

Tab 1 CS/SB 106 by RI, Flores; (Similar to H 0081) Vendors Licensed Under the Beverage Law						
239246	A	S	RS	RC, Galvano	btw L.71 - 72:	02/09 01:29 PM
637956	SD	S	UNFAV	RC, Latvala	Delete everything after	02/09 01:29 PM
755428	SD	S	WD	RC, Simpson	Delete everything after	02/09 01:29 PM
347964	SA	S	WD	RC, Galvano	btw L.71 - 72:	02/09 01:29 PM
175038	SA	S	L RCS	RC, Galvano, Bradley	btw L.71 - 72:	02/09 01:29 PM
Tab 2 CS/SB 128 by JU, Bradley (CO-INTRODUCERS) Simpson, Bean, Baxley, Steube, Mayfield, Brandes, Broxson; (Compare to H 0245) Self-defense Immunity						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Benacquisto, Chair
Senator Thurston, Vice Chair

MEETING DATE: Thursday, February 9, 2017

TIME: 10:00 a.m.—12:00 noon

PLACE: *Toni Jennings Committee Room, 110 Senate Office Building*

MEMBERS: Senator Benacquisto, Chair; Senator Thurston, Vice Chair; Senators Book, Bradley, Brandes, Braynon, Flores, Galvano, Latvala, Lee, Montford, and Simpson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 106 Regulated Industries / Flores (Similar H 81)	Vendors Licensed Under the Beverage Law; Revising applicability to specify circumstances under which persons under the age of 18 years who are employed in specified businesses are excluded from certain employment prohibitions; providing that failure to comply with a restriction on monthly revenue from the sale of alcoholic beverages is unlawful if a minor is employed during a month that the restriction is exceeded, etc. RI 01/26/2017 Fav/CS RC 02/09/2017 Fav/CS	Fav/CS Yeas 7 Nays 4
2	CS/SB 128 Judiciary / Bradley (Compare H 245)	Self-defense Immunity; Providing that the state has the burden of proving that a defendant is not immune from prosecution under certain circumstances, etc. JU 01/10/2017 JU 01/24/2017 Fav/CS RC 02/09/2017 Favorable	Favorable Yeas 8 Nays 2
3	Discussion of Appropriation Procedure and Rules		Discussed
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 106

INTRODUCER: Rules Committee; Regulated Industries Committee and Senator Flores

SUBJECT: Vendors Licensed Under the Beverage Law

DATE: February 9, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>McSwain</u>	<u>RI</u>	Fav/CS
2.	<u>Oxamendi</u>	<u>Phelps</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 106 amends s. 565.04, F.S., to prohibit the Division of Alcoholic Beverages and Tobacco (division) of the Department of Business and Professional Regulation (DBPR) from issuing a package store license for the sale of beer, wine, and distilled spirits for any location or business located within 1,000 feet of a public or private elementary, middle school, or secondary school.

The bill permits package stores licensed on or before June 30, 2017, for a premises located within 1,000 feet of a school to maintain and renew the license for that location, if the place of business complies with the package store restrictions in current law in s. 565.04, F.S. Current law prohibits package stores from selling, offering and exposing for sale other merchandise in addition to distilled spirits, beer and wine. In addition, package stores may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded. However, those package stores are allowed to sell bitters, grenadine, nonalcoholic mixer-type beverages (not including fruit juices produced outside Florida), fruit juices produced in this state, home bar, and party supplies and equipment (including but not limited glassware and party-type foods), miniatures of no alcoholic content and tobacco products.

The bill provides a 4-year phased repeal of the package store restrictions for businesses that are located more than 1,000 feet from a school. During the phase-in period, the number of places of business that a vendor may operate without the restrictions is calculated by the vendor (rounded to the next greater whole number) each year:

- Starting July 1, 2018, one business or 25 percent of a vendor's businesses, whichever is greater, can operate without the restrictions;
- Starting July 1, 2019, two businesses or 50 percent of a vendor's business;
- Starting July 1, 2020, three businesses or 75 percent of a vendor's businesses; and
- The restrictions expire June 30, 2021.

Under the bill, a business may sell, offer, or expose for sale distilled spirits in containers of 200 milliliters or less or 6.8 ounces or less only from a restricted area where access is restricted to the vendor or employees of the vendor. A business that maintains the current package store restrictions is exempt from this requirement.

The bill prohibits the division from issuing a license to sell distilled spirits for a location or business that includes a gasoline service station or motor fuel retail outlet, as defined in s. 526.303(14), F.S.,¹ unless the location has at least 10,000 square feet of retail space for the general public.

The bill permits the employment of persons under the age of 18 by an alcoholic beverages vendor that is a retail drug store, grocery store, department store, florist shop, specialty gift shop, or automobile service station and that derives 30 percent or less of its monthly gross revenue from the sale of alcoholic beverages. Those vendors may employ a person under the age of 18 only if the minor is supervised by a person 18 years of age or older who verifies the age of the purchaser to be 21 years of age or older and approves the sale of alcoholic beverages to the purchaser. The bill provides that it is unlawful to employ a minor during a month in which a vendor's gross revenue from the sale of alcoholic beverages exceeds 30 percent its of total revenue.

CS/CS/SB 106 likely will have a small, negative fiscal impact beginning in State Fiscal Year 2018-2019. *See* Section V.

The bill provides an effective date of July 1, 2017.

II. Present Situation:

Alcoholic beverages are regulated by the Beverage Law,² which regulates the manufacture, distribution, and sale of wine, beer, and liquor via manufacturers, distributors, and vendors. The division administers and enforces the Beverage Law.

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

¹ Section 526.303(14), F.S., defines a “retail outlet” as “a facility, including land and improvements, where motor fuel is offered for sale, at retail, to the motoring public.”

² The term “Beverage Law” is defined in s. 561.01(6), to mean chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

Quota Licenses

Section 561.20, F.S., limits, by county, the number of alcoholic beverage licenses that may be issued that permit the sale of liquor (distilled spirits), 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. A person, firm, or corporation may not have an interest, directly or indirectly, in more than 30 percent of the number of quota licenses in a county.³

Section 565.02(1)(a)-(f), F.S., prescribes the license taxes for vendors who are permitted to sell any alcoholic beverages, including beer, wine, and distilled spirits, regardless of alcoholic content. This includes licensees who are authorized to sell:

- Any alcoholic beverages, where the beverages are sold only in sealed containers for consumption off the premises;
- Any alcoholic beverages, where the sale is limited to consumption on the premises; and
- Any alcoholic beverages for consumption on the premises where off-premises sales are permitted.

Package Store Restrictions

Section 565.02(1)(a), F.S., permits the sale of alcoholic beverage (beer, wine, and distilled spirits) only in sealed containers for consumption off the premises. These type of licensees are known as “package stores.”

Section 565.04, F.S., provides sales restrictions for vendors licensed as a package store under s. 565.02(1)(a), F.S. Package stores may have no openings that permit direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded. Package stores must be devoted exclusively to alcoholic beverages; such stores are prohibited from selling, offering, or exposing for sale any merchandise other than the alcoholic beverages authorized under their alcoholic beverage license. However, package stores may sell bitters, grenadine, nonalcoholic mixer-type beverages (not to include fruit juices produced outside this state), fruit juices produced in this state, home bar, and party supplies and equipment (including but not limited to glassware and party-type foods), miniatures of no alcoholic content, and tobacco products.

Rule 61A-3.054(1) of the Florida Administrative Code defines the party-type supplies to include:

- a) All dairy products;
- b) Ready to eat deli meats and cheeses, including those packaged by a manufacturer;
- c) Condiments;
- d) Sauces;

³ Section 561.20(6), F.S.

- e) Spices;
- f) Eggs;
- g) Chips, popcorn, and nuts;
- h) Crackers;
- i) Ingredients for salads, dips, and dressings;
- j) Cooked foods ready to eat;
- k) Bread;
- l) Candy;
- m) Fruit;
- n) Napkins, paper and plastic plates and cups, and eating and serving utensils;
- o) Wine and liquor opening, storage, and serving utensils and equipment;
- p) Publications relating to alcoholic beverage products and recipes;
- q) Items containing the logo, trade name, or trademark relating to alcoholic beverages;
- r) Gift wrapping accessories and greeting cards; and
- s) Ice.

Package stores may petition the division for permission to sell products other than those listed if they can clearly show that the item is to be used as a party-type supply.⁴ Package stores may not sell services or lottery tickets.⁵

Rule 61A-3.054 of the Florida Administrative Code was adopted in 1994; it has not been amended.

Electronic Benefits Transfer Cards

Section 402.82, F.S., requires the Department of Children and Families to establish an electronic benefits transfer program for the dissemination of food assistance benefits and temporary cash assistance payments, including refugee cash assistance payments, asylum applicant payments, and child support disregard payments. Section 402.82(4)(a), F.S., prohibits the use of the electronic benefit card to purchase alcoholic beverages.

Employment of Minors

Section 562.13, F.S., prohibits any vendor licensed under the Beverage Law from employing any person under 18 years of age. Section 562.13, F.S., provides specific exceptions to permit persons under the age of 18 years to be employed at locations licensed to sell beer, or beer and wine, when such sales are made in drugstores, grocery stores, department stores, florists, specialty gift shops, or automobile service stations for consumption off the premises.

⁴ Fla. Admin. Code R. 61A-3.054(2) (2004).

⁵ Fla. Admin. Code R. 61A-3.054(3) (2004).

III. Effect of Proposed Changes:

Restrictions for Package Stores Near Schools

The bill amends s. 565.04(1), F.S., to prohibit the division from issuing a package store license for any location or business located within 1,000 feet of a public or private elementary, middle school, or secondary school (school).

