a), F.S.

<sup>13</sup> See ss. 565.02(1)(b)-(f) and 565.045, F.S.

<sup>14</sup> See s. 565.02(1)(a), F.S.

<sup>15</sup> Section 316.1936, F.S.

<sup>16</sup> Rule 7A-1.008, F.A.C., as amended on March 10, 1985. This rule was subsequently transferred to rule 61A-1.008, F.A.C., and then repealed on July 5, 1995.

### **Malt Beverage Containers**

Section 563.06(6), F.S., requires that all malt beverages that are offered for sale by vendors must be packaged in individual containers containing no more than 32 ounces (one quart). However, malt beverages may be packaged in bulk, kegs, barrels, or in any individual container containing one gallon or more of malt beverage regardless of individual container type.

Prior to 2001, s. 563.06(6), F.S., provided that malt beverages could be sold by vendors only in 8, 12, 16, or 32 ounce individual containers. Chapter 2001-78, L.O.F., amended that section to allow vendors to sell malt beverages in individual containers of “no more than 32 ounces.” The current provision that allows containers of one gallon or more was unaffected by that amendment.

### **Growlers**

Some states permit vendors to sell malt beverages in containers known as “growlers,”<sup>17</sup> which typically are reusable containers of between 32 ounces and one gallon that the consumer can fill with the vendor’s malt beverage for consumption off the licensed premises. According to a representative for several vendors who manufacture malt beverages,<sup>18</sup> the national standard size for a growler is 64 ounces. Florida law does not permit the use of a 64 ounce growler.

### **Tied House Evil Prohibitions**

Section 561.42(1), F.S., prohibits a licensed manufacturer or distributor from assisting any vendor by any gifts or loans of money or property of any description or by the giving of any rebates of any kind whatsoever. Specifically, s. 561.42(1), F.S., provides in part:

No licensed manufacturer or distributor of any of the beverages herein referred to shall have any financial interest, directly or indirectly, in the establishment or business of any vendor licensed under the Beverage Law; nor shall such licensed manufacturer or distributor assist any vendor by any gifts or loans of money or property of any description or by the giving of any rebates of any kind whatsoever. No licensed vendor shall accept, directly or indirectly, any gift or loan of money or property of any description or any rebates from any such licensed manufacturer or distributor; provided, however, that this does not apply to any bottles, barrels, or other containers necessary for the legitimate transportation of such beverages or to advertising materials and does not apply to the extension of credit, for liquors sold, made strictly in compliance with the provisions of this section. (Emphasis supplied.)

Section 561.42(8), F.S., authorizes the division to establish rules and require reports to enforce limitation on credits and other forms of assistance. This rulemaking authority does not extend to cash deposits on beer sales, as provided in s. 563.08, F.S.

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<sup>17</sup> The term “growlers” is derived from the late 1800s and early 1900s practice in which fresh beer was carried from the local pub to one’s home by means of a small-galvanized pail. When the beer sloshed around the pail, it created a rumbling sound as the carbon dioxide escaped through the lid. See “The Growler: Beer-to-Go!,” *Beer Advocate* (July 31, 2002). A copy of the article is available at: <http://beeradvocate.com/articles/384> (Last visited January 13, 2014).

<sup>18</sup> According to several representatives for vendors who manufacture malt beverages and sell 32-ounce growlers, the vendors are typically licensed under s. 561.221(2), F.S.

Section 561.42, F.S., defines the types of items or services that may be provided to vendors. For example, s. 561.42(10), F.S., prohibits manufacturers, distributors, importers, primary American sources of supply,<sup>19</sup> or brand owners or registrants, or their brokers, sales agents or sales persons, from directly or indirectly giving, lending, renting, selling, or in any other manner furnishing to a vendor any outside sign, printed, painted, electric, or otherwise.

#### **Alcoholic Beverage Tastings**

Section 561.42(14)(e), F.S., prohibits sampling activities that include the tasting of beer at a vendor's premises that is licensed for off-premises sales only. This prohibition applies to manufacturers, distributors, importers, brand owners or brand registrants of beer, and their sales agents or sales persons.

