

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Bradley, Chair
Senator Margolis, Vice Chair

MEETING DATE: Wednesday, February 4, 2015
TIME: 1:30 —3:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Bradley, Chair; Senator Margolis, Vice Chair; Senators Abruzzo, Bean, Braynon, Diaz de la Portilla, Flores, Latvala, Negron, Richter, Sachs, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	A proposed committee substitute for the following bill (SB 186) is expected to be considered:		
	SB 186 Latvala (Similar H 301, Compare H 107)	Malt Beverages; Authorizing the sale of malt beverages packaged in individual containers of certain sizes if they are filled at the point of sale by certain licenseholders; requiring each container to be imprinted or labeled with certain information, etc. RI 02/04/2015 Temporarily Postponed CM FP	Temporarily Postponed
2	SB 268 Stargel	Amusement Games or Machines; Authorizing an amusement game or machine to be operated in conformity with specified requirements; allowing an individual who plays an amusement game or machine to receive a point or a coupon redeemable onsite for merchandise under specified circumstances; specifying a cap on the redemption value of a point or a coupon; requiring the Department of Revenue to annually adjust the cap; authorizing certain persons or entities to enjoin the operation of an amusement game or machine, etc. RI 02/04/2015 Temporarily Postponed FT AP	Temporarily Postponed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: PCS/SB 186 (123552)

INTRODUCER: Regulated Industries Committee

SUBJECT: Malt Beverages

DATE: February 4, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	Pre-meeting
2.	_____	_____	CM	_____
3.	_____	_____	FP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 186 (123552) revises the requirements for qualifying as a vendor-licensed brewer. The bill authorizes the division to issue vendor's licenses to a manufacturer of malt beverages for the sale of alcoholic beverages on property that includes a brewery. It deletes the requirement that the licensed property must include "other structures which promote the brewery and the tourist industry of the state" in order to be eligible to be a vendor-licensed brewer. It also deletes the requirement that the property may be divided by no more than one public street or highway.

The bill deletes the prohibition against malt beverage tastings at locations licensed for off-premises sales only. It permits malt beverage tastings on the licensed premises of any vendor authorized to sell alcoholic beverages by the drink for consumption on the premises. A vendor authorized to sell alcoholic beverages only in sealed containers for consumption off the premises may have malt beverage tastings if: the premises has at least 10,000 square feet of interior space or the premises is a package store with a quota license that is licensed for off-premises sales only. The malt beverages tastings must be limited to and directed to members of the general public of the age of legal consumption. The bill clarifies that vendors may conduct malt beverage tastings on their licensed premises with beverages from their own inventory.

The bill permits the filling and refilling of 32, 64, and 128 ounce malt beverage containers (known as "growlers") at the point of sale. Current law does not permit the 64 ounce malt beverage container. The 32, 64, or 128 ounce malt beverage container may be filled at the point of sale by vendor- licensed brewers, vendor who hold a quota alcoholic beverage license for the

sale of beer, wine, and liquor only in sealed containers for consumption off the premises, and vendors licensed to sell for consumption on the licensed premises, unless such license restricts the consumption of malt beverages to the premises only.

The bill requires that the growler identify or be imprinted or labeled with information specifying the manufacturer, the brand of the malt beverage, and the anticipated percentage of alcohol by volume. The container must also have an unbroken seal or be incapable of being immediately consumed.

It provides that a violation of the provisions in the bill is a first degree misdemeanor. It also authorizes the Division of Alcoholic Beverage and Tobacco with the Department of Business and Professional Regulation to impose a fine of up to \$250 per violation.

II. Present Situation:

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

Three Tier System

In the United States, the regulation of alcohol, since the repeal of Prohibition, has traditionally been through what is termed the “three-tier system.” The system requires that the manufacture, distribution, and sale of alcoholic beverages be separated. Retailers (vendors) must buy their products from distributors who in turn buy their products from the manufacturers. Manufacturers cannot sell directly to retailers or directly to consumers. The system is deeply rooted in the perceived evils of the “tied house” in which a bar is owned or operated by a manufacturer or the manufacturer exercises undue influence over the retail vendor.⁴

In the three-tier system, each license classification has clearly delineated functions. For example, in Florida, distributors are licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages at retail.⁵ Only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.⁶ Vendors are limited to purchasing their alcoholic beverage inventory from licensed distributors, manufacturer, or bottler.⁷ Licensed manufacturers, distributors, and registered exporters are prohibited from being licensed as vendors.⁸ In addition from being prohibited from having an interest in a vendor,

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

² *See* s. 561.14, F.S.

³ Section 561.02, F.S.

⁴ Erik D. Price, *Time to Untie the House? Revisiting the Historical Justifications of Washington’s Three-Tier System Challenged by Costco v. Washington State Liquor Control Board*, a copy can be found at: http://www.lanepowell.com/wp-content/uploads/2009/04/prictee_001.pdf (last visited January 23, 2015).

⁵ Section 561.14(2), F.S.

⁶ Section 561.14(3), F.S. However, see discussion regarding the exceptions provided in s. 561.221, F.S.

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

⁸ Section 561.22, F.S.

manufacturers are also prohibited from distributing directly to a vendor other than to a vendor licensed under s. 561.221(2), F.S.⁹ However, a manufacturer of wine may be licensed as a distributor.¹⁰

There are some exceptions to this regulatory system. The exceptions include allowing beer brew pubs to manufacture malt beverages and to sell them to consumers,¹¹ allowing individuals to bring small quantities of alcohol back from trips out-of-state,¹² and allowing in-state wineries to manufacture and sell directly to consumers.¹³

Exception for Vendor-licensed Malt Beverage Manufacturers

There are two license options that permit malt beverage manufacturers to sell malt beverages directly to consumers. Section 561.221(2), F.S., permits a manufacturer of malt beverages to be licensed as a vendor, even if the manufacturer is also licensed as a distributor. To qualify for a vendor license, the manufacturer's property must consist of a single complex that includes a brewery and other structures that promote the brewery and the tourism industry of the state. The property may be divided by no more than one public street or highway. This type of license does not limit the amount of malt beverages that may be manufactured. It also does not limit the type of vendor license that the manufacturer may obtain, e.g., a license to sell beer, wine and liquor, and licenses that permit package sales of other alcoholic beverages.

Section 561.221(3), F.S., permits a vendor to also be licensed as a manufacturer of malt beverages if the vendor is engaged in brewing malt beverages at a single location in an amount that does not exceed 10,000 kegs per year.¹⁴ The malt beverages must be sold to consumers for consumption on the vendor's licensed premises or on contiguous licensed premises owned by the vendor. These vendors are known in the industry as "brew pubs."

Vendor Licenses

Section 561.20, F.S., limits the number of alcoholic beverage licenses that permit the sale of liquor¹⁵ along with beer and wine that may be issued per county. The number of licenses is limited 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 liquors to one that does permit their sale. The quota license is the only type of alcoholic beverage license that is limited in number.

⁹ Section 563.022(14), F.S.

¹⁰ Section 561.221(1)(a), F.S.

¹¹ See s. 561.221(2), F.S., which permits the limited manufacture of beer by vendors (brew pubs).

¹² See s. 562.16, F.S., which permits the possession of less than one gallon of untaxed alcoholic beverages when purchased by the possessor out-of-state in accordance with the laws of the state where purchased and brought into the state by the possessor.

¹³ See s. 561.221, F.S.

¹⁴ Section 561.221(3)(a)1., F.S., defines the term "keg" as 15.5 gallons.

¹⁵ Section 565.01, F.S., defines liquor as "[t]he 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."

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.

On-Premises or Off-Premises Consumption Alcoholic Beverage Licenses

Section 563.02, F.S., distinguishes between places of business where a vendor is licensed to only sell malt beverages for on-premises consumption¹⁶ and places of business where such on-premises consumption is permitted.¹⁷ According to the department, vendors licensed to sell malt beverages for on-premises consumption can also sell alcoholic beverages in sealed containers for the customer to take away from the licensed premises for off-premises consumption. Vendors licensed to sell malt beverages for consumption “only” on the licensed premises are not permitted to sell alcoholic beverages for off-premises consumption.¹⁸ The license fee for a license that does not permit the sale of alcoholic beverages in sealed containers for off-premises consumption is 50 percent less than the license fee for a license that permits the sale of sealed containers for off-premises consumption.¹⁹

Vendors licensed under s. 564.02(1)(a), F.S., to sell malt beverages, wine, and fortified wine may only sell the beverages for consumption off the premises. Similarly, vendors licensed under s. 565.02(1)(a), F.S., to sell any alcoholic beverages (which includes liquor), may only sell the beverages in sealed containers for consumption off the premises. The license fees for these vendors are 50 percent and 75 percent of the license fee, respectively, compared to the fee for a license that permits the sale of sealed containers for consumption on and off the premises.

According to alcoholic beverage industry representatives and a representative for the division, vendors with on-premises licenses routinely fill containers with a malt beverage and seal them for customers to take off-premises for later consumption. They note that current law does not prohibit this practice. The vendors typically seal the beverage container before the consumer leaves the premises so that the consumer will not violate any local ordinances that prohibit the carrying in public of open containers of alcoholic beverages or the state-law prohibition against the possession of open containers of alcoholic beverages in vehicles.²⁰ The beverage law does not define the term “sealed container.”

In 1995, the department repealed a rule which explicitly stated that an on-premises malt beverage licensee could sell malt beverages, for consumption off-premises, in “sealed containers” and could also sell wine and distilled spirits in the “original sealed containers as received from the distributor.”²¹

¹⁶ See s. 563.02(1)(a), F.S.

¹⁷ See s. 563.02(1)(b)-(f), F.S.

¹⁸ For example, the brew pub exemption under s. 561.221(3), F.S., permits sales for consumption only on the premises, but not sales for consumption off the premises.

¹⁹ See s. 563.02(1)(a), F.S.

²⁰ Section 316.1936, F.S.