Package stores that are licensed on or before June 30, 2017, at a premises located within 1,000 feet of a school are permitted to maintain and renew the license for that location if the place of business complies with the package store restrictions in current law in s. 565.04, F.S. The bill prohibits package stores located within 1,000 feet of a school from selling, offering and exposing for sale other merchandise in addition to distilled spirits, beer and wine. In addition, package stores located within 1,000 feet of a school may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded. However, those package stores may sell bitters, grenadine, nonalcoholic mixer-type beverages (not including fruit juices produced outside Florida), fruit juices produced in this state, home bar, and party supplies and equipment (including but not limited glassware and party-type foods), miniatures of no alcoholic content and tobacco products.

Phased Repeal of the Package Store Restrictions

The bill amends s. 565.04(2), F.S., to provide a 4-year phased repeal of the existing package store restrictions. The bill specifies the number of a vendor's places of business or the percentage of a vendor's places of business that would become exempt from the package store restrictions in each phase of the repeal. During the phase-in period, the number of places of business that a vendor may operate without the restrictions is calculated by the vendor (rounded to the next greater whole number) each year:

- Starting July 1, 2018, one business or 25 percent of a vendor's businesses can operate without the restrictions;
- Starting July 1, 2019, two businesses or 50 percent of a vendor's businesses;
- Starting July 1, 2020, three businesses or 75 percent of a vendor's businesses; and
- The restrictions expire June 30, 2021.

Vendors that elect to operate locations without being subject to the existing restrictions during the phased repeal must notify the division of those locations.

All package stores located within 1,000 feet from a school would remain subject to the current package store restrictions as provided in s. 565.04(1), F.S.

Restrictions on the Sale of Small Distilled Spirits Containers

The bill creates s. 565.04(3), F.S., to require a business to sell, offer, or expose for sale distilled spirits in containers of 200 milliliters or less or 6.8 ounces or less from a restricted area where access is restricted to the vendor or employees of the vendor. A business that maintains the current package store restrictions is exempt from this provision.

License Prohibition for Gasoline Stations

The bill creates s. 565.04(4), F.S., to prohibit the division from issuing a license to sell distilled spirits for a location or business that includes a gasoline service station or motor fuel retail outlet, as defined in s. 526.303(14), F.S.,⁶ unless the location has at least 10,000 square feet of retail space for the general public.

Employment of Minors

The bill amends s. 562.13(2)(c), F.S., to permit the employment of persons under the age of 18 by an alcoholic beverage vendor that is a retail drug store, grocery store, department store, florist shop, specialty gift shop, or automobile service station and that derives 30 percent or less of its monthly gross revenue from the sale of alcoholic beverages. Those vendors may employ a person under the age of 18 only if the minor is supervised by a person 18 years of age or older who verifies the age of any purchaser to be 21 years of age or older and approves the sale of alcoholic beverages to any purchaser. The bill provides that it is unlawful to employ a minor during a month in which a vendor's gross revenue from the sale of alcoholic beverages exceeds 30 percent of its total revenue.

Effective Date

The bill provides an effective date of July 1, 2017.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

⁶ Section 526.303(14), F.S., defines a "retail outlet" as "a facility, including land and improvements, where motor fuel is offered for sale, at retail, to the motoring public."

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/CS/SB 106 likely will decrease state revenue from alcoholic beverage license fees; counties and municipalities likely also will receive less alcoholic beverage license revenues. The repeal of the current package store restrictions in s. 565.02(1)(a), F.S., would be phased-in over a four-year period beginning July 1, 2018.

Current law requires that 24 percent of the license tax collected for the license issued in a county under ss. 561.14(6), 563.02, 564.02, 565.02(1), (4), and (5), and 565.03, F.S., be returned to the appropriate county tax collector.⁷ Thirty-eight percent of the license taxes collected within an incorporated municipality pursuant to these provisions must be returned to the appropriate municipal officer.⁸

As a result, CS/CS/SB 106 may reduce net state revenues from alcoholic beverage license fees by approximately \$27,787 during State Fiscal Year 2018-2019 (the first year of the four-year phased repeal); counties likely will receive \$14,281 less revenue and municipalities will receive \$22,612 less revenue, during the same period. The net reduction from those license fees will increase each state fiscal year thereafter until State Fiscal Year 2021-2022, the first state fiscal year after the complete repeal of the package store restrictions is effective. In State Fiscal Year 2021-2022, the bill may reduce net state revenues from alcoholic beverage license fees by \$111,146.⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁷ Section 561.342(1), F.S.

⁸ Section 561.342(2), F.S.

⁹ These estimates are based upon the DBPR analysis of SB 106 and assume that the projected impacts would occur proportionately during the phased repeal of s. 565.04, F.S. See 2017 Agency Legislative Bill Analysis issued by the DBPR for SB 166, dated January 4, 2017 (on file with Senate Committee on Regulated Industries) at page 4. SB 106 provided for the complete repeal on July 1, 2017, of the current package store restrictions in s. 565.02(1)(a), F.S.

In its analysis of SB 106, the DBPR anticipated that SB 106 would result in a reduction in the number of licenses and associated license fees if package store retailers that operate an adjacent location licensed to sell beer and wine opted to consolidate all alcoholic beverages sales under the authority of the package store license. As a result, the DBPR estimated an annual reduction in state revenue of \$258,720 from SB 106. Because counties and municipalities receive portions of that revenue, the DBPR estimated that counties would experience reduced revenue of \$57,125, municipalities would experience a reduction of \$90,449, and the net loss to state revenue would be \$111,146.

VIII. Statutes Affected:

This bill substantially amends sections 562.13 and 565.04 of the Florida Statutes.

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

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

CS/CS by Rules Committee on February 9, 2017:

The Committee substitute (CS) amends s. 565.04(2), F.S., to provide a 4-year phased repeal of the existing package store restrictions.

The CS creates s. 565.04(3), F.S., to require a business to sell, offer, or expose for sale distilled spirits in containers of 200 ml or less or 6.8 oz. or less from a restricted area where access is restricted to the vendor of employees of the vendor, and to exempt a business from this requirement if it maintains the current package store restrictions.

The CS creates s. 565.04(4), F.S., to prohibit the division from issuing a license to sell distilled spirits for a location or business that includes a gasoline service station or motor fuel retail outlet, as defined in s. 526.303(14), F.S., unless the location has at least 10,000 square feet of retail space for the general public.

CS by Regulated Industries on January 26, 2017:

The committee substitute (CS) does not repeal s. 565.04, F.S. The CS amends s. 565.04, F.S., to prohibit the Division of Alcoholic Beverages and Tobacco from issuing a license under s. 565.02(1)(a), F.S., (package stores) for any location or business located within 1,000 feet of a public or private elementary, middle school, or secondary school.

The CS permits package stores that are licensed on or before June 30, 2017, for a premises located within 1,000 feet of a school to maintain and renew the license if the place of business complies with the package store restrictions in s. 565.04, F.S. The CS removes the package store restrictions in s. 565.04, F.S., for all package stores that are located more than 1,000 feet of a school.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/09/2017	.	
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The Committee on Rules (Galvano) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 71 and 72
insert:

(2)(a) A vendor licensed under s. 565.02(1)(a) may not in
such place of business sell, offer, or expose for sale any
merchandise other than such beverages, and such place of
business shall be devoted exclusively to such sales; however,
such vendor may sell bitters, grenadine, nonalcoholic mixer-type
beverages (not to include fruit juices produced outside this
state), fruit juices produced in this state, home bar, and party



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supplies and equipment (including but not limited to glassware and party-type foods), miniatures of no alcoholic content, and tobacco products. Such places of business may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

(b) Paragraph (a) does not apply to a vendor:

1. At the vendor's place of business if the vendor has only one place of business.

2. At 25 percent of the vendor's places of business if the vendor has an interest, directly or indirectly, in more than one place of business;

3. After July 1, 2018, at two of the vendor's places of business, or, if the vendor has an interest, directly or indirectly, in two or more places of business, 50 percent of the vendor's places of business; and

4. After July 1, 2019, at three of the vendor's places of business, or, if the vendor has an interest in three or more places of business, 75 percent of the vendor's places of business.

If the percentage of the vendor's places of business results in a fraction of 0.50 or more, the number of the vendor's places of business at which paragraph (a) does not apply shall be increased to the next greater whole number. A vendor licensed under s. 565.02(1)(a) must notify the division, in writing, of the places of business to which paragraph (a) will not apply.

(c) This subsection expires June 30, 2020.

(3)(a) A vendor licensed under s. 565.02(1)(a) may not in



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said place of business sell, offer, or expose for sale distilled spirits in containers of less than 750 milliliters or less than 25.36 ounces except from a restricted area where access is restricted to the vendor or employees of such vendor.