Section 564.08, F.S., permits licensed wine distributors and vendors to conduct wine tastings at any licensed premises authorized to sell wine or spirituous beverages by package or for consumption on premises without violating s. 561.42, F.S., provided that the conduct of the wine tasting is limited to and directed toward the general public of the age of legal consumption.

Section 565.17, F.S., permits licensed distributor 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 without violating s. 561.42, F.S., provided that the conduct of the spirituous beverage tasting is limited to and directed toward the general public of the age of legal consumption.

### **III. Effect of Proposed Changes:**

#### **Malt Beverage Containers**

The bill amends s. 563.06(6), F.S., to authorize the sale of individual containers of malt beverages in containers of any size.

The bill requires that malt beverage containers must include information specifying the manufacturer and brand of malt beverage. The bill also requires that the malt beverage container must have an unbroken seal or be incapable of being immediately consumed.

#### **Malt Beverage Tastings**

The bill creates s. 563.09, F.S., to permit licensed malt beverage distributors and vendors to conduct malt beverage tastings at license premises that are authorized to sell malt beverage by package or for consumption on premises without violating s. 561.42, F.S., provided that the

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<sup>19</sup> Section 564.045(1), F.S., defines the term "primary American source of supply" as the: manufacturer, vintner, winery, or bottler, or their legally authorized exclusive agent, who, if the product cannot be secured directly from the manufacturer by an American distributor, is the source closest to the manufacturer in the channel of commerce from whom the product can be secured by an American distributor, or who, if the product can be secured directly from the manufacturer by an American distributor, is the manufacturer. It shall also include any applicant who directly purchases vinous beverages from a manufacturer, vintner, winery, or bottler who represents that there is no primary American source of supply for the brand and such applicant must petition the division for approval of licensure.

conduct of the malt beverage tasting is limited to and directed toward the general public of the age of legal consumption.

**Effective Date**

The effective date of the bill is July 1, 2014.

**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:

None.

**VI. Technical Deficiencies:**

Although the bill creates s. 563.09, F.S., to authorize manufactures and vendors to beer tastings, the bill does not repeal the prohibition against beer tastings in s. 561.42(14)(e), F.S.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 563.06, Florida Statutes.  
This bill creates section 563.09, Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

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279010

LEGISLATIVE ACTION

Senate

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. .  
. .  
. .  
. .

House

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsection (7) of section 563.06,  
Florida Statutes, is redesignated as subsection (8), a new  
subsection (7) is added to that section, and present subsection  
(6) is amended to read:

563.06 Malt beverages; imprint on individual container;  
size of containers; exemptions.—



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11 (6) All malt beverages packaged in individual containers  
12 sold or offered for sale by vendors at retail in this state  
13 shall be in individual containers containing 64 ounces, or a  
14 lesser size containing no more than 32 ounces, of such malt  
15 beverages. The containers shall include information specifying  
16 the manufacturer, the brand, and the percentage alcohol by  
17 volume of the malt beverage, and may be filled at the point of  
18 sale by either a licensed manufacturer or a vendor licensed for  
19 consumption on the premises. The containers must have an  
20 unbroken seal or be incapable of being immediately consumed. The  
21 containers may not be filled at the point of sale with alcoholic  
22 beverages purchased by a licensed manufacturer from a licensed  
23 distributor. ; provided, however, that nothing contained in

24 (7) This section does not shall affect malt beverages  
25 packaged in bulk, ~~or~~ in kegs, or in barrels or in an any  
26 individual container containing 1 gallon or more of such malt  
27 beverage regardless of individual container type.

28 ~~(8)(7)~~ Any person, firm, or corporation, its agents,  
29 officers or employees, violating any of the provisions of this  
30 section, shall be guilty of a misdemeanor of the first degree,  
31 punishable as provided in s. 775.082 or s. 775.083; and the  
32 license, if any, shall be subject to revocation or suspension by  
33 the division.

34 Section 2. Section 563.09, Florida Statutes, is created to  
35 read:

36 563.09 Malt beverage tastings.—A licensed distributor of  
37 malt beverages, or any vendor, may conduct malt beverage  
38 tastings upon any licensed premises authorized to sell malt  
39 beverages by package or for consumption on premises without



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40 being in violation of s. 561.42 if the conduct of the malt  
41 beverage tasting is limited to and directed toward the general  
42 public of the age of legal consumption.

