

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 106 — Vendors Licensed Under the Beverage Law

by Rules Committee; Regulated Industries Committee; and Senator Flores

Current law in s. 565.04, F.S., prohibits package stores from selling, offering and exposing for sale other merchandise besides distilled spirits, beer and wine. However, package stores are allowed to sell bitters, grenadine, nonalcoholic mixer-type beverages (not including fruit juices produced outside Florida), fruit juices produced in this state, home bar, and party supplies and equipment (including but not limited glassware and party-type foods), miniatures of no alcoholic content and tobacco products. Package stores may not have openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

The bill:

- Prohibits the Division of Alcoholic Beverages and Tobacco (division) of the Department of Business and Professional Regulation (DBPR) from issuing a package store license for the sale of beer, wine, and distilled spirits for any location or business located within 1,000 feet of a public or private elementary, middle school, or secondary school.
- Permits package stores licensed on or before June 30, 2017, for a premises located within 1,000 feet of a school to maintain and renew the license for that location, if the place of business complies with the package store restrictions in current law.
- Provides for a 4-year phased repeal of the current law package store restrictions for licensees located more than 1,000 feet from a school.
 - o Starting July 1, 2018, one business or 25 percent of a vendor's businesses, whichever is greater, can operate without the restrictions;
 - o Starting July 1, 2019, two businesses or 50 percent of a vendor's business can operate without the restrictions;
 - o Starting July 1, 2020, three businesses or 75 percent of a vendor's businesses can operate without the restrictions; and
 - o Effective June 30, 2021, the restrictions expire and such business can operate without the restrictions.
- Provides a business may sell, offer, or expose for sale distilled spirits in containers of 200 milliliters or less or 6.8 ounces or less only from a restricted area where access is restricted to the vendor or employees of the vendor. A business that maintains the current law package store restrictions is exempt from this requirement.
- Prohibits the division from issuing a license to sell distilled spirits for a location or business that includes a gasoline service station or motor fuel retail outlet, as defined in s. 526.303(14), F.S., unless the location has at least 10,000 square feet of retail space for the general public.
- Permits retail drug stores, grocery stores, department stores, florist shops, specialty gift shops, or automobile service stations licensed to sell alcoholic beverages that derive 30 percent or less of their monthly gross revenue from the sale of alcoholic beverages to employ persons under the age of 18 (minors). Those vendors may employ a minor only if the minor is supervised by a person 18 years of age or older who verifies the purchaser's

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age to be 21 years of age or older and approves the sale of alcoholic beverages to the purchaser. The bill provides it is unlawful to employ a minor during a month in which a vendor's gross revenue from the sale of alcoholic beverages exceeds 30 percent of its total revenue.

CS/CS/CS/HB 689 (CS/CS/SB 400 by Appropriations Committee, Regulated Industries Committee, and Senator Perry) amends CS/CS/SB 106 as to the employment of minors by retail drug stores, grocery stores, department stores, florist shops, specialty gift shops, or automobile service stations that are licensed as a package store. To employ a minor, those vendors must derive 30 percent or less of their monthly gross revenue from the sale of alcoholic beverages and may employ a minor to sell distilled spirits only if the minor is supervised by a person 18 years of age or older who verifies the purchaser's age to be 21 years of age or older and approves the sale of distilled spirits.

CS/CS/CS/HB 689 also removes the supervision and verification requirements in CS/CS/SB 106 for sales of beer and wine, and maintains current law that permits minors to be employed by vendors licensed to sell beer or beer and wine, when such sales are only for off premises consumption. Current law does not impose a supervision or verification requirement for sales as to minors employed by licensees selling only beer or bear and wine.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 21-17; House 58-57