(b) Paragraph (a) does not apply to a vendor's place of business if such place of business is devoted exclusively to the sale of alcoholic beverages; however, such place of business vendors may sell bitters, grenadine, nonalcoholic mixer-type beverages (not to include fruit juices produced outside this state), fruit juices produced in this state, home bar, and party supplies and equipment (including but not limited to glassware and party-type foods), miniatures of no alcoholic content, and tobacco products. Such places of business may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete line 48

and insert:

Statutes, is amended, present subsection (2) of that section is redesignated as subsection (4), a new subsection (2) and subsection (3) are added to that section, to read:

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

And the title is amended as follows:

Delete line 14

and insert:



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70 current licenses with some restrictions; providing
71 applicability; providing for the expiration of this
72 section; providing a restriction on the sale of
73 distilled spirits below the specified container sizes;
74 providing an exception; providing an



637956

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/09/2017	.	
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The Committee on Rules (Latvala) recommended the following:

Senate Substitute for Amendment (239246) (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 565.04, Florida Statutes, is amended to
read:

565.04 Package store restrictions.—

(1)(a) A vendor ~~Vendors~~ licensed under s. 565.02(1)(a) may
~~shall~~ not in such ~~said~~ place of business sell, offer, or expose
for sale any merchandise other than such beverages, and such



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places of business shall be devoted exclusively to such sales;
~~provided, however, that such vendor may vendors shall be~~
~~permitted to~~ sell bitters, grenadine, nonalcoholic mixer-type
beverages (not to include fruit juices produced outside this
state), fruit juices produced in this state, home bar, ~~and~~ party
supplies and equipment (including, but not limited to, glassware
and party-type foods), miniatures of no alcoholic content, and
tobacco products. Such place ~~places~~ of business may not ~~shall~~
have ~~no~~ openings permitting direct access to any other building
or room, except to a private office or storage room of the place
of business from which patrons are excluded.

(b) Paragraph (a) does not apply to any of the following
places of business of a vendor licensed under s. 565.02(1)(a) if
such places of business are located in a municipality or county
in which an exception to paragraph (a) has been authorized by a
municipal or county ordinance:

1. At the vendor's place of business if the vendor has only
one place of business.

2. At 25 percent of the vendor's places of business if the
vendor has an interest, directly or indirectly, in more than one
place of business.

3. After July 1, 2023, at two of the vendor's places of
business, or, if the vendor has an interest, directly or
indirectly, in two or more places of business, at 50 percent of
the vendor's places of business.

4. After July 1, 2024, at three of the vendor's places of
business, or, if the vendor has an interest in three or more
places of business, at 75 percent of the vendor's places of
business.



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If the percentage of the vendor's places of business results in a fraction of 0.50 or more, the number of the vendor's places of business at which paragraph (a) does not apply shall be increased to the next greater whole number. A vendor licensed under s. 565.02(1)(a) must notify the Division of Alcoholic Beverages and Tobacco, in writing, of the places of business to which paragraph (a) does not apply.

(c) This subsection expires June 30, 2025.

(2)(a) A vendor licensed under s. 565.02(1)(a) may not in such place of business sell, offer, or expose for sale any distilled spirit in a container of less than 750 milliliters or less than 25.36 ounces except from an area to which access is restricted to the vendor or employees of such vendor.

(b) Paragraph (a) does not apply to a vendor's place of business if such place of business is:

1. Located in a municipality or county in which an exception to paragraph (a) has been authorized by a municipal or county ordinance; and

2. Devoted exclusively to the sales of alcoholic beverages. However, such vendor may also sell at such place of business bitters, grenadine, nonalcoholic mixer-type beverages (not to include fruit juices produced outside this state), fruit juices produced in this state, home bar, and party supplies and equipment (including, but not limited to, glassware and party-type foods), miniatures of no alcoholic content, and tobacco products. Such place of business may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business



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from which patrons are excluded.

~~(3)(2)~~ Notwithstanding any other law, when delivering alcoholic beverages to a vendor licensed under s. 565.02(1)(a), a licensed distributor may transport the beverages through another premises owned in whole or in part by the vendor.

Section 2. This act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to vendors licensed under the Beverage Law; amending s. 565.04, F.S.; revising applicability of package store restrictions; providing an expiration date; providing a restriction on the sale of distilled spirits below the specified container sizes; authorizing exceptions to certain package store restrictions if a municipality or county passes an ordinance; providing an effective date.



755428

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/09/2017	.	
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The Committee on Rules (Simpson) recommended the following:

Senate Substitute for Amendment (239246) (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 565.04, Florida
Statutes, is amended to read:

565.04 Package store restrictions.—

(1)(a) Vendors licensed under s. 565.02(1)(a) may ~~shall~~ not
in their ~~said~~ place of business sell, offer, or expose for sale
any merchandise other than such beverages, and such places of



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business shall be devoted exclusively to such sales; provided, however, that such vendors shall be permitted to sell bitters, grenadine, nonalcoholic mixer-type beverages (not to include fruit juices produced outside this state), fruit juices produced in this state, home bar, and party supplies and equipment (including but not limited to glassware and party-type foods), miniatures of no alcoholic content, and tobacco products. Such places of business shall have no openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

(b) A vendor licensed pursuant to 27 CFR 478.41(b) may not sell liquor on its premises.

(c) Paragraph (a) does not apply to vendors whose place of business is located in a municipality or county where voters have approved an exception to paragraph (a) in a municipal or county referendum.

Section 2. This act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to vendors licensed under the Beverage Law; amending s. 565.04, F.S.; prohibiting specified vendors from selling liquor on their premises; authorizing an exception to package store restrictions if voters have approved the exception in a municipal



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or county referendum; providing an effective date.



347964

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/09/2017	.	
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The Committee on Rules (Galvano) recommended the following:

**Senate Substitute for Amendment (239246) (with directory
and title amendments)**

Between lines 71 and 72
insert:

(2) (a) A vendor licensed under s. 565.02(1)(a) may not in
such place of business sell, offer, or expose for sale any
merchandise other than such beverages, and such place of
business shall be devoted exclusively to such sales; however,
such vendor may sell bitters, grenadine, nonalcoholic mixer-type
beverages (not to include fruit juices produced outside this



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state), fruit juices produced in this state, home bar, party supplies and equipment (including but not limited to glassware and party-type foods), miniatures of no alcoholic content, and tobacco products. Such place of business may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

(b) Paragraph (a) does not apply to a vendor:

1. At the vendor's place of business if the vendor has only one place of business.

2. At 25 percent of the vendor's places of business if the vendor has an interest, directly or indirectly, in more than one place of business;

3. After July 1, 2018, at two of the vendor's places of business, or, if the vendor has an interest, directly or indirectly, in two or more places of business, 50 percent of the vendor's places of business; and

4. After July 1, 2019, at three of the vendor's places of business, or, if the vendor has an interest in three or more places of business, 75 percent of the vendor's places of business.

If the percentage of the vendor's places of business results in a fraction of 0.50 or more, the number of the vendor's places of business at which paragraph (a) does not apply shall be increased to the next greater whole number. A vendor licensed under s. 565.02(1)(a) must notify the Division of Alcoholic Beverages and Tobacco, in writing, of the places of business to which paragraph (a) will not apply.



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(c) This subsection expires June 30, 2020.

(3) (a) A vendor licensed under s. 565.02(1) (a) may not in such place of business sell, offer, or expose for sale distilled spirits in containers of 200 milliliters or less or 6.8 ounces or less except from a restricted area where access is restricted to the vendor or employees of such vendor.

(b) Paragraph (a) does not apply to a vendor's place of business if such place of business is devoted exclusively to the sale of alcoholic beverages; however, such place of business vendors may sell bitters, grenadine, nonalcoholic mixer-type beverages (not to include fruit juices produced outside this state), fruit juices produced in this state, home bar, party supplies and equipment (including but not limited to glassware and party-type foods), miniatures of no alcoholic content, and tobacco products. Such place of business may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

(4) The division may not issue a license under s. 565.02(1) (a) for any location or business that includes a gasoline service station or a motor fuel retail outlet, as defined in s. 526.303(14), unless the location of the premises consists of a minimum of 10,000 square feet of retail space for the general public.

==== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete line 48

and insert:



347964

Statutes, is amended, present subsection (2) of that section is redesignated as subsection (5), and a new subsection (2) and subsections (3) and (4) are added to that section, to read:

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

And the title is amended as follows:

Delete line 14

and insert:

current licenses with some restrictions; providing applicability; providing an expiration date; providing a restriction on the sale of distilled spirits below the specified container sizes; prohibiting the issuance of a package store license for specified locations or businesses; providing an exception; providing an



175038

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2017	.	
	.	
	.	
	.	

The Committee on Rules (Galvano and Bradley) recommended the following:

Senate Substitute for Amendment (239246) (with directory and title amendments)

Between lines 71 and 72
insert:

(2) (a) A vendor licensed under s. 565.02(1)(a) may not in such place of business sell, offer, or expose for sale any merchandise other than such beverages, and such place of business shall be devoted exclusively to such sales; however, such vendor may sell bitters, grenadine, nonalcoholic mixer-type



175038

beverages (not to include fruit juices produced outside this state), fruit juices produced in this state, home bar, party supplies and equipment (including, but not limited to, glassware and party-type foods), miniatures of no alcoholic content, and tobacco products. Such place of business may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

(b) Paragraph (a) does not apply to a vendor:

1. After July 1, 2018:

a. At the vendor's place of business if the vendor has only one place of business.

b. At 25 percent of the vendor's places of business if the vendor has an interest, directly or indirectly, in more than one place of business;

2. After July 1, 2019, at two of the vendor's places of business, or, if the vendor has an interest, directly or indirectly, in two or more places of business, 50 percent of the vendor's places of business; and

3. After July 1, 2020, at three of the vendor's places of business, or, if the vendor has an interest in three or more places of business, 75 percent of the vendor's places of business.

If the percentage of the vendor's places of business results in a fraction of 0.50 or more, the number of the vendor's places of business at which paragraph (a) does not apply shall be increased to the next greater whole number. A vendor licensed under s. 565.02(1)(a) must notify the Division of Alcoholic



175038

Beverages and Tobacco, in writing, of the places of business to which paragraph (a) will not apply.

(c) This subsection expires June 30, 2021.

(3)(a) A vendor licensed under s. 565.02(1)(a) may not in such place of business sell, offer, or expose for sale distilled spirits in containers of 200 milliliters or less or 6.8 ounces or less except from a restricted area where access is restricted to the vendor or employees of such vendor.