43 Section 3. Paragraph (e) of subsection (14) of section  
44 561.42, Florida Statutes, is amended to read:

45 561.42 Tied house evil; financial aid and assistance to  
46 vendor by manufacturer, distributor, importer, primary American  
47 source of supply, brand owner or registrant, or any broker,  
48 sales agent, or sales person thereof, prohibited; procedure for  
49 enforcement; exception.-

50 (14) The division shall adopt reasonable rules governing  
51 promotional displays and advertising, which rules shall not  
52 conflict with or be more stringent than the federal regulations  
53 pertaining to such promotional displays and advertising  
54 furnished to vendors by distributors, manufacturers, importers,  
55 primary American sources of supply, or brand owners or  
56 registrants, or any broker, sales agent, or sales person  
57 thereof; however:

58 ~~(e) Manufacturers, distributors, importers, brand owners,~~  
59 ~~or brand registrants of beer, and any broker, sales agent, or~~  
60 ~~sales person thereof, shall not conduct any sampling activities~~  
61 ~~that include tasting of their product at a vendor's premises~~  
62 ~~licensed for off-premises sales only.~~

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

64  
65  
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Delete everything before the enacting clause



279010

69 and insert:

70                                   A bill to be entitled  
71           An act relating to malt beverages; amending s. 563.06,  
72           F.S.; providing for container sizes; providing for  
73           labeling; providing for filling containers at the  
74           point of sale by a manufacturer or vendor; providing  
75           for sealing containers; prohibiting filling containers  
76           at the point of sale with alcoholic beverages  
77           purchased from a distributor; creating s. 563.09,  
78           F.S.; authorizing malt beverage tastings upon certain  
79           licensed premises; amending s. 561.42, F.S.; removing  
80           the prohibition on beer samplings at the premises of  
81           certain vendors; providing an effective date.

By Senator Latvala

20-00002A-14

2014406\_\_

1 A bill to be entitled  
 2 An act relating to malt beverages; amending s. 563.06,  
 3 F.S.; authorizing containers of malt beverages to be  
 4 sold or offered for sale by a vendor at retail in any  
 5 size; providing requirements for malt beverage  
 6 containers; creating s. 563.09, F.S.; authorizing malt  
 7 beverage tastings upon certain licensed premises under  
 8 certain circumstances; providing an effective date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. Subsection (6) of section 563.06, Florida  
 13 Statutes, is amended to read:  
 14 563.06 Malt beverages; imprint on individual container;  
 15 size of containers; exemptions.—  
 16 (6) All malt beverages packaged in individual containers  
 17 that are sold or offered for sale by a vendor ~~vendors~~ at retail  
 18 in this state ~~may shall~~ be in individual containers of any size.  
 19 Such containers must include information specifying the  
 20 manufacturer and brand of the malt beverage and must have an  
 21 unbroken seal or be incapable of being immediately consumed.  
 22 ~~containing no more than 32 ounces of such malt beverages;~~  
 23 ~~provided, however, that nothing contained in This section does~~  
 24 ~~not shall~~ affect malt beverages packaged in bulk, ~~or~~ in kegs, or  
 25 in barrels ~~or in any individual container containing 1 gallon or~~  
 26 ~~more of such malt beverage regardless of individual container~~  
 27 ~~type.~~  
 28 Section 2. Section 563.09, Florida Statutes, is created to  
 29 read:

Page 1 of 2

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

20-00002A-14

2014406\_\_

30 563.09 Malt beverage tastings by manufacturers and  
 31 vendors.—Notwithstanding any other provision of the Beverage  
 32 Law, a licensed manufacturer or distributor of malt beverages or  
 33 a vendor may conduct a malt beverage tasting upon a licensed  
 34 premises authorized to sell alcoholic beverages by package or  
 35 for consumption on the premises. Such manufacturer, distributor,  
 36 or vendor does not violate s. 561.42 if the conduct of the malt  
 37 beverage tasting is limited to and directed toward members of  
 38 the general public who are of the age of legal consumption.  
 39 Section 3. This act shall take effect upon becoming a law.