²¹ Rule 7A-1.008, F.A.C., as amended on March 10, 1985. This rule was subsequently transferred to rule 61A-1.008, F.A.C., and then repealed on July 5, 1995.

Malt Beverage Containers

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

Prior to 2001, s. 563.06(6), F.S., provided that malt beverages could be sold by vendors only in 8, 12, 16, or 32-ounce individual containers. Chapter 2001-78, L.O.F., amended that section to allow vendors to sell malt beverages in individual containers of “no more than 32 ounces.”²² The current provision that allows containers of one gallon or more was unaffected by that amendment.

Section 563.06 (7), F.S., provides that any person, firm, or corporation, its agents, officers or employees, violating any of the provisions of s. 563.06, F.S., is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.²³ It also provides that the license, if any, shall be subject to revocation or suspension by the division.

Growlers

Some states permit vendors to sell malt beverages in containers known as “growlers,”²⁴ which typically are reusable containers of between 32 ounces and one gallon that the consumer can fill with the vendor’s malt beverage for consumption off the licensed premises. According to a representative for several vendors who manufacture malt beverages, the national standard size for a growler is 64 ounces. Florida law does not permit the use of a 64-ounce growler, i.e., 64-ounce malt beverage containers.

Tied House Evil Prohibitions

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

No licensed manufacturer or distributor of any of the beverages herein referred to shall have any financial interest, directly or indirectly, in the establishment or business of any vendor licensed under the Beverage Law; nor shall such licensed manufacturer or distributor assist any vendor by any gifts or loans of money or property of any description or by the giving of any rebates of any kind whatsoever. No licensed vendor shall accept, directly or indirectly, any gift or

²² See also *Review of the Malt Beverage Container Size Restrictions*, Interim Report No. 2000-65, Florida Senate Committee on Regulated Industries, September 1999.

²³ Section 775.082, F.S., provides that the penalty for misdemeanor of the first degree is punishable by a term of imprisonment not exceeding one year. Section 775.083, F.S. provides that the penalty for misdemeanor of the first degree is punishable by a fine not to exceed \$1,000.

²⁴ The term “growlers” is derived from the late 1800s and early 1900s practice in which fresh beer was carried from the local pub to one's home by means of a small-galvanized pail. When the beer sloshed around the pail, it created a rumbling sound as the carbon dioxide escaped through the lid. See “*The Growler: Beer-to-Go!*,” *Beer Advocate* (July 31, 2002). A copy of the article is available at: <http://beeradvocate.com/articles/384> (Last visited January 13, 2014).

loan of money or property of any description or any rebates from any such licensed manufacturer or distributor; provided, however, that this does not apply to any bottles, barrels, or other containers necessary for the legitimate transportation of such beverages or to advertising materials and does not apply to the extension of credit, for liquors sold, made strictly in compliance with the provisions of this section. (Emphasis supplied.)

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

Section 561.42, F.S., defines the types of items or services that may be provided to vendors. For example, s. 561.42(10), F.S., prohibits manufacturers, distributors, importers, primary American sources of supply,²⁵ or brand owners or registrants, or their brokers, sales agents or sales persons, from directly or indirectly giving, lending, renting, selling, or in any other manner furnishing to a vendor any outside sign, printed, painted, electric, or otherwise.

Alcoholic Beverage Tastings

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

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

Section 565.17, F.S., permits licensed distributors of spirituous beverages and vendors to conduct spirituous beverage tastings at any licensed premises authorized to sell spirituous beverages by package or for consumption on premises without violating s. 561.42, F.S., provided that the conduct of the spirituous beverage tasting is limited to and directed toward the general public of the age of legal consumption.

²⁵ Section 564.045(1), F.S., defines the term "primary American source of supply" as the: manufacturer, vintner, winery, or bottler, or their legally authorized exclusive agent, who, if the product cannot be secured directly from the manufacturer by an American distributor, is the source closest to the manufacturer in the channel of commerce from whom the product can be secured by an American distributor, or who, if the product can be secured directly from the manufacturer by an American distributor, is the manufacturer. It shall also include any applicant who directly purchases vinous beverages from a manufacturer, vintner, winery, or bottler who represents that there is no primary American source of supply for the brand and such applicant must petition the division for approval of licensure.

III. Effect of Proposed Changes:

Vendor-Licensed Brewers

The bill amends s. 561.221(2), F.S., to revise the requirements for qualifying as a vendor-licensed brewer. The bill clarifies that the exemption for vendor-licensed brewers in s. 561.221(2), F.S., is notwithstanding the prohibitions in ss. 561.22 and 561.42, F.S., or any other provision in the Beverage Law.

The bill authorizes the division to issue vendor's licenses to a manufacturer of malt beverages for the sale of alcoholic beverages on property that includes a brewery. The bill repeals the requirement that a brewery must include "other structures which promote the brewery and the tourist industry of the state" in order to be eligible to be a vendor-licensed brewer. It also deletes the requirement that the property may be divided by no more than one public street or highway.

Malt Beverage Tastings

The bill amends s. 561.42(14)(e), F.S., to repeal the prohibition against malt beverage tastings at locations licensed for off-premises sales only. The bill permits a manufacturer, distributor, importer, or contracted third-party agent thereof, to conduct malt beverage tastings to be held on:

- The licensed premises of any vendor authorized to sell alcoholic beverages by the drink for consumption on premises; or
- The licensed premises of any vendor authorized to sell alcoholic beverages only in sealed containers for consumption off premises if:
 - The licensed premises has at least 10,000 square feet of interior floor space exclusive of storage space; or
 - The licensed premises is a package store licensed under s. 565.02(1)(a) F.S.

The malt beverages tastings must be limited to and directed to members of the general public of the age of legal consumption.

The bill provides that s. 561.42(14)(e), F.S., does not preclude a vendor, including a vendor or manufacturer licensed under s. 561.221(2) or (3), F.S., from conducting a malt beverage tasting on its licensed premises with beverages from their own inventory.

Growler Sales

The bill creates s. 563.0614, F.S., to provide for the filling and refilling of growlers, including 32, 64, and 128 ounce growlers, by specified vendors.

Section 563.0614(1), F.S., permits malt beverages to be packaged in individual containers of 32 ounces, 64 ounces, or 128 ounces if the container is filled at the point of sale by any of following licensees:

- Vendor- licensed brewers licensed pursuant to s. 561.221(2), F.S.;
- Vendors holding a quota license under ss. 561.20(1) and 565.02(1)(a), F.S., i.e., vendors licensed to sell alcoholic beverages only in sealed containers for consumption off the premises; and

- A vendor holding a license under s. 563.02(1)(b)-(f), s. 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), F.S., which authorize consumption of malt beverages on the premises, unless such license restricts the consumption of malt beverages to the premises only.

Vendors licensed to sell beverages only for off premises consumption would not be authorized to sell growlers.

Section 563.0614(4), F.S., requires that the growler must identify or be imprinted or labeled with information specifying:

- The manufacturer;
- The brand of the malt beverage; and
- The anticipated percentage of alcohol by volume.

The bill also requires that the container have an unbroken seal or be incapable of being immediately consumed.

The bill provides that a violation of the provisions in s. 563.0614, F.S., are a first degree misdemeanor.²⁶ It also authorizes the division to impose a fine of up to \$250 for a violation.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

²⁶ *Supra* at n. 23.

C. **Government Sector Impact:**

According to the Department of Business and Professional Regulation (department), the bill requires minimal increase in the department's workload which can be absorbed within existing resources.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill amends sections 561.221 and 561.42, Florida Statutes.
This bill creates section 563.0614, 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.)

PCS (123552) by Regulated Industries Committee on February 4, 2015:

The proposed committee substitute (PCS) is substantively different from SB 186 as follows:

The PCS amends s. 561.221(2), F.S., to provide that the division may issue a vendor's license to a manufacturer of malt beverages for the sale of alcoholic beverage on property that includes a brewery. It also repeals the requirements that property must include "other structures which promote the brewery and the tourist industry of the state" and the requirement that the property may be divided by no more than one public street or highway.

The PCS amends s. 561.42(14)(e), F.S., to repeal the prohibition against malt beverage tastings at locations licensed for off-premises sales only. It permits malt beverage tastings at locations licensed for on-premises consumption and off-premises consumption. It limits the locations that where malt beverage tastings may be conducted. The PCS bill clarifies that vendors may conduct malt beverage tastings on their licensed premises with beverages from their own inventory.

The PCS amends s. 563.0614(2), F.S., to require the labeling of the anticipated percentage of alcohol by volume.

B. **Amendments:**

None.

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



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580-01397A-15

Proposed Committee Substitute by the Committee on Regulated Industries

A bill to be entitled

An act relating to malt beverages; amending s.

561.221, F.S.; revising the exception for the

licensing of malt beverage manufacturers as vendors;

amending s. 561.42, F.S.; authorizing malt beverage

tastings upon certain licensed premises; creating s.

563.0614, F.S.; authorizing the sale of malt beverages

packaged in individual containers of certain sizes if

they are filled at the point of sale by certain

licenseholders; requiring each container to be

imprinted or labeled with certain information and have

an unbroken seal or be incapable of being immediately

consumed; providing penalties; providing an effective

date.