(b) Paragraph (a) does not apply to a vendor's place of business if such place of business is devoted exclusively to the sale of alcoholic beverages; however, such vendor at such place of business may sell bitters, grenadine, nonalcoholic mixer-type beverages (not to include fruit juices produced outside this state), fruit juices produced in this state, home bar, party supplies and equipment (including, but not limited to, glassware and party-type foods), miniatures of no alcoholic content, and tobacco products. Such place of business may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

(4) The division may not issue a license under s. 565.02(1)(a) for any location or business that includes a gasoline service station or a motor fuel retail outlet, as defined in s. 526.303(14), unless the location of the premises consists of a minimum of 10,000 square feet of retail space for the general public.

=====
D I R E C T O R Y C L A U S E A M E N D M E N T
=====
And the directory clause is amended as follows:



175038

69 Delete line 48
70 and insert:
71 Statutes, is amended, present subsection (2) of that section is
72 redesignated as subsection (5), and a new subsection (2) and
73 subsections (3) and (4) are added to that section, to read:
74
75 ===== T I T L E A M E N D M E N T =====
76 And the title is amended as follows:
77 Delete line 14
78 and insert:
79 current licenses with some restrictions; providing
80 applicability; providing an expiration date; providing
81 a restriction on the sale of distilled spirits below
82 the specified container sizes; prohibiting the
83 issuance of a package store license for specified
84 locations or businesses; providing an exception;
85 providing an

By the Committee on Regulated Industries; and Senator Flores

580-01212-17

2017106c1

A bill to be entitled

An act relating to vendors licensed under the Beverage Law; amending s. 562.13, F.S.; revising applicability to specify circumstances under which persons under the age of 18 years who are employed in specified businesses are excluded from certain employment prohibitions; providing that failure to comply with a restriction on monthly revenue from the sale of alcoholic beverages is unlawful if a minor is employed during a month that the restriction is exceeded; amending s. 565.04, F.S.; limiting the package store restrictions to vendors located within a certain distance of a school; providing an exception for current licenses with some restrictions; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) of section 562.13, Florida Statutes, is amended to read:

562.13 Employment of minors or certain other persons by certain vendors prohibited; exceptions.—

(2) This section shall not apply to:

(c) Persons under the age of 18 years who are employed in a retail drugstore drugstores, grocery store stores, department store stores, florist shop florists, specialty gift shop shops, or automobile service station whose license fees are specified in s. 563.02(1), s. 564.02(1), or s. 565.02(1)(a), if such vendor derives 30 percent or less of its monthly gross revenue from sales of alcoholic beverages. This exception applies only if the minor employees are supervised by a person 18 years of age or older who verifies that any purchaser of alcoholic

580-01212-17

2017106c1

beverages is 21 years of age or older and who approves the sale of alcoholic beverages to such purchaser. Failure to comply with the restriction on monthly revenue from the sale of alcoholic beverages is unlawful if a person under the age of 18 years is employed in the licensed premises during a month that the restriction is exceeded stations which have obtained licenses to sell beer or beer and wine, when such sales are made for consumption off the premises.

However, a minor to whom this subsection otherwise applies may not be employed if the employment, whether as a professional entertainer or otherwise, involves nudity, as defined in s. 847.001, on the part of the minor and such nudity is intended as a form of adult entertainment.

Section 2. Subsection (1) of section 565.04, Florida Statutes, is amended to read:

565.04 Package store restrictions.—

(1)(a) The division may not issue a license under s. 565.02(1)(a) for any location or business located within 1,000 feet of a public or private elementary school, middle school, or secondary school.

(b) Notwithstanding paragraph (a), a vendor vendors licensed under s. 565.02(1)(a) on or before June 30, 2017, for a licensed premises located within 1,000 feet of a public or private elementary school, middle school, or secondary school, may maintain and renew the beverage license for that premises but may shall not in said place of business sell, offer, or expose for sale any merchandise other than such beverages, and such place places of business shall be devoted exclusively to

580-01212-17

2017106c1

such sales; provided, however, that such vendor ~~venders~~ shall be permitted to sell bitters, grenadine, nonalcoholic mixer-type beverages (not to include fruit juices produced outside this state), fruit juices produced in this state, home bar, and party supplies and equipment (including but not limited to glassware and party-type foods), miniatures of no alcoholic content, and tobacco products. Such places of business shall have no openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9-2017

Meeting Date

CS/SB-106

Bill Number (if applicable)

Topic Sale of Alcohol vs FIREARMS

FIREARMS vs. Alcohol

Amendment Barcode (if applicable)

Name MARION P. HAMMER

Job Title _____

Address P.O. Box 1387

Street

Phone _____

TALLAHASSEE FL 32302

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NATIONAL RIFLE Association & UNIFIED SPORTSMEN OF FLORIDA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9
Meeting Date

106
Bill Number (if applicable)

Topic BEVERAGE LAW

Amendment Barcode (if applicable)

Name JASON UNGER

Job Title _____

Address 301 S. BRONOUGH ST #600 Phone 577 9090
Street

TLH FL 32301 Email junger@gray-robinson.com
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing TARGET CORPORATION

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

Feb. 9th 2017
Meeting Date

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

SB 106
Bill Number (if applicable)

Topic Vendors Licensed under Beverage Law

Amendment Barcode (if applicable)

Name Richard Turner

Job Title V P Gov't Relations

Address 230 S. Adams

Phone 850 224-2250

Tallahassee FL 32301
City State Zip

Email RTurner@FRLA.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Restaurant & Lodging Assn.

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/17

Meeting Date

106

Bill Number (if applicable)

Topic Liquor separate entrance

Amendment Barcode (if applicable)

Name Lindsey Napier

Job Title Director, Government Relations

Address _____
Street

Phone 404 655 6433

City

State

Zip

Email lindsey.napier@publix.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Publix Super Markets

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

10:00

Meeting Date

106

Bill Number (if applicable)

Topic Liquor in Grocery

Amendment Barcode (if applicable)

Name CHARLES BAILES

Job Title CEO

Address 8989 S. ORANGE AV
Street

Phone 407 851 0000

ORLANDO FL
City State Zip

Email CEB3@ABCFLWS.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ABC LIQUORS

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/17

Meeting Date

106

Bill Number (if applicable)

Topic Ligol bill

Amendment Barcode (if applicable)

Name Chuck Cliburn

Job Title Director

Address 101 N. Monroe

Street

Phone 559 7900

Tallahassee

City

State

Zip

Email chuck@newcapitol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Big Bend Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9-17
Meeting Date

106
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Andrew Hosek

Job Title Analyst

Address 200 W College Ave
Street
Tallahassee FL
City State Zip

Phone _____

Email ahosek@afphq.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/2017

Meeting Date

106

Bill Number (if applicable)

Topic

BEVERAGE LAW

Amendment Barcode (if applicable)

Name

CHRISTIAN CÁMARA

Job Title

SE REGIONAL DIRECTOR

Address

PO Box 10577

Phone

305-608-4300

Street

TALLAHASSEE

FL

32302

Email

CCAMARA@RSTREET.ORG

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

R STREET INSTITUTE

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 128

INTRODUCER: Judiciary Committee and Senator Bradley and others

SUBJECT: Self-defense Immunity

DATE: February 7, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Brown</u>	<u>Phelps</u>	<u>RC</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 128 changes the burden of proof and who must bear it during pretrial hearings to evaluate a defendant's claim of immunity based on a justifiable use of force. Current law provides a defendant a right of immunity from criminal prosecution and civil action if he or she is justified in using force.

The procedures, however, to determine a person's immunity from prosecution are not set forth in current law. As a result, the majority of the Supreme Court in the 2015 opinion of *Bretherick v. State* set forth procedures to effectuate the grant of immunity which it believed was consistent with the intent of the Legislature. Under the majority opinion, a defendant claiming immunity must prove by a preponderance of the evidence the entitlement to the immunity at a pretrial hearing.

The dissenting opinion in *Bretherick*, however, interpreted the existing substantive right to assert immunity and concluded that the state has the burden of proof. Consistent with the *Bretherick* dissent, the bill places the burden of proof on the state at pretrial immunity hearings. Additionally, the bill provides that the state must prove its burden by the beyond a reasonable doubt standard.

II. Present Situation:

Stand Your Ground law

In 2005, the Legislature enacted into law chapter 2005-27, L.O.F., commonly known as the “Stand Your Ground” (SYG) law. The law expanded the common law Castle Doctrine and abrogated the common law duty to retreat on the part of the defender, provided that the defender is not committing a crime and is in a place where he or she has a right to be. These changes were incorporated into chapter 776, F.S., which governs the justifiable use of force.

The Castle Doctrine and Home Protection

The Castle Doctrine, a doctrine dating back to common law, provided that when faced with an intruder, a person had no duty to retreat from his or her home, the proverbial “castle.” Rather, the defender had the right to stay in the home and protect himself or herself with force, including deadly force.¹

The SYG law expanded the concept of the Castle Doctrine in two main ways. First, the law extended the concept of a person’s “castle” to include a dwelling, residence, or occupied vehicle.² Second, the law created a presumption that a person within a “castle” has a reasonable fear of imminent peril of death or great bodily harm if two conditions are met.³ First, the offender must have entered or be in the process of unlawfully and forcibly entering the dwelling, residence, or occupied vehicle or be attempting to forcibly remove a person. Second, the defender must know or had reason to believe that an unlawful and forcible entry had occurred or was occurring.⁴

As under the common law Castle Doctrine, the SYG law imposes no duty to retreat on a person who acts in self-defense in his or her castle. But the defender in a castle will generally receive a grant of immunity from arrest, criminal prosecution, and civil action.⁵

¹ *Recent Development: Florida Legislation; Florida Legislation—The Controversy over Florida’s New “Stand Your Ground” Law—Fla. Stat. S. 776.013(2005)*, 33 FLA. ST. U.L.REV. 351, 355 (Fall 2005).