Page 2 of 2

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:  
Ethics and Elections, *Chair*  
Budget - Subcommittee on General Government  
Appropriations  
Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations  
Community Affairs  
Environmental Preservation and Conservation  
Rules  
Judiciary  
Appropriations  
Select Committee on Gaming

SENATOR JACK LATVALA  
20th District

December 16<sup>th</sup>, 2013

The Honorable Senator Kelli Stargel, Chair  
Senate Committee on Regulated Industries  
330 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Stargel:

I respectfully request consideration of Senate Bill 406 regarding Malt Beverages. I would greatly appreciate the opportunity to present this legislation to the Committee on Regulated Industries as soon as possible.

If you have any questions regarding this legislation, please contact me. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jack Latvala".

Jack Latvala  
State Senator  
District 20

Cc: Patrick Imhof, Staff Director; Lynn Koon, Administrative Assistant

REPLY TO:

- 28133 U.S. Highway 19 North, Suite 201 Clearwater, FL 33763 (727) 793-2797
- 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

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

Don Gaetz  
President of the Senate

Garrett Richter  
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: SB 470  
 INTRODUCER: Senator Detert  
 SUBJECT: Malt Beverages  
 DATE: January 16, 2014      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	<b>Favorable</b>
2.			CA	
3.			AP	
4.			RC	

**I. Summary:**

SB 470 repeals the prohibition against beer tastings and permits licensed malt beverage distributors and vendors to conduct malt beverage tastings at license premises that are authorized to sell malt beverage by package or for consumption on premises, provided that the malt beverage tasting is limited to and directed toward the general public of the age of legal consumption.

Current law permits wine and spirituous beverage distributors and vendors to conduct wine and spirituous beverage tastings at licensed premises that are authorized to sell such beverages.

The bill provides an effective date of July 1, 2014.

**II. Present Situation:**

In Florida, alcoholic beverages are regulated by the Beverage Law,<sup>1</sup> which regulates the manufacture, distribution, and sale of wine, beer, and liquor via manufacturers, distributors, and vendors.<sup>2</sup> The Division of Alcoholic Beverage and Tobacco (division) within the Department of Business and Professional Regulation (department) administers and enforces the Beverage Law.<sup>3</sup>

**Three Tier System**

<sup>1</sup> The Beverage Law means chs. 561, 562, 563, 564, 565, 567, and 568, F.S. *See* s. 561.01(6), F.S.

<sup>2</sup> *See* s. 561.14, F.S.

<sup>3</sup> Section 561.02, F.S.

In the United States, the regulation of alcohol has traditionally been through what is termed the “three-tier system.” The system requires that the manufacture, distribution, and sale of alcoholic beverages be separated. Retailers must buy their products from distributors who in turn buy their products from the manufacturers. Manufacturers cannot sell directly to retailers or directly to consumers. 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.<sup>4</sup>

In a three-tier system, each license classification has clearly delineated functions. For example, in Florida, distributors are licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages at retail.<sup>5</sup> Only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.<sup>6</sup> Vendors are limited to purchasing their alcoholic beverage inventory from licensed distributors, manufacturer, or bottler.<sup>7</sup>

There are some exceptions to this regulatory system. The exceptions include allowing beer brew pubs to manufacture malt beverages and to sell them to consumers,<sup>8</sup> allowing individuals to bring small quantities of alcohol back from trips out-of-state,<sup>9</sup> and allowing in-state wineries to manufacture and sell directly to consumers.<sup>10</sup>

### **Tied House Evil Prohibitions**

Section 561.42(1), F.S., prohibits a licensed manufacturer or distributor from assisting any vendor by any gifts or loans of money or property of any description or by the giving of any rebates of any kind whatsoever. Specifically, s. 561.42(1), F.S., provides in part:

