By the Committee on Regulated Industries; and Senators Haridopolos and Crist

580-2020A-06

1 A bill to be entitled 2 An act relating to the Division of Alcoholic 3 Beverages and Tobacco; amending s. 20.165, 4 F.S.; requiring each employee serving as a law 5 enforcement officer for the division to meet 6 the qualifications of a law enforcement officer 7 set forth in ch. 943, F.S., for employment or 8 appointment; requiring each such employee to be 9 certified as a law enforcement officer by the 10 Department of Law Enforcement; specifying the primary responsibility for law enforcement 11 12 officers of the division; amending s. 561.422, 13 F.S.; providing for issuance of temporary permits upon approval of the local government; 14 providing an effective date. 15 16 17 Be It Enacted by the Legislature of the State of Florida: 18 Section 1. Subsection (9) of section 20.165, Florida 19 Statutes, is amended to read: 20 21 20.165 Department of Business and Professional 22 Regulation.--There is created a Department of Business and 23 Professional Regulation. (9)(a) All employees authorized by the Division of 2.4 Alcoholic Beverages and Tobacco shall have access to, and 25 26 shall have the right to inspect, premises licensed by the 27 division, to collect taxes and remit them to the officers 2.8 entitled to them, and to examine the books and records of all 29 licensees. The authorized employees shall require of each licensee strict compliance with the laws of this state 30 relating to the transaction of such business.

1	(b) <u>Each employee serving as a law enforcement officer</u>
2	for the division must meet the qualifications for employment
3	or appointment as a law enforcement officer set forth under s.
4	943.13 and must be certified as a law enforcement officer by
5	the Department of Law Enforcement under of chapter 943. Upon
6	certification, each law enforcement officer is subject to and
7	has the same authority as provided for law enforcement
8	officers generally in chapter 901 and has statewide
9	jurisdiction. Each officer also has arrest authority as
10	provided for state law enforcement officers in s. 901.15. Each
11	officer possesses the full law enforcement powers granted to
12	other peace officers of this state, including the authority to
13	make arrests, carry firearms, serve court process, and seize
14	contraband and the proceeds of illegal activities. All
15	employees certified under chapter 943 as law enforcement
16	officers shall have the primary responsibility to felony
17	arrest powers under s. 901.15(10) and shall have all the
18	powers of deputy sheriffs to:
10	powers or deputy sherring to-
19	1. investigate, enforce, and prosecute, throughout the
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19 20	1. investigate, enforce, and prosecute, throughout the state, violations and violators of:
19 20 21	<pre>1. investigate, enforce, and prosecute, throughout the state, violations and violators of: 1.a. Parts I and II of chapter 210; part VII of</pre>
19 20 21 22	1. investigate, enforce, and prosecute, throughout the state, violations and violators of: 1.a. Parts I and II of chapter 210; part VII of chapter 559; and chapters 561-569; and the rules adopted
19 20 21 22 23	1. investigate, enforce, and prosecute, throughout the state, violations and violators of: 1.a. Parts I and II of chapter 210; part VII of chapter 559; and chapters 561-569; and the rules adopted promulgated thereunder, as well as other state laws that which
19 20 21 22 23 24	1. investigate, enforce, and prosecute, throughout the state, violations and violators of: 1.a. Parts I and II of chapter 210; part VII of chapter 559; and chapters 561-569; and the rules adopted promulgated thereunder, as well as other state laws that which the division, all state law enforcement officers, or beverage
19 20 21 22 23 24 25	1. investigate, enforce, and prosecute, throughout the state, violations and violators of: 1.a. Parts I and II of chapter 210; part VII of chapter 559; and chapters 561-569; and the rules adopted promulgated thereunder, as well as other state laws that which the division, all state law enforcement officers, or beverage enforcement agents are specifically authorized to enforce.
19 20 21 22 23 24 25 26	1. investigate, enforce, and prosecute, throughout the state, violations and violators of: 1.a. Parts I and II of chapter 210; part VII of chapter 559; and chapters 561-569; and the rules adopted promulgated thereunder, as well as other state laws that which the division, all state law enforcement officers, or beverage enforcement agents are specifically authorized to enforce. 2.b. All other state laws, provided that the employee
19 20 21 22 23 24 25 26 27	1. investigate, enforce, and prosecute, throughout the state, violations and violators of: 1.a. Parts I and II of chapter 210; part VII of chapter 559; and chapters 561-569; and the rules adopted promulgated thereunder, as well as other state laws that which the division, all state law enforcement officers, or beverage enforcement agents are specifically authorized to enforce. 2.b. All other state laws, provided that the employee exercises the powers of a deputy sheriff, only after

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2. Enforce all criminal laws of the state within specified jurisdictions when the division is a party to a written mutual aid agreement with a state agency, sheriff, or municipal police department, or when the division participates in the Florida Mutual Aid Plan during a declared state emergency.

Section 2. Section 561.422, Florida Statutes, is amended to read:

561.422 Nonprofit civic organizations; temporary permits. -- Upon the filing of an application, presentation of a local building and zoning permit, and payment of a fee of \$25 per permit, the director of the division may issue a permit authorizing a bona fide nonprofit civic organization to sell alcoholic beverages for consumption on the premises only, for a period not to exceed 3 days, subject to any state law or municipal or county ordinance regulating the time for selling such beverages. All net profits from sales of alcoholic beverages collected during the permit period must be retained by the nonprofit civic organization. Any such civic organization may be issued only three such permits per calendar year. The director of the division may issue a permit to such civic organization more than three times per calendar year, but not more than 15 times per calendar year, upon the approval of the incorporated municipality, town, or board of county commissioners having jurisdiction over the location of the premises. Notwithstanding other provisions of the Beverage Law, any civic organization licensed under this section may purchase alcoholic beverages from a distributor or vendor licensed under the Beverage Law.

Section 3. This act shall take effect July 1, 2006.

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	Senate Bill 2412
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4	The CS restores current law that provides that all authorized employees of the division of Alcoholic Beverage and Tobacco
5	shall have the right to inspect premises licensed by the division.
6	The CS provides that the primary responsibility of the
7	division's law enforcement authority is to enforce the
8	alcoholic beverage and tobacco laws in parts I and II of ch. 210, F.S., part VII of ch. 559, and chs. 561-569, F.S., and
9	the rules adopted under these provisions. They would also have primary responsibility to enforce other state laws that the division, all state law enforcement officers, or beverage
10	enforcement agents are specifically authorized to enforce. It provides that their primary responsibility would include the
11	powers of a deputy sheriff, but only after consultation or in coordination with the appropriate local sheriff's office or
12	when the division participates in the Florida Mutual Aid Plan during a declared state emergency. The bill amends s. 561.422,
13	F.S., to authorize the director of the division to issue a temporary alcoholic beverage permit to nonprofit civic
14	organization more than three times per calendar year, but not more than 15 times per calendar year.
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