² Section 776.013(5), F.S., defines a dwelling as a temporary or permanent building or conveyance of any kind, including an attached porch with or without a roof, mobile or immobile, including a tent, provided that it is designed for nighttime lodging. A residence is a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest. A vehicle is a conveyance of any kind, whether or not motorized provided that it is designed to transport people or property.

³ Conversely, s. 776.013(4), F.S., presumes that a person who unlawfully and by force enters or attempts to enter a person’s dwelling, residence, or occupied vehicle intends to commit an unlawful act involving force or violence.

⁴ Section 776.013(1) and (2), F.S. The presumption does not apply if the person against whom defensive force is used or threatened has the right to be in or is a lawful resident of the location and against whom there is no injunction for protection; the person sought to be removed is in the lawful custody or guardianship of the person against whom the defensive force is used or threatened; the person who uses or threatens to use defensive force is committing a crime or using the location to further a criminal act; or the person against whom defensive force is used or threatened is a law enforcement officer entering the premises pursuant to an official duty and who identifies him or herself as a law enforcement officer. Section 776.013(2), F.S.

⁵ Section 776.032(1), F.S.

Defense of Self or Others

The 2005 changes to the self-defense law generally eliminated the duty to retreat before using force outside of a person's dwelling, residence, or occupied vehicle. When acting in self-defense or in defense of others, a person does not have a duty to retreat and may use non-deadly force, if the person reasonably believes the force is necessary to defend himself or herself or another against an imminent use of unlawful force.⁶ The person may use deadly force, if the person reasonably believes the force is necessary to prevent imminent death or great bodily harm to himself or herself. However, the common law duty to retreat before using deadly force still applies to a person who is engaged in criminal activity or is not in a place where he or she has a right to be.⁷

Defense of Property

When acting in defense of property, a person does not have a duty to retreat and may use non-deadly force, if the person reasonably believes that the force is necessary to stop a trespasser's entry on personal or real property other than a dwelling.⁸ A person may use deadly force, if the person reasonably believes deadly force is needed to prevent a forcible felony.⁹ However, the common law duty to retreat before using deadly force still applies to a person who is engaged in criminal activity or is not in a place where he or she has a right to be.¹⁰

Immunity from Criminal Prosecution and Civil Action under Stand Your Ground

A person who uses force in self-defense as authorized under chapter 776, F.S., is justified for those actions and is immune from criminal prosecution and any civil action.¹¹ Immunity from criminal prosecution includes immunity from being arrested, detained in custody, and charged or prosecuted.¹² A defendant to a civil action based on a use of force is entitled to reasonable attorney's fees, court costs, lost income, and all expenses related to the defense of the action if the defendant prevails in a claim of immunity.¹³

Case Law

Although the SYG law created an express right to immunity, it did not specify procedures for evaluating a person's claim of a justifiable use of force and immunity. However, the courts have developed the procedures in case law.

⁶ Section 776.012(1), F.S.

⁷ Section 776.012(2), F.S.

⁸ Section 776.031(1), F.S.

⁹ A forcible felony is defined to include the following offenses: "treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual." Section 776.08, F.S.

¹⁰ Section 776.031(2), F.S.

¹¹ Section 776.032(1), F.S.

¹² Section 776.032(1), F.S.

¹³ Section 776.032(3), F.S.

Immunity Determination

In 2008, in *Peterson v. State*, the First District Court of Appeal reviewed a first-degree murder case involving a claim of immunity under the Stand Your Ground law.¹⁴ In upholding the trial court's use of a pretrial, adversarial hearing to determine immunity, the appellate court stated that "the Legislature makes clear that it intended to establish a true immunity and not merely an affirmative defense."¹⁵ However, should the court deny the immunity claim, the defendant is not foreclosed from introducing the basis of the claim as an affirmative defense at trial.¹⁶ The court also endorsed the trial court's review of the defendant's motion to dismiss under a showing of a preponderance of the evidence.¹⁷

In 2010, the Florida Supreme Court in *Dennis v. State* upheld the *Peterson* process of determining immunity through a pretrial evidentiary hearing.¹⁸ According to the Court:

section 776.032 contemplates that a defendant who establishes entitlement to the statutory immunity will not be subjected to trial. Section 776.032(1) expressly grants defendants a substantive right to not be arrested, detained, charged, or prosecuted as a result of the use of legally justified force. The statute does not merely provide that a defendant cannot be convicted as a result of legally justified force.¹⁹

The Court also recognized the availability of the claim of self-defense as an affirmative defense at trial.²⁰

Building on the *Dennis* court's validation of the use of pretrial evidentiary hearings in determining immunity, in 2015, the Court reviewed the burden of proof and the level of proof required in *Bretherick v. State*.²¹ The review was based on the defendant's assertion that the state should bear the burden of proof in immunity hearings and that the required showing is beyond a reasonable doubt.

The Court began its analysis of the issues by recognizing that the law is silent on how to procedurally effectuate the right to immunity.²² However, the Court concluded, "We now make explicit what was implicit in *Dennis* – the defendant bears the burden of proof by a preponderance of the evidence at the pretrial evidentiary hearing."²³

The Court further supported its conclusion with several policy arguments. One of these arguments is that placing the burden of proof on a state "has never previously been embraced by

¹⁴ *Peterson v. State*, 983 So. 2d 27 (Fla. 1st DCA 2008).

¹⁵ *Id.* at 29.

¹⁶ *Id.*

¹⁷ *Id.* at 28.

¹⁸ *Dennis v. State*, 51 So. 3d 456, 464 (Fla. 2010).

¹⁹ *Id.* at 462.

²⁰ *Id.* at 459.

²¹ *Bretherick v. State*, 170 So. 3d 766 (Fla. 2015).

²² *Id.* at 772.

²³ *Id.* at 768.

any state with an analogous immunity law and is actually inconsistent with the procedure for resolving motions to dismiss involving other types of statutory immunity.²⁴”

The Court also noted that no state court has required the prosecution at a pretrial hearing to disprove beyond a reasonable doubt that the use of force by a defendant was justified.²⁵ Otherwise, placing the burden of proof on the state, the Court reasoned, would require the state to satisfy the same degree of proof twice, resulting in basically two adversarial trials, one before the judge, and the other, the jury.²⁶

However, the dissenting opinion written by Justice Canady in which Justice Polston concurred, argued that the statutory right to claim immunity places the burden of proof on the state at pretrial immunity hearings. In support of his interpretation of the right to assert immunity, Justice Canady stated that:

By imposing the burden of proof on the defendant at the pretrial evidentiary hearing, the majority substantially curtails the benefit of the immunity from trial conferred by the Legislature under the Stand Your Ground law. There is no reason to believe that the Legislature intended for a defendant to be denied immunity and subjected to trial when that defendant would be entitled to acquittal at trial on the basis of a Stand Your ground defense. But the majority’s decision here guarantees that certain defendants who would be entitled to acquittal at trial will nonetheless be deprived of immunity from trial.²⁷

Similarly, Judge Schumann, one of the judges on the district court opinion in *Bretherick*, wrote in a concurring opinion that she felt bound by earlier Supreme Court precedent to place the burden of proof on the defendant.²⁸ Absent the precedent, she stated that she would have found that the trial court erred in placing the burden of proof on the defendant.²⁹ She explained that “[p]lacing the burden of proof on the State throughout each phase of criminal prosecution best fulfills the legislative intent to create a broad grant of immunity.”³⁰ She further noted that in close cases who bears the burden of proof might be dispositive.³¹

Task Force on Citizen Safety and Protection

Florida Governor Rick Scott convened a task force, the Task Force on Citizen Safety and Protection, to thoroughly review the state’s Stand Your Ground law. The task force held public hearings around the state, took testimony, and issued recommendations, detailed in a report dated February 21, 2013.³² The task force provided the report to the Governor, President of the Senate, and the Speaker of the House of Representatives.

²⁴ *Id.* at 769.

²⁵ *Id.* at 775.

²⁶ *Id.* at 777.

²⁷ *Id.* at 780.

²⁸ *Bretherick v. State*, 135 So. 3d 337, 341 (Fla. 5th DCA 2013)

²⁹ *Id.*

³⁰ *Id.* at 344.

³¹ *Id.*

³² Governor’s Task Force on Citizen Safety and Protection, Final Report (Feb. 21, 2013). The task force developed its mission as follows: “The Task Force on Citizen Safety and Protection will review ch. 776, F.S., and its implementation, listen

Members concurred in the belief that all persons who are conducting themselves in a lawful manner have the right to defend themselves and to stand their ground when attacked.³³

Additionally, the task force determined that the *Peterson* hearing is an adequate mechanism to resolve immunity claims.³⁴

Stand Your Ground Law in other States

At least 22 states have a version of the Stand Your Ground law. These laws provide that a defender does not have a duty to retreat from an attacker in any place in which the defender is lawfully present.³⁵ These states having SYG laws include Alabama, Arizona, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, and West Virginia.³⁶ Nine of these states have adopted laws with specific language providing that a person may stand his or her ground.³⁷

Persons who use self-defense may claim immunity from civil liability in certain circumstances in at least 22 states. These states include Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Kentucky, Louisiana, Maryland, Michigan, Montana, New Hampshire, North Carolina, North Dakota, Oklahoma, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin.³⁸

At least 4 states, Alabama, Colorado, Georgia, and South Carolina specify the burden of proof required in a pretrial hearing on immunity. These states place the burden of proof on the defendant, either in statute or case law, to demonstrate a right to immunity by a preponderance of the evidence.³⁹

to the concerns and ideas from Floridians, and make recommendations to the Governor and Florida Legislature to ensure the rights of all Floridians and visitors, including the right to feel safe and secure in our state.”