No licensed manufacturer or distributor of any of the beverages herein referred to shall have any financial interest, directly or indirectly, in the establishment or business of any vendor licensed under the Beverage Law; nor shall such licensed manufacturer or distributor assist any vendor by any gifts or loans of money or property of any description or by the giving of any rebates of any kind whatsoever. No licensed vendor shall accept, directly or indirectly, any gift or loan of money or property of any description or any rebates from any such licensed manufacturer or distributor; provided, however, that this does not apply to any bottles, barrels, or other containers necessary for the legitimate transportation of such beverages or to advertising materials and does not apply to

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<sup>4</sup> 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*, a copy can be found at: [http://www.lanepowell.com/wp-content/uploads/2009/04/pricce\\_001.pdf](http://www.lanepowell.com/wp-content/uploads/2009/04/pricce_001.pdf) (Last visited January 13, 2014).

<sup>5</sup> Section 561.14(2), F.S.

<sup>6</sup> Section 561.14(3), F.S. However, see discussion regarding the exception for certified Florida Farm Wineries in s. 561.221, F.S.

<sup>7</sup> Section 561.14(3), F.S. Vendors may buy from vendors in a pool buying group if the initial purchase was by a single purchase by a pool buying agent.

<sup>8</sup> See s. 561.221(2), F.S., which permits the limited manufacture of beer by vendors (brew pubs).

<sup>9</sup> See s. 562.16, F.S., which permits the possession of less than one gallon of untaxed alcoholic beverages when purchased by the possessor out-of-state in accordance with the laws of the state where purchased and brought into the state by the possessor.

<sup>10</sup> See s. 561.221, F.S.

the extension of credit, for liquors sold, made strictly in compliance with the provisions of this section. (Emphasis supplied.)

Section 561.42(8), F.S., authorizes the division to establish rules and require reports to enforce limitation on credits and other forms of assistance. This rulemaking authority does not extend to cash deposits on beer sales, as provided in s. 563.08, F.S.

Section 561.42, F.S., defines the types of items or services that may be provided to vendors. For example, s. 561.42(10), F.S., prohibits manufacturers, distributors, importers, primary American sources of supply,<sup>11</sup> or brand owners or registrants, or their brokers, sales agents or sales persons, from directly or indirectly giving, lending, renting, selling, or in any other manner furnishing to a vendor any outside sign, printed, painted, electric, or otherwise.

### **Alcoholic Beverage Tastings**

Section 561.42(14)(e), F.S., prohibits sampling activities that include the tasting of beer at a vendor's premises that is licensed for off-premises sales only. This prohibition applies to manufacturers, distributors, importers, brand owners or brand registrants of beer, and their sales agents or sales persons.

Section 564.08, F.S., permits licensed wine distributors and vendors to conduct wine tastings at any licensed premises authorized to sell wine or spirituous beverages by package or for consumption on premises without violating s. 561.42, F.S., provided that the conduct of the wine tasting is limited to and directed toward the general public of the age of legal consumption.

Section 565.17, F.S., permits licensed distributor 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 without violating s. 561.42, F.S., provided that the conduct of the spirituous beverage tasting is limited to and directed toward the general public of the age of legal consumption.

### **III. Effect of Proposed Changes:**

The bill repeals the prohibition against beer tastings in s. 561.42(14)(e), F.S.

The bill creates s. 563.09, F.S., to permit licensed malt beverage distributors and vendors to conduct malt beverage tastings at licensed premises that are authorized to sell malt beverage by package or for consumption on premises without violating s. 561.42, F.S., provided that the conduct of the wine tasting is limited to and directed toward the general public of the age of legal consumption.

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<sup>11</sup> Section 564.045(1), F.S., defines the term "primary American source of supply" as the: manufacturer, vintner, winery, or bottler, or their legally authorized exclusive agent, who, if the product cannot be secured directly from the manufacturer by an American distributor, is the source closest to the manufacturer in the channel of commerce from whom the product can be secured by an American distributor, or who, if the product can be secured directly from the manufacturer by an American distributor, is the manufacturer. It shall also include any applicant who directly purchases vinous beverages from a manufacturer, vintner, winery, or bottler who represents that there is no primary American source of supply for the brand and such applicant must petition the division for approval of licensure.

The bill provides an effective date of July 1, 2014.