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

Section 1. Subsection (2) of section 561.221, Florida Statutes, is amended to read:

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

(2) Notwithstanding s. 561.22, s. 561.42, or any other provision of the Beverage Law, the division may is authorized to issue vendor's licenses to a manufacturer of malt beverages, even if the such manufacturer is also licensed as a distributor, for the sale of alcoholic beverages on property that includes a



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~~brewery consisting of a single complex, which property shall include a brewery and such other structures which promote the brewery and the tourist industry of the state. However, such property may be divided by no more than one public street or highway.~~

Section 2. Paragraph (e) of subsection (14) of section 561.42, Florida Statutes, is amended to read:

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

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

(e) A manufacturer, distributor, or importer of malt beverages, or any contracted third-party agent thereof, may ~~Manufacturers, distributors, importers, brand owners, or brand registrants of beer, and any broker, sales agent, or sales person thereof, shall not~~ conduct any sampling activities that include the tasting of malt beverage products on: their product ~~at a vendor's premises licensed for off-premises sales only.~~

1. The licensed premises of any vendor authorized to sell alcoholic beverages by the drink for consumption on premises; or



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57 2. The licensed premises of any vendor authorized to sell
58 alcoholic beverages only in sealed containers for consumption
59 off premises if:

60 a. The licensed premises is at an establishment having at
61 least 10,000 square feet of interior floor space exclusive of
62 storage space not open to the general public; or

63 b. The licensed premises is a package store licensed under
64 s. 565.02(1)(a) selling their product at a vendor's premises
65 licensed for off-premises sales only.

66
67 A malt beverage tasting conducted under this paragraph must be
68 limited to and directed toward the general public of the age of
69 legal consumption. This paragraph does not preclude a vendor,
70 including a vendor or manufacturer licensed pursuant to s.
71 561.221(2) or (3), from conducting a malt beverage tasting on
72 its licensed premises using malt beverages from its own
73 inventory.

74 Section 3. Section 563.0614, Florida Statutes, is created
75 to read:

76 563.0614 Malt beverage container sizes.-

77 (1) Notwithstanding any other provision of the Beverage
78 Law, a malt beverage may be packaged in an individual container
79 of 32, 64, or 128 ounces if it is filled at the point of sale by
80 any of the following:

81 (a) A licensed manufacturer of malt beverages which holds a
82 vendor's license under s. 561.221(2).

83 (b) A vendor holding a quota license that authorizes the
84 sale of malt beverages under ss. 561.20(1) and 565.02(1)(a).

85 (c) A vendor holding a license under s. 563.02(1)(b)-(f),



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86 s. 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless such license
87 restricts the sale of malt beverages to consumption on the
88 premises only.

89 (2) The container must identify or be imprinted or labeled
90 with information specifying the manufacturer, the brand of the
91 malt beverage, the anticipated percentage of alcohol by volume,
92 and must have an unbroken seal or be incapable of being
93 immediately consumed.

94 (3) A person, firm, or corporation, including its agents,
95 officers, or employees, which violates subsection (1) commits a
96 misdeemeanor of the first degree, punishable as provided in s.
97 775.082 or s. 775.083, and the license held by the person, firm,
98 or corporation, if any, is subject to revocation or suspension
99 by the division. A person, firm, or corporation, including its
100 agents, officers, or employees, which violates subsection (2)
101 may be subject to a fine by the division of up to \$250.

102 Section 4. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 186

INTRODUCER: Senator Latvala and others

SUBJECT: Malt Beverages

DATE: January 27, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	Pre-meeting
2.			CM	
3.			FP	

I. Summary:

SB 186 permits the filling and refilling of 32, 64, and 128 ounce malt beverage containers (known as “growlers”) at the point of sale. Current law does not permit the 64 ounce malt beverage container. The 32, 64, or 128 ounce malt beverage container may be filled at the point of sale by vendor- licensed brewers, vendor who hold a quota alcoholic beverage license for the sale of beer, wine, and liquor only in sealed containers for consumption off the premises; and vendors licensed to sell for consumption on the licensed premises, unless such license restricts the consumption of malt beverages to the premises only.

The bill requires that the growler identify or be imprinted or labeled with information specifying the manufacturer and the brand of the malt beverage. The container must also have an unbroken seal or be incapable of being immediately consumed.

It provides a violation of the provisions in the bill is a first degree misdemeanor. It also authorizes the Division of Alcoholic Beverage and Tobacco within the Department of Business and Professional Regulation to impose a fine of up to \$250 for a violation.

II. Present Situation:

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

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

² *See s. 561.14, F.S.*

³ Section 561.02, F.S.

Three Tier System

In the United States, the regulation of alcohol, since the repeal of Prohibition, has traditionally been through what is termed the “three-tier system.” The system requires that the manufacture, distribution, and sale of alcoholic beverages be separated. Retailers (vendors) must buy their products from distributors who in turn buy their products from the manufacturers. Manufacturers cannot sell directly to retailers or directly to consumers. The system is deeply rooted in the perceived evils of the “tied house” in which a bar is owned or operated by a manufacturer or the manufacturer exercises undue influence over the retail vendor.⁴

In the three-tier system, each license classification has clearly delineated functions. For example, in Florida, distributors are licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages at retail.⁵ Only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.⁶ Vendors are limited to purchasing their alcoholic beverage inventory from licensed distributors, manufacturer, or bottler.⁷ Licensed manufacturers, distributors, and registered exporters are prohibited from being licensed as vendors.⁸ In addition from being prohibited from having an interest in a vendor, manufacturers are also prohibited from distributing directly to a vendor other than to a vendor licensed under s. 561.221(2), F.S.⁹ However, a manufacturer of wine may be licensed as a distributor.¹⁰

There are some exceptions to this regulatory system. The exceptions include allowing beer brew pubs to manufacture malt beverages and to sell them to consumers,¹¹ allowing individuals to bring small quantities of alcohol back from trips out-of-state,¹² and allowing in-state wineries to manufacture and sell directly to consumers.¹³

Exception for Vendor-licensed Malt Beverage Manufacturers

There are two license options that permit malt beverage manufacturers to sell malt beverages directly to consumers. Section 561.221(2), F.S., permits a manufacturer of malt beverages to be licensed as a vendor, even if the manufacturer is also licensed as a distributor. To qualify for a vendor license, the manufacturer’s property must consist of a single complex that includes a brewery and other structures that promote the brewery and the tourism industry of the state. The property may be divided by no more than one public street or highway. This type of license does

⁴ Erik D. Price, *Time to Untie the House? Revisiting the Historical Justifications of Washington’s Three-Tier System Challenged by Costco v. Washington State Liquor Control Board*, a copy can be found at: http://www.lanepowell.com/wp-content/uploads/2009/04/prictee_001.pdf (last visited January 23, 2015).

⁵ Section 561.14(2), F.S.

⁶ Section 561.14(3), F.S. However, see discussion regarding the exceptions provided in s. 561.221, F.S.

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

⁸ Section 561.22, F.S.

⁹ Section 563.022(14), F.S.

¹⁰ Section 561.221(1)(a), F.S.

¹¹ See s. 561.221(2), F.S., which permits the limited manufacture of beer by vendors (brew pubs).

¹² See s. 562.16, F.S., which permits the possession of less than one gallon of untaxed alcoholic beverages when purchased by the possessor out-of-state in accordance with the laws of the state where purchased and brought into the state by the possessor.

¹³ See s. 561.221, F.S.

not limit the amount of malt beverages that may be manufactured. It also does not limit the type of vendor license that the manufacturer may obtain, e.g., a license to sell beer, wine and liquor, and licenses that permit package sales of other alcoholic beverages.

Section 561.221(3), F.S., permits a vendor to also be licensed as a manufacturer of malt beverages if the vendor is engaged in brewing malt beverages at a single location in an amount that does not exceed 10,000 kegs per year.¹⁴ The malt beverages must be sold to consumers for consumption on the vendor's licensed premises or on contiguous licensed premises owned by the vendor. These vendors are known in the industry as "brew pubs."

Vendor Licenses

Section 561.20, F.S., limits the number of alcoholic beverage licenses that permit the sale of liquor¹⁵ along with beer and wine that may be issued per county. The number of licenses is limited 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 liquors to one that does permit their sale. The quota license is the only type of alcoholic beverage license that is limited in number.

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.

On-Premises or Off-Premises Consumption Alcoholic Beverage Licenses

Section 563.02, F.S., distinguishes between places of business where a vendor is licensed to only sell malt beverages for on-premises consumption¹⁶ and places of business where such on-premises consumption is permitted.¹⁷ According to the department, vendors licensed to sell malt beverages for on-premises consumption can also sell alcoholic beverages in sealed containers for the customer to take away from the licensed premises for off-premises consumption. Vendors licensed to sell malt beverages for consumption "only" on the licensed premises are not permitted to sell alcoholic beverages for off-premises consumption.¹⁸ The license fee for a license that does not permit the sale of alcoholic beverages in sealed containers for off-premises consumption is 50 percent less than the license fee for a license that permits the sale of sealed containers for off-premises consumption.¹⁹

¹⁴ Section 561.221(3)(a)1., F.S., defines the term "keg" as 15.5 gallons.

¹⁵ Section 565.01, F.S., defines liquor as "[t]he 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."

¹⁶ See s. 563.02(1)(a), F.S.

¹⁷ See s. 563.02(1)(b)-(f), F.S.

¹⁸ For example, the brew pub exemption under s. 561.221(3), F.S., permits sales for consumption only on the premises, but not sales for consumption off the premises.

¹⁹ See s. 563.02(1)(a), F.S.

Vendors licensed under s. 564.02(1)(a), F.S., to sell malt beverages, wine, and fortified wine may only sell the beverages for consumption off the premises. Similarly, vendors licensed under s. 565.02(1)(a), F.S., to sell any alcoholic beverages (which includes liquor), may only sell the beverages in sealed containers for consumption off the premises. The license fees for these vendors are 50 percent and 75 percent of the license fee, respectively, compared to the fee for a license that permits the sale of sealed containers for consumption on and off the premises.

According to alcoholic beverage industry representatives and a representative for the division, vendors with on-premises licenses routinely fill containers with a malt beverage and seal them for customers to take off-premises for later consumption. They note that current law does not prohibit this practice. The vendors typically seal the beverage container before the consumer leaves the premises so that the consumer will not violate any local ordinances that prohibit the carrying in public of open containers of alcoholic beverages or the state-law prohibition against the possession of open containers of alcoholic beverages in vehicles.²⁰ The beverage law does not define the term “sealed container.”