³³ *Id.* at 5. “The Task Force concurs with the core belief that all persons ... have a right to feel safe and secure in our state. To that end, all persons who are conducting themselves in a lawful manner have a fundamental right to stand their ground and defend themselves from attack with proportionate force in every place they have a lawful right to be.”

³⁴ It is important to note that the Task Force drafted its report pre-*Bretherick*. The final report of the task force is available at: <http://www.flgov.com/citizensafety/>.

³⁵ *Self-defense and “Stand Your Ground,”* National Conference of State Legislatures (Aug. 30, 2013).

<http://www.ncsl.org/issues-research/justice/self-defense-and-stand-your-ground.aspx> (last visited Jan. 10, 2017).

³⁶ Alabama (s. 13A-3-20, 23); Arizona (s. 13-405); Florida (ch. 776, F.S.); Georgia (ss. 16-3-23, 16-3-23-1, 16-3-24); Indiana (s. 35-41-3-2); Kansas (ss. 21-5222, 21-5223, 21-5224, 21-5225, 21-5230); Kentucky (ss. 503.050, 503.055, 503.080); Louisiana (ss. 14:19, 14:20); Michigan (s. 780.972); Mississippi (s. 97-3-15); Montana (s. 45-3-110); Nevada (ss. 200.120, 200.160); New Hampshire (s. 627:4); North Carolina (ss. 14-51.2, 14-51.3); Oklahoma (s. 1289.25); Pennsylvania (title 18, s. 505); South Carolina (ss. 16-11-440, 16-11-450); South Dakota (s. 22-18-4); Tennessee (s. 39-11-614); Texas (ss. 9.31, 9.32, 9.41, 9.42, 9.43); Utah (ss. 76-2-402, 76-2-405, 76-2-407); West Virginia (s. 55-7-22).

³⁷ States including Stand Your Ground language in self-defense laws are: Alabama (s. 13A-3-23(b)), Florida (s. 776.013, F.S.), Georgia (s. 16-3-23.1), Kansas (s. 21-5320), Kentucky (s. 503.055), Louisiana (s. 14:19), Oklahoma (s. 1289.25), Pennsylvania (title 18, s. 505), and South Carolina (s. 16-11-440(C)).

³⁸ *Immunity, Burden of Proof, and Presumptions in State Self-defense Laws*, National Conference of State Legislatures (Jan. 5, 2017).

³⁹ These states are: Alabama (s. 13A-3-23(d)(2)), Colorado (*People v. Guenther*, 740 P.2d 971, 980 (Colo. 1987); *People v. Eckert*, 919 P.2d 962, 965 (Colo. App. 1996), Georgia (*Bunn v. State*, 284 Ga. 410, 413 (Ga. 2008), and South Carolina (*State v. Duncan*, 392 S.C. 404, 410-411 (S.C. 2011)).

III. Effect of Proposed Changes:

This bill shifts the burden of proof to the state in pretrial hearings to determine whether a defendant is immune from criminal prosecution based on claimed justifiable use of force. Additionally, the bill requires the state to prove its burden beyond a reasonable doubt. The burden of proof of beyond a reasonable doubt is the same burden of proof imposed on the state in the prosecution of criminal cases, including cases in which self-defense is raised at trial as an affirmative defense.

Under the bill, a defendant is entitled to an immunity hearing in which the state bears the burden of proof by filing a motion that clearly states the reasons the defendant is immune and alleges the facts on which the immunity claim is based. However, if the court does not grant the motion for immunity, the motion and its contents are inadmissible at trial.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to affect cities or counties and, as a result, does not appear to be a mandate.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may reduce a defendant's legal costs in immunity hearings by shifting the burden of proof to the prosecution. Costs to the private sector may be further reduced if the bill results in fewer prosecutions or if more prosecutions are dismissed before trial.

C. Government Sector Impact:

By shifting the burden of proof to the prosecution in immunity hearings, and to the extent that prosecutors do not drop or plea bargain any of their weaker cases, additional costs may be incurred by public defenders, prosecutors, and the court. Because the burden shifts to the prosecution, more defendants may have an incentive to claim the right to

immunity. Additionally, some cases that would go to trial under the current procedures will be resolved at the immunity hearing or encourage plea bargains when the state prevails at the pretrial hearings.

The Office of the State Courts Administrator indicates that it cannot accurately determine the fiscal impact of the bill at this time due to unavailability of data.⁴⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 776.032, Florida Statutes.

IX. Additional Information:

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

CS by Judiciary Committee on January 24, 2017:

This CS:

- Removes the burden on the defendant by requiring him or her to state a case in the motion for immunity, rather than requiring the defendant to make a prima facie case at the pretrial hearing;
- Provides that if the court does not grant the motion for immunity, the motion and its contents are inadmissible at trial; and
- Clarifies that the court must grant the motion unless the state meets its burden of proof.

- B. **Amendments:**

None.

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

⁴⁰ Office of the State Courts Administrator, *2017 Judicial Impact Statement* (Jan. 19, 2017).

By the Committee on Judiciary; and Senators Bradley, Simpson,
Bean, and Baxley

590-00958-17

2017128c1

A bill to be entitled

An act relating to self-defense immunity; amending s.
776.032, F.S.; providing that the state has the burden
of proving that a defendant is not immune from
prosecution under certain circumstances; providing an
effective date.

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

Section 1. Subsection (1) of section 776.032, Florida
Statutes, is republished, and subsection (4) is added to that
section, to read:

776.032 Immunity from criminal prosecution and civil action
for justifiable use or threatened use of force.—

(1) A person who uses or threatens to use force as
permitted in s. 776.012, s. 776.013, or s. 776.031 is justified
in such conduct and is immune from criminal prosecution and
civil action for the use or threatened use of such force by the
person, personal representative, or heirs of the person against
whom the force was used or threatened, unless the person against
whom force was used or threatened is a law enforcement officer,
as defined in s. 943.10(14), who was acting in the performance
of his or her official duties and the officer identified himself
or herself in accordance with any applicable law or the person
using or threatening to use force knew or reasonably should have
known that the person was a law enforcement officer. As used in
this subsection, the term "criminal prosecution" includes
arresting, detaining in custody, and charging or prosecuting the
defendant.

(4) In a criminal prosecution, a defendant may file a
pretrial motion claiming the right to the immunity from

590-00958-17

2017128c1

prosecution set forth in subsection (1). The motion must clearly
state the reasons that the defendant is immune and allege the
facts on which the claim of immunity is based. The court shall
grant the motion after a pretrial hearing unless the state
proves beyond a reasonable doubt that the defendant is not
immune. If the motion is not granted, the motion and its
contents are inadmissible at trial.

Section 2. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Lizbeth Benacquisto, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: January 27, 2017

I respectfully request that **Senate Bill # 128**, relating to Self-Defense Immunity, be placed on the:

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

A handwritten signature in black ink, appearing to read "Rob Bradley", written over a horizontal line.

Senator Rob Bradley
Florida Senate, District 5

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/17

Meeting Date

128

Bill Number (if applicable)

Topic Self-defense Immunity

Amendment Barcode (if applicable)

Name Lesa Wiseman

Job Title Director, Communications & Govt. Affairs

Address 425 Office Plaza Drive

Phone 850-425-2749

Street

Tallahassee

FL

32301

City

State

Zip

Email wiseman-lesa@

fcadv.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Coalition Against Domestic Violence

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/2017
Meeting Date

CS/SB128
Bill Number (if applicable)

Topic Self Defense Immunity

Amendment Barcode (if applicable)

Name Kathy Winn

Job Title President

Address 1006 Brookwood Drive
Street

Phone (850) 766-2612

Tallahassee FL 32308
City State Zip

Email kathywinncan@embargo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/17

Meeting Date

SB 129

Bill Number (if applicable)

Topic Self Defense Immunity

Amendment Barcode (if applicable)

Name Daniel Desmond

Job Title _____

Address 3308 N Ridge Rd
Street

Phone 850 764 3308

Tallahassee FL
City State Zip

Email Desmond Daniel J@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/2017
Meeting Date

128
Bill Number (if applicable)

Topic Self defense immunity

Amendment Barcode (if applicable)

Name Camela Burch Fort

Job Title _____

Address 104 S. Monroe Street
Street

Phone 850-425-1344

Tallahassee FL 32301
City State Zip

Email TcgLobby@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Conference of NAACP Branches

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/2017

Meeting Date

SB 128

Bill Number (if applicable)

Topic mandatory minimum sentencing

Amendment Barcode (if applicable)

Name Lluvia Melendez

Job Title news writer

Address 1109 Dunedin Trl

Street

Woodstock GA 30188

City

State

Zip

Phone (770) 906-8766

Email Lluvia312@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Aaron Wanless

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9-17

Meeting Date

SB 128

Bill Number (if applicable)

Topic Stand Your Ground

Amendment Barcode (if applicable)

Name Eric Friday

Job Title General Counsel

Address 118 W Adams St STE 320

Street

Jacksonville

City

FL

State

32202

Zip

Phone 904-722-3333

Email efriday@ericfriday.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Carry

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-9-17

Meeting Date

SB/28

Bill Number (if applicable)

Topic Mandatory minimum

Amendment Barcode (if applicable)

Name Jill Trask

Job Title A.R. Specialist

Address 87 Clear Brook Trl

Phone 772 521 2770

Street

Douglasville

City

GA

State

30134

Zip

Email jtrask115@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Joel Trask + 167

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/2017

Meeting Date

120

Bill Number (if applicable)

Topic Stand Your Ground Immunity

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe

Phone (888) 681-0024

Street Wellahassel

City FL State 32807 Zip

Email jorge@floridapartners.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Association of Criminal Defense Lawyers (FACDL)

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/09/17
Meeting Date

SB 128
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Angela Wanless

Job Title entrepreneur / small business owner

Address 343 Kepner dr NE
Street

Phone 850-305-6006

FWB
City

FL
State

32548
Zip

Email abwanless@cox.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Aaron Wanless

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/17

Meeting Date

SB128

Bill Number (if applicable)

Topic Stand Your Ground

Amendment Barcode (if applicable)

Name Phil Archer

Job Title State Attorney - 18th Circuit

Address 2725 Judge Frank Jamieson Way

Phone 321-617-7510

Street

Viera

Fl.

