

By the Committees on Rules; Commerce and Tourism; and Regulated Industries; and Senators Young, Hutson, and Brandes

595-03285-18

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1 A bill to be entitled
 2 An act relating to alcohol deliveries; amending s.
 3 561.57, F.S.; including an electronic order as a type
 4 of order construed as a sale made at a vendor's
 5 licensed place of business; authorizing a vendor to
 6 make certain deliveries in a third-party vehicle under
 7 certain circumstances; providing that the vehicles
 8 used to make such deliveries are subject to certain
 9 inspections and searches under certain circumstances;
 10 requiring that the recipient's identity and age be
 11 verified and documented at the time of delivery;
 12 requiring that deliveries comply with s. 562.11, F.S.;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Subsections (1) and (2) of section 561.57,
 18 Florida Statutes, are amended, and subsection (6) is added to
 19 that section, to read:

20 561.57 Deliveries by licensees.—

21 (1) Vendors shall be permitted to make deliveries away from
 22 their places of business of sales actually made at the licensed
 23 place of business; provided, telephone, electronic, or mail
 24 orders received at a vendor's licensed place of business shall
 25 be construed as a sale actually made at the vendor's licensed
 26 place of business.

27 (2) (a) Deliveries made by a manufacturer ~~or~~ distributor
 28 ~~or vendor~~ away from his or her place of business may be made
 29 only in vehicles that ~~which~~ are owned or leased by the licensee.

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30 By acceptance of an alcoholic beverage license and the use of
31 such vehicles, the licensee agrees that such vehicle is ~~shall~~
32 ~~always be~~ subject to be inspected and searched without a search
33 warrant, for the purpose of ascertaining that all provisions of
34 the alcoholic beverage laws are complied with, by authorized
35 employees of the division and also by sheriffs, deputy sheriffs,
36 and police officers during business hours or other times the
37 vehicle is being used to transport or deliver alcoholic
38 beverages.

39 (b) Deliveries made by a vendor away from the vendor's
40 place of business may be made only in vehicles that are owned or
41 leased by the vendor or which are authorized to be used for such
42 deliveries by a third party with whom the vendor has contracted
43 for delivery, including, but not limited to, common carriers. By
44 acceptance of an alcoholic beverage license, or by contracting
45 to make deliveries, and the use of such vehicles, including
46 contracted third-party vehicles, the vendor or a third party
47 with whom the vendor has contracted to make deliveries agree
48 that such vehicles are subject to be inspected and searched
49 without a search warrant, for the purpose of ascertaining that
50 all provisions of the alcoholic beverage laws are complied with,
51 by authorized employees of the division and also by sheriffs,
52 deputy sheriffs, and police officers when the vehicles are being
53 used to transport or deliver alcoholic beverages.

54 (6) Valid proof of the recipient's identity and age shall
55 be verified and documented at the time of delivery. Deliveries
56 made pursuant to this section must comply with s. 562.11.

57 Section 2. This act shall take effect July 1, 2018.