In 1995, the department repealed a rule which explicitly stated that an on-premises malt beverage licensee could sell malt beverages, for consumption off-premises, in “sealed containers” and could also sell wine and distilled spirits in the “original sealed containers as received from the distributor.”²¹

Malt Beverage Containers

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

Prior to 2001, s. 563.06(6), F.S., provided that malt beverages could be sold by vendors only in 8, 12, 16, or 32-ounce individual containers. Chapter 2001-78, L.O.F., amended that section to allow vendors to sell malt beverages in individual containers of “no more than 32 ounces.”²² The current provision that allows containers of one gallon or more was unaffected by that amendment.

Section 563.06 (7), F.S., provides that any person, firm, or corporation, its agents, officers or employees, violating any of the provisions of s. 563.06, F.S., is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.²³ It also provides that the license, if any, shall be subject to revocation or suspension by the division.

²⁰ Section 316.1936, F.S.

²¹ Rule 7A-1.008, F.A.C., as amended on March 10, 1985. This rule was subsequently transferred to rule 61A-1.008, F.A.C., and then repealed on July 5, 1995.

²² See also *Review of the Malt Beverage Container Size Restrictions*, Interim Report No. 2000-65, Florida Senate Committee on Regulated Industries, September 1999.

²³ Section 775.082, F.S., provides that the penalty for misdemeanor of the first degree is punishable by a term of imprisonment not exceeding one year. Section 775.083, F.S. provides that the penalty for misdemeanor of the first degree is punishable by a fine not to exceed \$1,000.

Growlers

Some states permit vendors to sell malt beverages in containers known as “growlers,”²⁴ which typically are reusable containers of between 32 ounces and one gallon that the consumer can fill with the vendor’s malt beverage for consumption off the licensed premises. According to a representative for several vendors who manufacture malt beverages, the national standard size for a growler is 64 ounces. Florida law does not permit the use of a 64-ounce growler, i.e., 64-ounce malt beverage containers.

III. Effect of Proposed Changes:

The bill creates s. 563.0614, F.S., to provide for the filling and refilling of growlers, including 32, 64, and 128 ounce growlers, by specified vendors.

Section 563.0614(1), F.S., permits malt beverages to be packaged in individual containers of 32 ounces, 64 ounces, or 128 ounces if the container is filled at the point of sale by any of following licensees:

- Vendor- licensed brewers licensed pursuant to s. 561.221(2), F.S.;
- Vendors holding a quota license under ss. 561.20(1) and 565.02(1)(a), F.S., i.e., vendors licensed to sell alcoholic beverages only in sealed containers for consumption off the premises; and
- A vendor holding a license under s. 563.02(1)(b)-(f), s. 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), F.S., which authorize consumption of malt beverages on the premises, unless such license restricts the consumption of malt beverages to the premises only.

Vendors licensed to sell beverages only for off premises consumption would not be authorized to sell growlers.

Section 563.0614(4), F.S., requires that the growler must identify or be imprinted or labeled with information specifying:

- The manufacturer; and
- The brand of the malt beverage.

The bill also requires that the container have an unbroken seal or be incapable of being immediately consumed.

The bill provides that a violation of the provisions in s. 563.0614, F.S., is a first degree misdemeanor.²⁵ It also authorizes the division to impose a fine of up to \$250 for a violation.

²⁴ The term “growlers” is derived from the late 1800s and early 1900s practice in which fresh beer was carried from the local pub to one’s home by means of a small-galvanized pail. When the beer sloshed around the pail, it created a rumbling sound as the carbon dioxide escaped through the lid. See “*The Growler: Beer-to-Go!*,” Beer Advocate (July 31, 2002). A copy of the article is available at: <http://beeradvocate.com/articles/384> (Last visited January 13, 2014).

²⁵ *Supra* at n. 23.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of Business and Professional Regulation (department), the bill requires minimal increase in the department's workload which can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 563.0614, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Latvala

20-00141B-15

2015186__

1 A bill to be entitled
 2 An act relating to malt beverages; creating s.
 3 563.0614, F.S.; authorizing the sale of malt beverages
 4 packaged in individual containers of certain sizes if
 5 they are filled at the point of sale by certain
 6 licenseholders; requiring each container to be
 7 imprinted or labeled with certain information;
 8 requiring the containers to be sealed or incapable of
 9 being immediately consumed; providing penalties;
 10 providing an effective date.

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

14 Section 1. Section 563.0614, Florida Statutes, is created
 15 to read:

16 563.0614 Malt beverage container sizes.-

17 (1) Notwithstanding any other provision of the Beverage
 18 Law, a malt beverage may be packaged in an individual container
 19 of 32, 64, or 128 ounces if it is filled at the point of sale by
 20 any of the following:

21 (a) A licensed manufacturer of malt beverages which holds a
 22 vendor's license under s. 561.221(2).

23 (b) A vendor holding a quota license that authorizes the
 24 sale of malt beverages under ss. 561.20(1) and 565.02(1) (a).

25 (c) A vendor holding a license under s. 563.02(1) (b)-(f),
 26 s. 564.02(1) (b)-(f), or s. 565.02(1) (b)-(f), unless such license
 27 restricts the sale of malt beverages for consumption on the
 28 premises only.

29 (2) The container must identify or be imprinted or labeled

Page 1 of 2

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

20-00141B-15

2015186__

30 with information specifying the manufacturer and the brand of
 31 the malt beverage and must have an unbroken seal or be incapable
 32 of being immediately consumed.

33 (3) A person, firm, or corporation, including its agents,
 34 officers, or employees, which violates subsection (1) commits a
 35 misdeemeanor of the first degree, punishable as provided in s.
 36 775.082 or s. 775.083, and the license held by the person, firm,
 37 or corporation, if any, is subject to revocation or suspension
 38 by the division. A person, firm, or corporation, including its
 39 agents, officers, or employees, which violates subsection (2)
 40 may be subject to a fine by the division of up to \$250.

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

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development, *Chair*
Appropriations
Commerce and Tourism
Governmental Oversight and Accountability
Regulated Industries
Rules

SENATOR JACK LATVALA

20th District

January 14, 2015

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

Dear Chair Bradley:

I respectfully request consideration of Senate Bill 186 regarding Malt Beverages. I would greatly appreciate the opportunity to present this legislation to the Committee on Regulated Industries as soon as possible.

This bill would update Florida's alcohol beverage laws by legalizing the industry size standard for craft beer growlers and allowing the sale of malt beverages in a 64 oz. container.

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

Sincerely,

A handwritten signature in black ink that reads "Jack Latvala".

Jack Latvala
State Senator
District 20

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

REPLY TO:

- 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

February 4, 2015
Meeting Date

186
Bill Number (if applicable)

Topic alcoholic beverages

PC6
Amendment Barcode (if applicable)

Name Josh Aubuchon

Job Title Exec. Dir./ General Counsel

Address 315 South Calhoun
Street

Phone 850-224-7000

Tallahassee FL 32309
City State Zip

Email _____

Speaking: For Against Information

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

Representing Florida Brewers Guild

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

APPEARANCE RECORD

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

2/4/15

Meeting Date

186

Bill Number (if applicable)

Topic ALCOHOL BEVERAGES

PCS
Amendment Barcode (if applicable)

Name BRYAN BURROUGHS Bryan Burroughs

Job Title OWNER

Address 1717 W TOWNSEND ST
JACKSONVILLE FL 32304

Phone 850-443-6757

Email Burrows@ProffBrewingCo.com

Speaking: For Against Information

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

Representing PROFF BREWING CO

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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APPEARANCE RECORD

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

Meeting Date _____

Bill Number (if applicable) _____

Topic SB 186/Breweries

Amendment Barcode (if applicable) _____

Name John Giotis

Job Title Headmaster, School of the Immaculata

Address 851 Bayway Blvd Yacht House

Phone 908-642-9958

Street

Unit 103

Clearwater Beach, FL

33767

Email JK6225@hotmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Council for Safe Communities

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/4/15

Meeting Date

PCS For SB 186

Bill Number (if applicable)

Topic PCS For SB 186

Amendment Barcode (if applicable)

Name Mitchell Rubin

Job Title Executive Director

Address 215 S. Monroe St. #340

Phone 850-224-2337

Street

Tallahassee, FL

32301

City

State

Zip

Email MRubin

Speaking: For Against Information

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

Representing Florida Beer Wholesalers Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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2/4/2015

Meeting Date

SB 186

Bill Number (if applicable)

Topic Craft Beer and Craft Breweries

Amendment Barcode (if applicable)

Name William D. Knepper

Job Title Retired Insurance Executive

Address 5457 Caddo Drive

Phone 850-942-6909

Street

Tallahassee

Florida

32311

Email wdknepper@comcat.net

City

State

Zip

Speaking: For Against Information

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

Representing People like myself that enjoy craft beer

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)

APPEARANCE RECORD

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

PCS for
SB 186

2/4/15

Meeting Date

Bill Number (if applicable)

Topic PCS to SB 186

Amendment Barcode (if applicable)

Name MARK VROMAN

Job Title PRESIDENT

Address 4747 Progress Ave
Street

Phone 239 643-4343

Naples FL 34108
City State Zip

Email mvroman@coastalbeverage.com

Speaking: For Against Information

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

Representing Coastal Beverage

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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THE FLORIDA SENATE
APPEARANCE RECORD

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PSC 4012
SB 186
Bill Number (if applicable)

2/4/15
Meeting Date

Topic PCS TO SB186

Amendment Barcode (if applicable)

Name MATTHEW SOKOLOWSKI

Job Title SUCCESSOR MANAGER

Address 2310 STARKEY RD

Phone 727-584-8626

LARGO FL 33771
City State Zip

Email matt@greatbaybudon

Speaking: For Against Information

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

Representing GREAT BAY DISTRIBUTORS

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

Feb. 4 2015

Meeting Date

SB186

Bill Number (if applicable)

Topic growlers/ retail SB186 & PCS

Amendment Barcode (if applicable)