32940

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FPAA - Florida Prosecuting Attorneys Assoc

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/17

Meeting Date

SB128

Bill Number (if applicable)

Topic Self-Defense Immunity

Amendment Barcode (if applicable)

Name MARISSA Alexander

Job Title _____

Address 11072 Apple Blossom Tr
Street

Phone 904 580-6257

Jacksonville FL 32218
City State Zip

Email marissa@marissalexander.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing ~~Self~~ Marissa Alexander Justice Project

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2-9-17

Meeting Date

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

SB 128

Bill Number (if applicable)

Topic Expansion of Stand your Ground

Amendment Barcode (if applicable)

Name Kate Kile

Job Title at home parent

Address 1564 Lee Ave

Phone (850) 284-5511

Street

Tallahassee FL 32303

City

State

Zip

Email kskile@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Moms Demand Action

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/2017

Meeting Date

128

Bill Number (if applicable)

Topic Self Defense Immunity

Amendment Barcode (if applicable)

Name Hon. Stacy Scott

Job Title Public Defender, 8th Cirucit

Address 151 SW 2nd Ave.

Phone 352-338-7370

Street

Gainesville

FL

32601

Email scotts@pdo8.org

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Public Defender Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/17

Meeting Date

SB128

Bill Number (if applicable)

Topic Self-defense Immunity

Amendment Barcode (if applicable)

Name Shayna Lopez-Rivas

Job Title _____

Address 2004 Scenic Rd

Phone 941 763 0977

Street

Tallahassee

City

FL

State

32303

Zip

Email SPL12@my.fsu.edu

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Self

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

SB 128
Bill Number (if applicable)

Topic Self-Defense Immunity

Amendment Barcode (if applicable) _____

Name Greg Newburn

Job Title State Policy Director

Address PO Box 142933

Phone 352.682.2542

Street

Gainesville

City

FL

State

32614

Zip

Email gnewburn@fam-09

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Families Against Mandatory Minimums

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/2017

Meeting Date

128

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9-2017
Meeting Date

Topic BURDEN OF PROOF

Bill Number SB-128
(if applicable)

Name MARION P. HAMMER

Amendment Barcode _____
(if applicable)

Job Title _____

Address P.O. BOX 1387
Street

Phone 850-222-9518

TALLAHASSEE FL 32302
City State Zip

E-mail _____

Speaking: ☒ For ☐ Against ☐ Information

Representing NRA (NATIONAL RIFLE ASSOCIATION) UNITED SPORTSMEN OF FLORIDA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

Senate Concurrent Resolution

A concurrent resolution

WHEREAS,, and

WHEREAS,, and

WHEREAS,, and

WHEREAS,, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House
of Representatives Concurring:

That Joint Rule Two governing the >>>> is amended to read:

Joint Rule Two—General Appropriations Review Period and
Conference Committee Rules

2.1—General Appropriations and Related Bills; Review Periods

(1) A general appropriations bill shall be subject to a
72-hour public review period before a vote is taken on final
passage of the bill in the form that will be presented to the
Governor.

(2) If a bill is returned to the house in which the bill
originated and the originating house does not concur in all the
amendments or adds additional amendments, no further action
shall be taken on the bill by the nonoriginating house, and a
conference committee shall be established by operation of this
rule to consider the bill.

(3) If a bill is referred to a conference committee by
operation of this rule, a 72-hour public review period shall be

provided prior to a vote being taken on the conference committee report by either house.

(4) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice, and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building.

(5) (a) Copies required to be furnished under subsection (4) shall be furnished to members of the Legislature as follows:

1. A printed copy may be placed on each member's desk in the appropriate chamber; or

2. An electronic copy may be furnished to each member. The Legislature hereby deems and determines that a copy shall have been furnished to the members of the Legislature when an electronic copy is made available to every member of the Legislature. An electronic copy is deemed to have been made available when it is accessible via the Internet or other information network consisting of systems ordinarily serving the members of the Senate or the House of Representatives.

(b) An official other than a member of the Legislature who is to be furnished a copy of a general appropriations bill under subsection (4) may officially request that an electronic copy of the bill be furnished in lieu of a printed copy, and, if practicable, the copy may be furnished to the official in the manner requested.

(6) The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills

59 as amended by the Senate, and conference committee reports on
60 Senate bills. The Clerk of the House shall be responsible for
61 furnishing copies under this rule for House bills, Senate bills
62 as amended by the House, and conference committee reports on
63 House bills.

64 (7) The 72-hour public review period shall begin to run
65 upon completion of the furnishing of copies required to be
66 furnished under subsection (4). The Speaker of the House of
67 Representatives and the President of the Senate, as appropriate,
68 shall be informed of the completion time, and such time shall be
69 announced on the floor prior to vote on final passage in each
70 house and shall be entered in the journal of each house.
71 Saturdays, Sundays, and holidays shall be included in the
72 computation under this rule.

73 (8) An implementing or conforming bill recommended by a
74 conference committee shall be subject to a 24-hour public review
75 period before a vote is taken on the conference committee report
76 by either house, if the conference committee submits its report
77 after the furnishing of a general appropriations bill to which
78 the 72-hour public review period applies.

79 (9) With respect to each bill that may be affected, a
80 member of the Senate or the House of Representatives may not
81 raise a point of order under this rule after a vote is taken on
82 the bill. Except as may be required by the Florida Constitution,
83 noncompliance with any requirement of this rule may be waived by
84 a two-thirds vote of those members present and voting in each
85 house.

86
87 2.2-General Appropriations and Related Bills; Definitions

As used in Joint Rule Two, the term:

(1) "Conforming bill" means a bill that amends the Florida Statutes, or otherwise provides legislative direction, relating to the expenditure of state funds during the fiscal year addressed in the general appropriations bill and for any future fiscal years ~~to conform to a general appropriations bill.~~

(2) "General appropriations bill" means a bill that provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill that contains appropriations that are incidental and necessary solely to implement a substantive law is not included within this term. For the purposes of Joint Rule Two and Section 19(d) of Article III of the Florida Constitution, the Legislature hereby determines that, after a general appropriations bill has been enacted and establishes governing law for a particular fiscal year, a bill considered in any subsequent session that makes net reductions in such enacted appropriations or that makes supplemental appropriations shall not be deemed to be a general appropriations bill unless such bill provides for the salaries of public officers and other current expenses of the state for a subsequent fiscal year.

(3) "Implementing bill" means a bill that amends the Florida Statutes, or otherwise provides legislative direction, necessary to implement specific appropriations made in the general appropriations bill for a specific fiscal year or portion thereof, ~~effective for one fiscal year, implementing a general appropriations bill.~~

2.3 Funding issues included within the Conference Committee

Report

(1) Any appropriation for a matter specifically included in the original positions of each chamber that were committed to the conference committee may be included in the conference report. A conference committee report may include an increase or decrease in the level of funds appropriated for any such matter.

(2) Except as otherwise limited in subsection (3), a conference committee report may contain funding for any matter.

(3) (a) If not otherwise included in the original bills committed to the conference committee, funding of projects described in paragraph (b) may be included in a conference committee report if the information described in paragraph (c) is provided to the public at the time the funding is proposed in the conference committee and the conference committee has provided time for public testimony.

(b) For purposes of this subsection, "funding of projects" mean funding:

1. directed to a local government, private entity or a privately-operated program;

2. for a transportation facility that was not included in the Department of Transportation's most recently submitted 5-year work program;

3. for an education fixed capital outlay project that was not included in the Department of Education's or Board of Governor's documents most recently submitted pursuant to ss. 1013.60 or 1013.64, Florida Statutes;

4. for a specified program, research initiative, institute, center, or similar entity at a specific state college or university that was not recommended by the Board of Governors or

the State Board of Education in their respective legislative
budget requests; and

5. for local water projects.

(c) The following information must be provided for funding
of projects described in paragraph (b):

1. the state agency and budget entity to or through which
the funding will flow;

2. the appropriations category proposed to include the
funding;

3. the legal entity designated to receive and expend the
funding;

4. whether the appropriation is a grant in aid or for a
contracted service;

5. a brief explanation of the purpose of the funding;

6. the amount of funding appropriated to the same legal
entity for the same or similar purpose during the current fiscal
year;

7. The amount and source of funding proposed to be
appropriated to the legal entity in the bill; and

8. Whether the funding is intended to be recurring, non-
recurring, or a combination.

2.4 Limitations on points of order; conference committee reports and general appropriations bills

An objection to a conference committee report or a general
appropriations bill in the form to be presented to the Governor
may not be raised based on the funding for a particular item.

Joint Rule Two shall supersede the adopted rules of either

175 chamber that are contrary to or inconsistent with the provisions
176 of Joint Rule 2.