**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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends section 561.42, Florida Statutes.  
This bill creates section 563.09, Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

---

By Senator Detert

28-00451-14

2014470\_\_

1 A bill to be entitled  
 2 An act relating to malt beverages; amending s. 561.42,  
 3 F.S.; removing the prohibition on beer samplings at  
 4 the premises of certain vendors; creating s. 563.09,  
 5 F.S.; authorizing malt beverage tastings upon certain  
 6 licensed premises; providing an effective date.  
 7  
 8 Be It Enacted by the Legislature of the State of Florida:  
 9  
 10 Section 1. Paragraph (e) of subsection (14) of section  
 11 561.42, Florida Statutes, is amended to read:  
 12 561.42 Tied house evil; financial aid and assistance to  
 13 vendor by manufacturer, distributor, importer, primary American  
 14 source of supply, brand owner or registrant, or any broker,  
 15 sales agent, or sales person thereof, prohibited; procedure for  
 16 enforcement; exception.—  
 17 (14) The division shall adopt reasonable rules governing  
 18 promotional displays and advertising, which rules shall not  
 19 conflict with or be more stringent than the federal regulations  
 20 pertaining to such promotional displays and advertising  
 21 furnished to vendors by distributors, manufacturers, importers,  
 22 primary American sources of supply, or brand owners or  
 23 registrants, or any broker, sales agent, or sales person  
 24 thereof; however:  
 25 ~~(e) Manufacturers, distributors, importers, brand owners,~~  
 26 ~~or brand registrants of beer, and any broker, sales agent, or~~  
 27 ~~sales person thereof, shall not conduct any sampling activities~~  
 28 ~~that include tasting of their product at a vendor's premises~~  
 29 ~~licensed for off-premises sales only.~~

Page 1 of 2

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

28-00451-14

2014470\_\_

30 Section 2. Section 563.09, Florida Statutes, is created to  
 31 read:  
 32 563.09 Malt beverage tastings.—A licensed distributor of  
 33 malt beverages, or any vendor, may conduct malt beverage  
 34 tastings upon any licensed premises authorized to sell malt  
 35 beverages by package or for consumption on premises without  
 36 being in violation of s. 561.42 if the conduct of the malt  
 37 beverage tasting is limited to and directed toward the general  
 38 public of the age of legal consumption.  
 39 Section 3. This act shall take effect July 1, 2014.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Kelli Stargel, Chair  
Committee on Regulated Industries

**Subject:** Committee Agenda Request

**Date:** January 7, 2014

---

I respectfully request that **Senate Bill #470**, relating to Malt Beverages, be placed on the:

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

A handwritten signature in cursive script, reading "Nancy C. Detert".

---

Senator Nancy C. Detert  
Florida Senate, District 28

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

January 16, 2014  
Meeting Date

Topic Malt Beverages Tastings

Bill Number 470  
*(if applicable)*

Name Josh Aubuchon Josh Aubuchon

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Director

Address 315 S. Calhoun St. Suite 600  
Street

Phone \_\_\_\_\_

Tallahassee FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Florida Brewers 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.*

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/2014

Meeting Date

Topic TASTINGS

Bill Number 470 (if applicable)

Name JOSE L. GONZALEZ

Amendment Barcode (if applicable)

Job Title DIRECTOR STATE AFFAIRS ANNOUNCER-BUSCU

Address 907 CASSWATER DR Street

Phone 26

TALLAHASSEE, FL City State Zip

E-mail JOSE.GONZALEZ@ANNOUNCER-BUSCU.COM

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

Representing ANNOUNCER-BUSCU

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

Lobbyist registered with Legislature: [ ] Yes [X] 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.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/16/14  
Meeting Date

Topic Malt Bev

Bill Number SB 470  
*(if applicable)*

Name Brewster Bevis

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Senior VP

Address 516 W. Adams  
*Street*  
Tallahassee  
*City* *State* *Zip*

Phone 224-7173

E-mail bbevis@aif.com

Speaking:  For  Against  Information

Representing Associated Industries 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.*

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Topic Malt Beverage Tastings Bill Number 470

Name Scott Dick (if applicable)

Job Title Lobbyist Amendment Barcode \_\_\_\_\_ (if applicable)