Name Rebecca L. Maisel

Job Title General Counsel & Dir. of Gov't Affairs

Address 8425 Opportunity Drive

Phone 251 3790960

Street

Milton

City

FL

State

32583

Zip

Email rmaisel@gulfdistributing.com

Speaking: For Against Information

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

Against PCS

Representing Goldring Gulf Distributing Co., LLC

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)

Meeting Date _____ Bill Number (if applicable) _____
Topic Growlers / Retail SB 186 & PCS Amendment Barcode (if applicable) _____

Name Eric Criss

Job Title President

Address 110 S. Monroe Phone 491-8905
Street
Tallahassee City 186 State Zip

Email eric@floridabeer.org

Speaking: For Against Information

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

Against PCS
Representing Beer Industry of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/15

Meeting Date

JB 186 & PCS

Bill Number (if applicable)

Topic ECONOMIC & INVESTMENT IMPACT OF BEER DISTRIBUTION

Amendment Barcode (if applicable)

Name JAY MARTIN

Job Title PRESIDENT, J.J. TAYLOR DISTRIBUTING FLORIDA

Address 5102 167TH AVE SOUTH

Phone 813 247 4000

Street

JANNA,

City

FL

State

33619

Zip

Email JAY-MARTIN@JSTAYCOR.COM

Speaking: For Against Information

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

AGAINST PCS

Representing ~~BBB~~ J.J. TAYLOR COMPANIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

APPEARANCE RECORD

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2/4/15

Meeting Date

SB 186

Bill Number (if applicable)

123552

Amendment Barcode (if applicable)

Topic Malt Beverages

Name Tim Nungesser

Job Title Legislative Director

Address 110 E. Jefferson St.

Street

Phone 850-445-5367

Tallahassee

City

FL

State

32301

Zip

Email tim.nungesser@nfib.org

Speaking: For Against Information

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

Representing National Federation of Independent Business

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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APPEARANCE RECORD

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2/4/15

Meeting Date

SB 186

Bill Number (if applicable)

Topic Malt Beverages

Amendment Barcode (if applicable)

Name Charles Bailes

Job Title CEO

Address 8989 S. ORANGE AV

Phone 407-851-0000

Street

Orlando

City

FL

State

Zip

Email ceb3@abcfws.com

Speaking: For Against Information

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

Representing ABC Fine Wine & Spirits

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/15

Meeting Date

PCS for 186

Bill Number (if applicable)

Topic Alcohol

Amendment Barcode (if applicable)

Name Susan Pitman

Job Title ~~Exec~~ Director

Address 2010 Forbes St

Phone 904 374 9145

Street

Jax

City

Fl

State

32210

Zip

Email

susan@dfdjax.org

Speaking: For Against Information

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

Representing Prevention, Public Safety + Public Health

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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APPEARANCE RECORD

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PCS for 186
Bill Number (if applicable)

Meeting Date _____

Topic PCS For 186

Amendment Barcode (if applicable) _____

Name KEVIN BOWLER

Job Title PRESIDENT - DAYTONA BEVERAGES

Address 2275 MASON AVE

Phone 386-527-5623

DAYTONA BEACH, FL. 32117

Email KEVINB@daytonabev.com

City State Zip

Speaking: For Against Information

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

Representing MY COMPANY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

APPEARANCE RECORD

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

2/4/15
Meeting Date

186
Bill Number (if applicable)

123552
Amendment Barcode (if applicable)

Topic _____

Name Michael Carbone II

Job Title Owner

Address 3305 Capital Circle NE
Street
Tallahassee FL 32308
City State Zip

Phone 850-291-8429

Email mike@growlercountry.com

Speaking: For Against Information

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

Representing Growler Country

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4

Meeting Date

PCS SB186

Bill Number (if applicable)

Topic Malt Beverages

Amendment Barcode (if applicable)

Name Melissa Joiner-Ramba

Job Title Florida Retail Federation

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Retail Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 268

INTRODUCER: Senator Stargel

SUBJECT: Amusement Games or Machines

DATE: February 3, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	RI	Pre-meeting
2.			FT	
3.			AP	

I. Summary:

SB 268 creates section 546.10, Florida Statutes, to specify methods for activating amusement games and machines, the award of points, coupons or prizes, limits upon prize values, and locations authorized for the operation of amusement games and machines. The bill:

- Provides that in addition to the use of a coin, an amusement game may be activated by currency, card, coupon, point, slug, token, or similar device played by application of skill.
- Increases the maximum redemption value of points or coupons a player may receive for a single game played from 75 cents to \$5.25 and increases the maximum wholesale value of merchandise dispensed directly (e.g., “claw” machine) to 10 times that amount (\$52.50). The caps will be adjusted annually, based on changes in the consumer price index.
- Provides that amusement machines may be placed not only in arcades or truck stops (as currently authorized), but also in certain bowling centers, hotels, restaurants, or on the premises of certain retailers.

II. Present Situation:

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ Certain exceptions have been authorized, with restrictions on permitted locations, operators, and

¹ Section 849.08, F.S.

² Section 849.01, F.S.

³ Section 849.09, F.S.

⁴ Section 849.16, F.S., defines slot machines for purposes of ch. 849, F.S. Section 849.15(2), F.S., provides an exemption to the transportation of slot machines for the facilities that are authorized to conduct slot machine gaming under ch. 551, F.S.

prizes, including penny-ante games,⁵ bingo,⁶ cardrooms,⁷ charitable drawings,⁸ game promotions (sweepstakes),⁹ bowling tournaments,¹⁰ and amusement games and machines.¹¹

Section 849.161, F.S., provides that gambling laws do not prohibit amusement games or machines that:

- Are activated by insertion of a coin;
- May entitle a player, by application of skill, to receive points or coupons—the cost value of which does not exceed 75 cents on any game played—that may be exchanged onsite for merchandise; and
- Are located at either an arcade amusement center with at least 50 coin-operated amusement games or machines or at a truck stop.

Current law specifically distinguishes and excludes the following from the exemption for authorized amusement games or machines:

- Casino-style games in which the outcome is determined by factors unpredictable by the player (s. 849.161(1)(a), F.S.);¹²
- Games in which the player does not control the outcome through skill (s. 849.161(1)(a), F.S.);
- Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under s. 1178 (s. 849.161(4), F.S.);¹³ or
- Video poker games or any other game or machine that may be construed as a gambling device under Florida law (s. 849.161(4), F.S.).

⁵ Section 849.085, F.S. Section 849.085(2)(a), F.S., provides that “[p]enny-ante game” means a game or series of games of poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or mah-jongg in which the winnings of any player in a single round, hand, or game do not exceed \$10 in value.”

⁶ Section 849.0931, F.S.

⁷ Section 849.086, F.S.

⁸ Section 849.0935, F.S.

⁹ Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁰ Section 849.141, F.S.

¹¹ Section 849.161, F.S.

¹² In *Deeb v. Stoutamire*, 53 So.2d 873, 874 (Fla. 1951), in a challenge that a miniature bowling alley game was a slot machine, the Florida Supreme Court distinguished the characteristics “which we think differentiate an innocent machine, vending amusement or entertainment, from a guilty one affording a means of gambling,” and held that the element of unpredictability “must be inherent in the machine.” Slot machines were defined as devices that operated, as a result of the insertion of a coin, based on “any element of chance” or other outcome unpredictable by the player, and allowed the player to receive any “thing of value.” The Court determined that the element of unpredictability “is not supplied because a player may not be sure what score he can accomplish.” In addressing whether a device would be removed from a “standing of respectability and legality to one of one-armedbanditry,” the Court stated “[w]e all know full well the vicious devices the cited statute [s. 849.16, F.S.] was calculated to destroy, but we know also that a too drastic and intolerant interpretation of an act of this kind may well result in undermining its true and lofty purpose.” *Id.* at 875. The Court reversed the trial court’s decision, as the amusement device at issue was not a prohibited slot machine. *Id.*

¹³ Slot machines (which deliver or entitle a player to money or property as the result of the application of chance) are defined as gambling devices pursuant to 15 U.S.C. s. 1171, but pari-mutuel betting machinery for use at a racetrack, a coin-operated bowling alley, a shuffleboard, marble machine or pinball machine, or mechanical gun, if they are not designed and manufactured primarily for gambling, and which when operated do not deliver any money or property, or entitle a person to receive any money or property, and any so-called claw, crane, or digger machine and similar devices which are not operated by coin, are actuated by a crank, and are designed and manufactured primarily for use at carnivals or county or state fairs, are excluded pursuant to 15 U.S.C. s. 1178.

Section 212.02(24), F.S., defines coin-operated amusement games as those operated by coin, slug, token, coupon, or similar device “for the purposes of entertainment or amusement.” Accordingly, operators¹⁴ of coin-operated pinball machines, music machines, juke boxes, mechanical games, video games, arcade games, billiard tables, moving picture viewers, shooting galleries, and all other similar amusement devices, must pay for and conspicuously display a certificate authorizing the operation of a specified number of machines.¹⁵

A four percent tax is imposed on charges for the use of coin-operated amusement machines.¹⁶ If a machine is activated by a slug, token, coupon, or any similar device which has been purchased by a user, the four percent tax is imposed on the purchase price amount.¹⁷

Section 849.21, F.S., provides that any person may petition in circuit court for a writ of injunction against a nuisance created through the use, manufacture, ownership, storage, possession, sale, lease, transport, or operation of a “slot machines or device” outside of eligible facilities.¹⁸ Current law also provides that no bond is required when petitioning for a temporary injunction and that the judge may issue a restraining order to prevent removal or interference with the offending equipment.