177
178
179
180 Draft of Joint Budget Conference Rules.2-08-17.docx



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Environmental Preservation and
Conservation, *Chair*
Appropriations Subcommittee on the Environment
and Natural Resources, *Vice Chair*
Appropriations
Appropriations Subcommittee on Health and
Human Services
Health Policy
Rules

SENATOR LAUREN FRANCES BOOK

Democratic Leader Pro Tempore
32nd District

February 9, 2017

The Honorable Lizbeth Benacquisto
Chair
Senate Rules Committee

A handwritten signature in dark ink, appearing to read "Lab", is written over the name "Lizbeth Benacquisto".

Dear Char Benacquisto:

I respectfully request that I be excused from today's meeting of the Rules Committee.

I am pregnant with twins, due next week, and I am unable to travel to Tallahassee.

Thank you for your consideration.

Sincerely,

Lauren Book
Senator, District 32

Cc: Mr. John Phelps, Staff Director; Ms. Cynthia Futch, Committee Administrative Assistant

REPLY TO:

□ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: EL 110
Caption: Senate Rules

Case No.:
Judge:

Type:

Started: 2/9/2017 10:04:16 AM
Ends: 2/9/2017 11:53:13 AM Length: 01:48:58

10:04:14 AM Meeting called to order by Chair Benacquisto
10:04:18 AM Roll call by Administrative Assistant Cindy Futch
10:04:25 AM Quorum Present
10:04:46 AM Comments from Chair Benacquisto
10:05:36 AM Comments from Senator Latvala regarding Appropriation Procedure and Rules
10:08:24 AM Comments from Chair Benacquisto
10:08:38 AM Introduction of Dawn Roberts, General Counsel
10:08:46 AM Speaker Dawn Roberts, General Counsel
10:14:45 AM Comments from Chair Benacquisto
10:15:09 AM Comments from Chair Latvala
10:17:26 AM Comments from Chair Benacquisto
10:17:50 AM Question from Senator Lee
10:18:27 AM Response from Chair Benacquisto regarding Joint Rule
10:19:04 AM Additional question from Senator Lee
10:19:11 AM Response from Chair Benacquisto
10:19:15 AM Tab 1, CS/SB 106 introduced by Chair Benacquisto
10:19:25 AM Explanation of CS/SB 106 by Senator Flores
10:20:20 AM Comments from Chair Benacquisto regarding Amendments
10:20:34 AM Question from Senator Latvala
10:21:05 AM Response from Senator Flores
10:21:36 AM Follow-up question from Senator Latvala
10:22:00 AM Response from Senator Flores
10:22:12 AM Additional question from Senator Latvala
10:22:19 AM Response from Senator Flores
10:23:55 AM Comments from Chair Benacquisto regarding Amendment Barcode No. 2329246
10:24:52 AM Explanation of Amendment Barcode No. 239246 by Senator Galvano
10:25:31 AM Amendment Barcode No. 175038 introduced by Chair Benacquisto
10:26:05 AM Question from Senator Lee regarding Late-filed Amendment Barcode No. 175038
10:26:44 AM Response from Senator Galvano
10:26:56 AM Late-filed Amendment Barcode No. 175038 adopted
10:27:06 AM Question from Senator Latvala
10:27:58 AM Response from Miguel Oxamendi, Staff Attorney
10:28:49 AM Follow-up question from Senator Latvala
10:28:57 AM Response from Mr. Oxamendi
10:29:31 AM Additional question from Senator Latvala
10:29:40 AM Response from Mr. Oxamendi
10:30:26 AM Additional question from Senator Latvala
10:30:40 AM Response from Mr. Oxamendi
10:31:08 AM Comments from Senator Latvala
10:31:24 AM Question from Senator Brandes
10:31:39 AM Response from Mr. Oxamendi
10:32:23 AM Comments from Senator Brandes

10:32:28 AM Response from Mr. Oxamendi
10:32:46 AM Comments from Chair Benacquisto
10:32:54 AM Amendment Barcode No. 637956 introduced by Chair Benacquisto
10:33:01 AM Explanation of Amendment Barcode No. 637956 by Senator Latvala
10:34:35 AM Comments from Chair Benacquisto
10:34:42 AM Debate from Senator Flores
10:34:55 AM Amendment Barcode No. 637956 not adopted
10:35:50 AM Amendment Barcode No. 755428 introduced by Chair Benacquisto
10:35:58 AM Amendment Barcode No. 755428 explained by Leader Simpson
10:37:16 AM Comments from Chair Benacquisto
10:37:20 AM Question from Leader Braynon
10:37:30 AM Response from Leader Simpson
10:38:57 AM Follow-up question from Leader Braynon
10:39:15 AM Response from Leader Simpson
10:39:33 AM Additional question from Leader Braynon
10:39:43 AM Response from Leader Simpson
10:39:56 AM Comments from Chair Benacquisto
10:40:14 AM Speaker Marion Hammer, National Rifle Association
10:41:32 AM Comments from Leader Simpson regarding Amendment
10:42:09 AM Comments from Chair Benacquisto
10:42:16 AM Speaker Jason Unger, Target Corporation in support of Bill
10:44:24 AM Speaker Richard Turner, Vice President Government Relations, Florida Restaurant in support
10:46:19 AM Speaker Lindsey Napier, Director, Government Relations, Publix Super Markets in opposition
10:47:26 AM Speaker Charles Bailes, CEO, ABC Liquors in opposition
10:48:05 AM Chuck Cliburn waives in support
10:48:16 AM Andrew Hasek, Analyst waives in support
10:48:40 AM Speaker Christian Camara, SE Regional Director, R Street Institute in support
10:50:33 AM Questions from Senator Latvala
10:50:44 AM Response from Mr. Camara
10:51:40 AM Follow-up question from Senator Latvala
10:51:51 AM Response from Mr. Camara
10:52:01 AM Additional question from Senator Latvala
10:52:10 AM Response from Mr. Camara
10:52:25 AM Additional question from Senator Latvala
10:52:35 AM Response from Mr. Camara
10:52:57 AM Additional question from Senator Latvala
10:53:04 AM Response from Mr. Camara
10:53:46 AM Comments from Chair Benacquisto
10:53:53 AM Debate from Senator Latvala
10:56:43 AM Debate from Leader Simpson
10:57:40 AM Closure on CS/CS/SB 106 by Senator Flores
11:01:21 AM Roll call by CS/CS/SB 106 by Administrative Assistant, Cindy Futch
11:01:35 AM CS/CS/SB 106 reported favorably
11:01:55 AM Tab 2, introduced by Chair Benacquisto
11:02:06 AM Explanation of CS/SB 128 by Senator Bradley
11:06:26 AM Comments from Chair Benacquisto
11:06:35 AM Question from Leader Braynon
11:06:41 AM Response from Senator Bradley
11:09:14 AM Follow-up question from Leader Braynon
11:09:24 AM Response from Senator Bradley

11:09:48 AM Question from Vice Chair Thurston
11:10:02 AM Response from Senator Bradley
11:11:42 AM Follow-up question from Vice Chair Thurston
11:11:54 AM Response from Senator Bradley
11:14:17 AM Additional question from Vice Chair Thurston
11:14:29 AM Response from Senator Bradley
11:14:36 AM Additional question from Vice Chair Thurston
11:14:45 AM Response from Senator Bradley
11:16:25 AM Additional question from Vice Chair Thurston
11:16:43 AM Response from Senator Bradley
11:17:15 AM Comments from Senator Lee
11:18:23 AM Question from Senator Montford
11:19:24 AM Response from Senator Bradley
11:23:15 AM Question from Leader Braynon
11:23:46 AM Response from Senator Bradley
11:25:55 AM Comments from Chair Benacquisto
11:26:22 AM Time certain at 11:55 am by Senator Brandes
11:26:52 AM Pamela Burch Fort, Florida Conference of NAACP Branches waives in opposition
11:27:00 AM Daniel Desmond waives in support
11:27:02 AM Kathy Winn, President, League of Women Voters of Florida waives in opposition
11:27:18 AM Speaker Eric Friday, General Counsel, Florida Carry in support
11:29:22 AM Speaker Jill Trask, A.R. Specialist in support
11:30:21 AM Leisa Wiseman, Director Communication, Government Affairs, Florida Coalition in opposition
11:31:48 AM Speaker Lluvia Melendez, News Writer in support
11:33:28 AM Speaker Angela Wanless, Entrepreneur/Small Business Owner in support
11:34:56 AM Speaker Phil Archer, State Attorney - 18th Circuit, Florida Prosecution Attorneys Association in opposition
11:35:55 AM Jorge Chamizo, Attorney, Fla. Association of Criminal Defense Lawyers waives in support
11:38:32 AM Speaker Marissa Alexander in support
11:39:22 AM Speaker Kate Kile in opposition
11:41:41 AM Speaker Marion Hammer, National Rifle Association in support
11:44:06 AM Speaker Honorable Stacy Scott, Public Defender, 8th Circuit in support
11:45:01 AM Speaker Shayna Lopez-Rivas in support
11:46:43 AM Greg Newburn, State Policy Director, Families Against Mandatory Minimums in support
11:47:46 AM Speaker Brian Pitts, Justice-2-Jesus
11:49:18 AM Comments from Chair Benacquisto
11:49:26 AM Comments from Vice Chair Thurston in debate
11:51:35 AM Comments from Chair Benacquisto
11:51:43 AM Closure on CS/SB 128 by Senator Bradley
11:52:23 AM Roll Call on CS/SB 128 by Administrative Assistant, Cindy Futch
11:52:36 AM CS/SB 128 reported favorably
11:52:59 AM Vice Chair Thurston moves to adjourn