Address 210 S. Monroe St. Phone 80 421-9100

City Tallahassee State FL Zip 32301 E-mail scott@skolsgroup.com

Speaking:  For  Against  Information

Representing ABC ~~to~~ Fine Wine & Spirits

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Topic SB 470 / Beer-Malt Beverages

Bill Number SB 470  
*(if applicable)*

Name Eric Criss

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title President,

Address 201 S. Monroe St.  
*Street*  
Tallahassee, FL 32301  
*City State Zip*

Phone 850-491-3903

E-mail eric@floridabeer.org

Speaking:  For  Against  Information

Representing Beer Industry 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.*

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1-16-14  
Meeting Date

Topic Malt Beverage Tastings

Bill Number 470  
*(if applicable)*

Name Jon Costello

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Lobbyist

Address 119 S. Monroe St Ste 202  
Street  
Tallahassee FL 32307  
City State Zip

Phone 850-766-8654

E-mail jon@mhedge-ccenture.com

Speaking:  For  Against  Information

Representing Miller Coors

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.*

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

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

1/16/14

Meeting Date

Topic OFF-Premise Beer Tastings

Bill Number SB 470  
(if applicable)

Name Mitch Rubin

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Executive Director

Address 215 S. Monroe St. #340

Phone (850) 224-2337

Tallahassee, FL 32301  
Street City State Zip

E-mail MRubin2505@aol.com

Speaking:  For  Against  Information

Representing Florida Beer Wholesalers 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.*

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Topic SB 470 - Tasting

Bill Number SB 470  
*(if applicable)*

Name SUSAN PITMAN

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Exec Director

Address 4620 Anapalme Ave

Phone 904 253 7701

Street

Jax FL 32210

City

State

Zip

E-mail Susan@

drugfreedural.org

Speaking:  For  Against  Information

Representing Drug Free Dural, Comm Coalition Alliance

Appearing at request of Chair:  Yes  No and Florida Coalition Alliance  
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.



# CourtSmart Tag Report

**Room:** SB 301  
**Caption:** Regulated Industries

**Case:**  
**Judge:**

**Type:**

**Started:** 1/16/2014 9:01:45 AM

**Ends:** 1/16/2014 9:34:43 AM

**Length:** 00:32:59

9:03:20 AM SB 404--by Senator Grimsley  
9:03:34 AM Late Filed amendment introduced w/o objection  
9:03:42 AM Explanation of the amendment  
9:05:05 AM Lou Bush Professional Surveyor  
9:07:13 AM waive close  
9:07:18 AM amendment passes  
9:07:25 AM On the bill as amended  
9:07:32 AM Senator Thrasher moves a CS  
9:08:07 AM Senator Detert for a comment  
9:08:22 AM Show the bill reported favorably  
9:08:40 AM SB 406 is Temporarily Passed by Chair Stargel  
9:08:56 AM SB 470--Senator Detert Malt Beverages  
9:09:10 AM Senator Detert for explanation  
9:09:47 AM Questions?  
9:09:54 AM Senator Thrasher for comment  
9:11:33 AM appearance cards  
9:11:57 AM Susan Pitman - Drug Free Duval  
9:16:25 AM Mitch Rubin - FL Beer Wholesalers  
9:19:45 AM Chair Stargel for a question  
9:24:22 AM Senator Sachs for questions  
9:25:59 AM Senator Gibson for a question  
9:27:32 AM Senator Sobel for question  
9:27:54 AM Senator Sobel requests to be recorded "yea" on SB 404  
9:29:25 AM Jon Costello Miller/Coors  
9:29:42 AM Eric Criss - Beer Industry of FL  
9:31:33 AM Scott Dick - ABC Fine Wine and Spirits  
9:32:40 AM Brewster Bevis waives in support  
9:32:56 AM Jose Gonzalez Anheiser Busch supports  
9:33:10 AM Josh Aubuchon - waives in support  
9:33:22 AM Chair Stargel for comments  
9:33:49 AM Senator Detert recognized to close  
9:34:08 AM Call the roll on SB 470  
9:34:33 AM SB 470 passes  
9:34:37 AM Adjourn