In March 2013, a three-year, multi-state, multi-agency investigation into the operations of illegal gambling at so-called internet cafes affiliated with Allied Veterans of the World concluded with the arrest of 57 people.¹⁹ Charges included racketeering and money laundering.²⁰

During the 2013 Regular Session, ch. 2013-2, L.O.F. was enacted. This bill made several changes to s. 849.0935, F.S., s. 849.094, F.S., s. 849.16, F.S. and s. 849.161, F.S., to address the growing problem of casino-style internet cafes and senior arcades that existed in many parts of Florida. The definition of slot machine in s. 849.16(1), F.S. was amended to include operation by a user “whether by application of skill or by reason of any element of chance or ~~of~~ any other outcome ~~of such operation~~ unpredictable by the user ~~him or her~~”²¹

¹⁴ For purposes of the payment of taxes on the use of amusement machines, “operator” means “any person who possesses a machine to generate sales through it and is responsible for removing receipts from it. *See* s. 212.05(1)(h)2., F.S.

¹⁵ *See* s. 212.05(1)(h)3.a. and b., F.S. Each certificate is non-transferrable and specifies the maximum number of machines authorized to be operated for each location. A certificate must be obtained before machines are first operated in the state and by July 1 of each year thereafter. The annual fee is based on the number of machines multiplied by \$30.

¹⁶ *See* s. 212.05(1)(h)1, F.S. for the method of calculation.

¹⁷ *Id.*

¹⁸ *See* ss. 849.15 to 849.23, F.S.; however, such activities respecting slot machines located in or destined for certain eligible pari-mutuel facilities defined in ss. 551.102, F.S., or the facilities of manufacturers or distributors as provided in s. 551.109(2)(a), F.S., are not prohibited nuisances, and are regulated under ch. 551, F.S.

¹⁹ Mary Ellen Klas, *Bill Banning Internet Cafes Becomes Law in Florida*, *Governing*, (April 11, 2013), available at <http://www.governing.com/news/state/mct-bill-banning-internet-cafes-becomes-law-in-florida.html> (last visited Feb. 2, 2015).

²⁰ Arrests From The Allied Veterans of the World Investigation, available at <http://jacksonville.com/content/arrests-allied-veterans-world-investigation#slide-1> (last visited Feb. 2, 2015).

²¹ Section 4, ch. 2013-2, L.O.F.

After the 2013 Regular Session, third parties cited s. 849.21, F.S., in petitions for injunctions against amusement arcades, including Chuck E. Cheese's, Dave & Buster's, and Festival Fun Parks (Boomers!). Two cases remain pending.²²

III. Effect of Proposed Changes:

Section 1 of the bill amends ch. 546, F.S., titled Amusement Facilities, to address various issues associated with the operation of authorized amusement games and machines (amusement machines) in the state. The bill:

- Updates activation methods for amusement machines, in addition to coins;
- Expands the locations authorized for the operation of amusement machines;
- Clarifies authorized methods for the redemption of points and coupons and the dispensation of prizes to players;
- Updates the maximum value for points and coupons that may be redeemed by a player, and specifies a maximum value for the wholesale cost of merchandise that may be received by a player under certain conditions; and
- Provides a method for the Department of Revenue to calculate annual adjustments to the maximum value for the redemption of points and coupons.

The bill revises s. 546.002, F.S. to expand the definition of “amusement game or machine,” to include not only coin-operated machines, but also machines activated by insertion of currency, cards, coupons, points, slugs, tokens, or similar devices. The definition includes the current law provision that the amusement machine be operated for the entertainment of the general public.

The bill includes the current law provisions that amusement games or machines do not include casino-style games or “games in which the player does not control the outcome of the game through skill.” The bill expands the current definition of amusement machine by repeating language from subsection (4) of the current law that authorized games do not include:

- Video poker games or any other game or machine that may be construed as a gambling device under Florida law; or
- Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under s. 1178.²³

The bill includes the current law definition in s. 849.161(1)(b), F.S., for “arcade amusement center.”

The bill moves prize restrictions out of the definition of “amusement games or machines” and into substantive provisions of law (specifically, subsections (2), (3), and (4) of Section 2 of the bill).

²² The two pending cases are *Nebb v. CEC Entertainment, Inc., d/b/a Chuck E. Cheese*, Case No. CACE-13-024356 (03), Broward County Circuit Court and *DeVarona v. Dave & Buster's*, Case No. CACE-13-016547 (09), Broward County Circuit Court. The case styled *Forst v. Festival Fun Parks, LLC*, Case No. 2013 CA 010200 AB, Palm Beach County Circuit Court, was directed to be administratively closed by the Court on January 20, 2015.

²³ See *supra* note 13.

The bill amends the definition of “merchandise” to specifically exclude not only (1) cash equivalents (specifically, gift cards and certificates)²⁴ and (2) alcoholic beverages, but also (3) coins, cards, tokens, or similar devices that can be used to activate a game, and (4) points or coupons with a redemption value higher than the maximum legal value. The maximum legal value is currently 75 cents, but is proposed to be adjusted for inflation to \$5.25 with annual adjustments by the Department of Revenue.²⁵

Section 2 of the bill creates s. 546.10, F.S., determining the requirements for the award to a player of free replays, redeemable points or coupons, and prizes dispensed directly from an amusement machine.

Free replays—Subsection (2) provides the requirements for an amusement machine to allow a player (by application of skill) to win free replays. The provisions in current law that an amusement machine cannot accumulate more than 15 free replays or make a permanent record of free replays are not changed.

Redeemable points or coupons— Subsection (3) provides the requirements for an amusement machine to allow a player (by application of skill), to receive points or coupons that can be redeemed onsite for merchandise, subject to the following conditions:

- The amusement machine is located at an arcade amusement center or truck stop, as authorized under current law, or at a bowling center, hotel, restaurant, or on the premises of a retailer as defined in s. 212.02, F.S.;²⁶
- Points or coupons have no value other than for redemption onsite for merchandise;
- The redemption value²⁷ of points or coupons a person receives for a single game played does not exceed the cap specified in subsection (5), which is set at \$5.25 initially and adjusted for inflation annually; and
- The redemption value of points or coupons a person receives for playing multiple games simultaneously or competing against others in a multi-player game, does not exceed the cap specified in subsection (5).

Direct merchandise— Subsection (4) describes the requirements for an amusement machine to allow a player (by application of skill), to receive merchandise directly,²⁸ provided:

²⁴ Section 501.95(1)(b), F.S., defines “gift certificate” as a certificate, gift card, stored value card, or similar instrument purchased for monetary consideration when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction, but this term shall not include tickets as specified in s. 717.1355 or manufacturer or retailer discounts and coupons.

²⁵ See proposed s. 546.10(5) in Section 2 of the bill.

²⁶ The bill expands the places where an authorized amusement machine may be located to include bowling centers defined in s. 849.141, F.S., a public lodging establishment or public food service facility licensed by the Department of Business and Professional Regulation pursuant to ch. 509, F.S., or at locations where retail sales, distribution, use, consumption, or storage to be used or consumed in Florida.

²⁷ The bill defines “redemption value” as the imputed value of coupons or points, based on the wholesale cost of merchandise for which those coupons or points may be redeemed. See s. 849.161(1)(e), F.S.

²⁸ An amusement machine that dispenses merchandise with “an unpredictable outcome or chance which is inherent in the machine” qualifies as a slot machine. See Fla. AGO 1989-05 (January 27, 1989), in which s. 849.161, F.S., “makes Ch. 849, F.S., inapplicable to “arcade amusement centers” with amusement machines “which by application of skill entitle the person playing to receive points or coupons which may be exchanged for merchandise only” *Id.* at footnote 4.

- The amusement game or machine is located at an arcade amusement center, truck stop, bowling center, hotel, restaurant, or on the premises of a retailer as defined in s. 212.02, F.S.; and
- The wholesale cost of the merchandise does not exceed 10 times the cap specified in subsection (5).

Subsection (5) provides that the cap on the redemption value of points or coupons is set at \$5.25 initially and adjusted for inflation annually. The bill provides that the Department of Revenue annually will adjust the cap based on the change in the Consumer Price Index for All Urban Consumers, U.S. City Average, and the new cap will take effect July 1. The adjusted cap will be published in a brochure accessible from the Department of Revenue's website relating to sales and use tax on amusement machines.²⁹

The bill restricts the filing of actions to enjoin the operation of amusement machines located at any of the authorized locations (arcades, truck stops, bowling centers, hotels, restaurants, and retail premises) to the following:

- The Attorney General;
- The state attorney of the circuit where the amusement machine is located;
- Any federally recognized tribal government with sovereign powers and rights of self-government that is a party to a compact with the state; or
- The Department of Agriculture and Consumer Services or the Department of Business and Professional Regulation, in the case of a duty to enforce an alleged violation of law.

The bill includes editorial revisions.

Section 3 of the bill provides for an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁹ The current web address for the Department of Revenue's publication relating to sales and use tax on amusement machines is <http://dor.myflorida.com/dor/forms/current/gt800020.pdf> (last visited Feb. 2, 2015).

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

None.

B. Private Sector Impact:

This bill does not have a significant private sector impact. The law currently requires registration with the Department of Revenue of (a) all amusement machine operators as defined in s. 212.05(1)(h)2., F.S., and (b) registration of all amusement machines by location.

C. Government Sector Impact:

The bill requires the Department of Revenue to annually recalculate the maximum cap on the redemption value of a coupon or a point received by a player and to publish the cap, as adjusted, in a brochure accessible on its website relating to sales and use tax on amusement games or machines.

VI. Technical Deficiencies:

The provisions of s. 849.161, F.S., if not modified or repealed, will conflict with the provisions of the bill.

VII. Related Issues:

The bill states that retail locations are authorized locations not only for amusement machines that dispense merchandise directly to the player (“claw” machines), but also for amusement machines that allow a player to receive coupons or points for merchandise (similar to arcade amusement centers).

The cap on the redemption value of a point or coupon is stated as \$5.25, without any qualification for issuance of points or coupons to players. It appears the limit for the redemption value of points or coupons a player receives for a single game, or for multiple games in a multi-player game, should not exceed the cap of \$5.25.

Conforming amendments of cross references in the Florida Statutes that include the terms “amusement machine” and “coin-operated” should be considered.

The bill does not include the prohibition in current law that the following are not authorized in Florida (1) casino-style games; (2) games in which the player does not control the outcome of the game through skill; (3) video poker games or any other game or machine that may be construed as a gambling device under Florida law; or (4) any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under s. 1178.³⁰ This omission may be construed as evidence of a purposeful change in current law.

³⁰ See *supra* note 13.

VIII. Statutes Affected:

This bill substantially amends section 546.002 of the Florida Statutes.
This bill creates section 546.10 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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



604820

LEGISLATIVE ACTION

Senate

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. .
. .
. .
. .

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 546.10, Florida Statutes, is created to
read:

546.10 Amusement games or machines.—

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

(a) "Amusement game or machine" means a game or machine
operated only for the bona fide entertainment of the general



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11 public which a person activates by inserting currency or a coin,
12 card, coupon, slug, token, or similar device, and, by
13 application of skill, the person playing or operating the game
14 or machine controls the outcome of the game. The term does not
15 include:

16 1. Casino-style games in which the outcome of the game is
17 determined by factors unpredictable by the player.

18 2. Games in which the player does not control the outcome
19 of the game through skill.

20 3. Video poker games or any other games or machines that
21 may be construed as a gambling device under the laws of this
22 state.

23 4. Any game or device defined as a gambling device in 15
24 U.S.C. s. 1171, unless excluded under s. 1178.

25 (b) "Arcade amusement center" means a place of business
26 having at least 50 amusement games or machines on premises which
27 is operated for the entertainment of the general public and
28 tourists as a bona fide amusement facility.

29 (c) "Card" means a stored value card as defined in s.
30 560.103, and does not include a credit or debit card.

31 (d) "Game played" means the event beginning with activation
32 of the amusement game or machine and ending when the results of
33 play are determined without the insertion of any additional
34 currency, coin, card, coupon, slug, token, or similar device to
35 continue play. Free replays are not separate games played.

36 (e) "Merchandise" means noncash prizes, including toys and
37 novelties. The term does not include:

38 1. Cash equivalents, including gift cards or certificates.

39 2. Alcoholic beverages.



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40 3. Cards, coupons, points, slugs, tokens, or similar
41 devices that can be used to activate an amusement game or
42 machine.

43 4. Points or coupons that have a redemption value greater
44 than the maximum value determined under subsection (7).

45 (f) "Redemption value" means the imputed value of coupons
46 or points, based on the wholesale cost of onsite merchandise for
47 which those coupons or points may be redeemed.

48 (g) "Truck stop" means a dealer registered pursuant to
49 chapter 212, excluding marinas, which:

50 1. Declared its primary fuel business to be the sale of
51 diesel fuel; and

52 2. Operates a minimum of six functional diesel fuel pumps.

53 (2) Notwithstanding any other provision of law, amusement
54 games or machines may be operated as provided in this section.

55 (3) This section applies only to amusement games or
56 machines as defined in subsection (1) and does not authorize:

57 (a) Casino-style games in which the outcome of the game is
58 determined by factors unpredictable by the player.

59 (b) Games in which the player does not control the outcome
60 of the game through skill.

61 (c) Video poker games or any other game or machine that may
62 be construed as a gambling device under the laws of this state.

63 (d) Any game or device defined as a gambling device in 15
64 U.S.C. s. 1171, unless excluded under s. 1178.

65 (4) An amusement game or machine may entitle or enable a
66 person, by application of skill, to replay the game or device
67 without the insertion of any additional currency, coin, card,
68 coupon, slug, token, or similar device, if:



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69 (a) The amusement game or machine can accumulate and react
70 to no more than 15 such replays.

71 (b) The amusement game or machine can be discharged of
72 accumulated replays only by reactivating the game or device for
73 one additional play for each accumulated replay.

74 (c) The amusement game or machine cannot make a permanent
75 record, directly or indirectly, of any free replay.

76 (5) An amusement game or machine may entitle or enable a
77 person, by application of skill, to receive points or coupons
78 that may only be redeemed onsite for merchandise, if:

79 (a) The amusement game or machine is located at an arcade
80 amusement center, truck stop, bowling center as defined in s.
81 849.141, or public lodging establishment or public food service
82 establishment licensed pursuant to chapter 509;

83 (b) The points or coupons have no value other than for
84 redemption onsite for merchandise;

85 (c) The redemption value of the points or coupons a person
86 receives for a single game played does not exceed the maximum
87 value determined under subsection (7); and

88 (d) The redemption value of points or coupons that a person
89 receives for playing multiple games simultaneously or competing
90 against others in a multiplayer game does not exceed the maximum
91 value determined under subsection (7).

92 (6) An amusement game or machine that allows the player to
93 manipulate a claw or similar device within an enclosure may
94 entitle or enable a person, by application of skill, to receive
95 merchandise directly from the game or machine, if:

96 (a) The amusement game or machine is located at an arcade
97 amusement center, truck stop, bowling center as defined in s.



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98 849.141, public lodging establishment or public food service
99 establishment licensed pursuant to chapter 509, or on the
100 premises of a retailer as defined in s. 212.02; and

101 (b) The wholesale cost of the merchandise does not exceed
102 10 times the maximum value determined under subsection (7).

103 (7) For purposes of this section, the "maximum value" is
104 \$5.25. Beginning July 1, 2016, and annually thereafter, the
105 Department of Revenue shall adjust the maximum value by
106 multiplying the value by the sum of 1 plus the percentage change
107 in the Consumer Price Index for All Urban Consumers, U.S. City
108 Average, or a successor index as calculated by the United States
109 Department of Labor, for the most recent 12-month period ending
110 March 31, and rounding the product to the nearest cent. The
111 Department of Revenue shall publish the maximum value, as
112 adjusted, in a brochure accessible from its website relating to
113 sales and use tax on amusement machines.

114 (8) Notwithstanding any other provision of law, an action
115 to enjoin the operation of any game or machine at any location
116 listed in paragraph (6) (a) pursuant to or for an alleged
117 violation of chapter 849 may be brought only by the Attorney
118 General, the state attorney for the circuit in which the game or
119 machine is located, any federally recognized tribal government
120 possessing sovereign powers and rights of self-government that
121 is a party to a compact with the state or, in the case of an
122 alleged violation of statutes that they are charged with
123 enforcing, the Department of Agriculture and Consumer Services
124 or the Department of Business and Professional Regulation.

125 Section 2. Subsection (8) of section 551.102, Florida
126 Statutes, is amended to read:



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127 551.102 Definitions.—As used in this chapter, the term:
128 (8) "Slot machine" means any mechanical or electrical
129 contrivance, terminal that may or may not be capable of
130 downloading slot games from a central server system, machine, or
131 other device that, upon insertion of a coin, bill, ticket,
132 token, or similar object or upon payment of any consideration
133 whatsoever, including the use of any electronic payment system
134 except a credit card or debit card, is available to play or
135 operate, the play or operation of which, whether by reason of
136 skill or application of the element of chance or both, may
137 deliver or entitle the person or persons playing or operating
138 the contrivance, terminal, machine, or other device to receive
139 cash, billets, tickets, tokens, or electronic credits to be
140 exchanged for cash or to receive merchandise or anything of
141 value whatsoever, whether the payoff is made automatically from
142 the machine or manually. The term includes associated equipment
143 necessary to conduct the operation of the contrivance, terminal,
144 machine, or other device. Slot machines may use spinning reels,
145 video displays, or both. A slot machine is not a "coin-operated
146 amusement machine" as defined in s. 212.02(24) or an amusement
147 game or machine as described in s. 546.10 ~~849.161~~, and slot
148 machines are not subject to the tax imposed by s. 212.05(1)(h).

149 Section 3. Section 849.161, Florida Statutes, is repealed.

150 Section 4. This act shall take effect July 1, 2015.

151
152
153 ===== T I T L E A M E N D M E N T =====

154 And the title is amended as follows:

155 Delete everything before the enacting clause



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156 and insert:

157 A bill to be entitled

158 An act relating to amusement games or machines; creating s.
159 546.10, F.S.; providing definitions; providing applicability;
160 authorizing amusement games or machines in conformance with
161 specified provisions; authorizing direct receipt of merchandise
162 under certain circumstances; providing a cap on the redemption
163 value of points or coupons; requiring the Department of Revenue
164 to recalculate and publish the cap annually; providing for
165 enforcement actions; amending s. 551.102, F.S.; conforming a
166 cross-reference; repealing s. 849.161, F.S., relating to
167 amusement games or machines; providing an effective date.

By Senator Stargel

15-00271-15

2015268__

A bill to be entitled

An act relating to amusement games or machines; amending s. 546.002, F.S.; defining terms; creating s. 546.10, F.S.; authorizing an amusement game or machine to be operated in conformity with specified requirements; authorizing free replays if an amusement game or machine conforms with specified requirements; allowing an individual who plays an amusement game or machine to receive a point or a coupon redeemable onsite for merchandise under specified circumstances; authorizing an amusement game or machine to allow an individual to directly receive merchandise under certain circumstances; specifying a cap on the redemption value of a point or a coupon; requiring the Department of Revenue to annually adjust the cap; providing a formula for the adjustment of the cap; requiring the department to publish the amount of the adjusted cap; authorizing certain persons or entities to enjoin the operation of an amusement game or machine; providing an effective date.

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

Section 1. Section 546.002, Florida Statutes, is amended to read:

546.002 Definitions.—As used in this chapter ~~ss. 546.001-546.008~~, the term:

(1) "Amusement attraction" means a any ~~any~~ building or structure around, over, or through which persons may move or

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

15-00271-15

2015268__

walk, without the aid of any moving device integral to the building or structure, which building or structure provides amusement, pleasure, thrills, or excitement. This term does not include enterprises principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

(2) "Amusement game or machine" means a game or machine that is operated only for the entertainment of the general public, that is activated by the insertion of currency, coin, card, coupon, point, slug, token, or similar device, and that is played through an individual's application of skill. The term does not include:

(a) A casino-style game in which the outcome of the game is determined by factors unpredictable to the player.

(b) A video poker game or any other game, machine, or device that may be construed as a gambling device under the laws of this state.

(c) A machine or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.

(3)(2) "Amusement ride" means a ~~any~~ mechanical device that which carries or conveys passengers around, over, or along a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills, or excitement.

(4) "Arcade amusement center" means a place of business which has at least 50 amusement games or machines onsite and is operated for the entertainment of the general public.

(5) "Merchandise" means a noncash prize, including a toy or a novelty item. The term does not include:

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- 59 (a) A cash equivalent, such as a gift card or certificate.
 60 (b) An alcoholic beverage.
 61 (c) A coin, card, slug, token, or similar device that can
 62 be used to activate an amusement game or machine.
 63 (d) A coupon or point that has a redemption value greater
 64 than the cap calculated pursuant to s. 546.10(5).
 65 (6) "Redemption value" means the imputed value of a coupon
 66 or a point which is based on the wholesale cost of the onsite
 67 merchandise for which the individual may redeem the coupon or
 68 point.
 69 (7) "Truck stop" means a dealer registered pursuant to s.
 70 212.18, excluding a marina, which:
 71 (a) Declares the sale of diesel fuel to be its primary fuel
 72 business; and
 73 (b) Operates at least six functional diesel fuel pumps.
 74 Section 2. Section 546.10, Florida Statutes, is created to
 75 read:
 76 546.10 Amusement game or machine.—
 77 (1) Notwithstanding chapter 849 or any other provision of
 78 law, an amusement game or machine may be operated in conformity
 79 with this section.
 80 (2) An amusement game or machine may allow an individual,
 81 through the application of skill, to replay a game without the
 82 insertion of additional currency or an additional coin, card,
 83 coupon, point, slug, token, or similar device if the amusement
 84 game or machine meets all of the following requirements:
 85 (a) It can accumulate and react to no more than 15 free
 86 replays.
 87 (b) It can be discharged of accumulated free replays only

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- 88 by reactivating the amusement game or machine for one additional
 89 play for the accumulated free replay.
 90 (c) It cannot make, directly or indirectly, a permanent
 91 record of a free replay.
 92 (3) An amusement game or machine may allow an individual,
 93 through the application of skill, to receive a coupon or point
 94 that may be redeemed onsite for merchandise if all of the
 95 following requirements are met:
 96 (a) The amusement game or machine is located at an arcade
 97 amusement center or truck stop, at a bowling center as defined
 98 in s. 849.141, at a public lodging or public food service
 99 establishment licensed pursuant to chapter 509, or on the
 100 premises of a retailer as defined in s. 212.02.
 101 (b) A coupon or a point has no value other than the
 102 redemption value for onsite merchandise.
 103 (c) The redemption value of a coupon or a point does not
 104 exceed the cap calculated pursuant to subsection (5).
 105 (4) An amusement game or machine may allow an individual,
 106 through the application of skill, to receive merchandise
 107 directly if all of the following requirements are met:
 108 (a) The amusement game or machine is at any location listed
 109 in paragraph (3)(a).
 110 (b) The wholesale cost of the merchandise does not exceed
 111 10 times the cap calculated pursuant to subsection (5).
 112 (5) The cap on the redemption value of a coupon or a point
 113 is \$5.25. Beginning July 1, 2016, and annually thereafter, the
 114 Department of Revenue shall adjust the cap on the redemption
 115 value of a coupon or a point by multiplying the prior year's cap
 116 by the percentage change in the Consumer Price Index for All

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117 Urban Consumers, U.S. City Average, All Items, or a successor
118 index as reported by the United States Department of Labor, for
119 the most recent 12-month period ending on March 31; adding the
120 resulting number to the prior cap; and rounding the product to
121 the nearest cent. The Department of Revenue shall publish the
122 cap, as adjusted, in a brochure accessible on its website
123 relating to sales and use tax on amusement games or machines.

124 (6) Notwithstanding any other provision of law, an action
125 to enjoin the operation of any amusement game or machine at any
126 location listed in paragraph (3) (a) may be brought only by the
127 Attorney General, the state attorney of the circuit in which the
128 amusement game or machine is located, any federally recognized
129 tribal government that possesses sovereign powers and rights of
130 self-government and that is a party to a compact with the state,
131 or, in the case of a duty to enforce an alleged violation of a
132 statute, the Department of Agriculture and Consumer Services or
133 the Department of Business and Professional Regulation.

134 Section 3. This act shall take effect July 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Higher Education, *Chair*
Appropriations Subcommittee on Education
Fiscal Policy
Judiciary
Military and Veterans Affairs, Space, and Domestic Security
Regulated Industries

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR KELLI STARGEL
15th District

January 16, 2015

The Honorable Rob Bradley
Senate Regulated Industries Committee, Chair
208 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Bradley:

I am respectfully requesting that SB 268, related to *Amusement Games or Machines*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 15

Cc: Booter Imhof/ Staff Director
Lynn Koon/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/15

SB 268

Meeting Date

Bill Number (if applicable)

Topic Amusement Games or Machines

Amendment Barcode (if applicable)

Name Andy Palmer

Job Title Lobbyist

Address 215 South Monroe St., Suite 505

Phone 850-205-9000

Street

Tallahassee

FL

32301

Email andy.palmer@metzlaw.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Restaurant and Lodging Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

APPEARANCE RECORD

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

2/4/15

Meeting Date

SB 268

Bill Number (if applicable)

Topic ~~the~~ language of the Bill

Amendment Barcode (if applicable)

Name Michael Wolf

Job Title Attorney - FLA Arcade & Bingo Assoc.

Address 200 SE 6th St Ste 603

Phone 954-673-1146

Street
City Ft. Laud. State FLA Zip 33301

Email mikewolflaw@yahoo.com

Speaking: For Against Information

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

Representing FLA Arcade & Bingo 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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THE FLORIDA SENATE
APPEARANCE RECORD

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2.8⁴15

Meeting Date

5268

Bill Number (if applicable)

Topic Arcade Games

Amendment Barcode (if applicable)

Name Melanie Becker

Job Title Director Gift Affairs

Address 1000 Universal Studios Plaza

Phone 407-310-2541

Orlando FL 32819

City

State

Zip

Email

Speaking: For Against Information

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

Representing Universal Orlando

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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THE FLORIDA SENATE
APPEARANCE RECORD

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2/3/15
Meeting Date

S 268
Bill Number (if applicable)

Topic AMUSEMENT MACHINES

Amendment Barcode (if applicable)

Name BILL LUPFER

Job Title PRESIDENT

Address 1114 N. GADSDEN ST.
Street

Phone 850 222-2885

TALLAHASSEE FL 32303
City State Zip

Email LUPFER@FLORIDAAMUSEMENTS.COM

Speaking: For Against Information

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

Representing FLORIDA AMUSEMENTS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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2/4/15
Meeting Date

SR 268
Bill Number (if applicable)

Topic SR 268

Amendment Barcode (if applicable)

Name BRIAN NESLOND

Job Title OWNER

Address 4825 S. FLORIDA AVE
Street

Phone (863) 899-7358

LAKELAND FL 33813
City State Zip

Email BRIAN@FFCLAKELAND.COM

Speaking: For Against Information

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

Representing FAMILY FUN CENTER AND AMOAF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/4/15

Meeting Date

268

Bill Number (if applicable)

6044520

Amendment Barcode (if applicable)

Topic Strike All Amendment

Name Marc Dunbar

Job Title

Address P.O. Box 351

Street

Phone 850/933-8500

Tull.

City

FL

State

32362

Zip

Email mdunbar@joneswalker.com

Speaking: [] For [x] Against [] Information

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

Representing Stronach Group

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

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

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/4/15

Meeting Date

268

Bill Number (if applicable)

Topic Amusement Games

Amendment Barcode (if applicable)

Name Melissa Joiner-Ramba

Job Title Florida Retail Federation

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Retail Federation

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)

2/4/15

Meeting Date

SB 268

Bill Number (if applicable)

604820

Amendment Barcode (if applicable)

Topic SB 268

Name Larry Sellers

Job Title _____

Address 315 S Calhoun St, Suite 600

Street

Phone 850 425 5670

Tallahassee

City

FL 32301

State

Zip

Email _____

Speaking: For Against Information

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

Representing Dave & Buster's

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)

CourtSmart Tag Report

Room: EL 110

Caption: Senate Regulated Industries

Case:

Judge:

Type:

Started: 2/4/2015 1:35:59 PM

Ends: 2/4/2015 3:26:21 PM **Length:** 01:50:23

1:37:05 PM Tab 1 - PCS SB 186
1:51:06 PM Josh Auburhon Florida Brewers Guild
2:06:26 PM Bryon Burroughs Proof Brewing Co.
2:08:07 PM John Giotis Florida Council for Safe Communities
2:13:07 PM Mitchell Rubin Florida Beer Wholesalers Association
2:37:05 PM William Knepper
2:39:25 PM Mark Vroman Coastal Beverage
2:43:18 PM Matthew Sokolowski Great Bay Distributors
2:46:24 PM REbecca L. Maisel Goldring Gulf Distributing Co.
2:50:52 PM Eric Criss Beer Industry of Florida
2:53:13 PM Jay Martin JJ Taylor Companies
2:55:32 PM Susan Pitman Prevention Public Safety and Public Health
2:59:29 PM Kevin Bowler Daytona Beverages
3:02:45 PM Michael Carbonell Growler Country
3:05:47 PM Discussion by members on PCS SB 186
3:25:01 PM Senator Latvala moved to TP the PCS
3:25:26 PM Senator Stargel moves to Temporary Postpone
3:25:49 PM Chair's Comments
3:26:11 PM President Margolis moves to adjourn