

By the Committee on Regulated Services and Representatives
Morrone, Fasano and Tobin

1 A bill to be entitled
2 An act relating to alcoholic beverages;
3 amending s. 561.02, F.S.; providing legislative
4 intent; amending s. 562.14, F.S.; prohibiting
5 certain vendors from allowing licensed premises
6 to be rented, leased, or otherwise used during
7 the hours in which the sale of alcoholic
8 beverages is prohibited; providing exceptions;
9 amending s. 562.45, F.S.; prohibiting counties
10 or incorporated municipalities from adopting
11 certain ordinances with respect to alcoholic
12 beverages; providing exceptions; providing an
13 effective date.

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

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17 Section 1. Section 561.02, Florida Statutes, is
18 amended to read:

19 561.02 Creation and duties of Division of Alcoholic
20 Beverages and Tobacco.--There is created within the Department
21 of Business and Professional Regulation the Division of
22 Alcoholic Beverages and Tobacco, which shall supervise the
23 conduct, management, and operation of the manufacturing,
24 packaging, distribution, and sale within the state of all
25 alcoholic beverages and shall enforce the provisions of the
26 Beverage Law and the tobacco law and rules and regulations of
27 the division in connection therewith. It is the express
28 legislative intent that the state retain primary regulatory
29 authority over the activities of licensees under the Beverage
30 Law within the power of the state and the Division of
31 Alcoholic Beverages and Tobacco of the Department of Business

1 and Professional Regulation. However, none of the provisions
2 of the Beverage Law shall apply to ethyl alcohol intended for
3 use or used for the following purposes:

4 (1) Scientific, chemical, mechanical, industrial, or
5 medicinal purposes;

6 (2) Patented, patent, proprietary, medicinal,
7 pharmaceutical, antiseptic, toilet, scientific, chemical,
8 mechanical or industrial preparations, or products unfit for
9 beverage purposes;

10 (3) Flavoring extracts and syrups, unfit for beverage
11 purposes.

12 Section 2. Section 562.14, Florida Statutes, is
13 amended to read:

14 562.14 Regulating the time for sale of alcoholic and
15 intoxicating beverages; prohibiting use of licensed
16 premises.--

17 (1) Except as otherwise provided by county or
18 municipal ordinance, no alcoholic beverages may be sold,
19 consumed, served, or permitted to be served or consumed in any
20 place holding a license under the division between the hours
21 of midnight and 7 a.m. of the following day. This section
22 shall not apply to railroads selling only to passengers for
23 consumption on railroad cars.

24 (2) No vendor issued an alcoholic beverage license to
25 sell alcoholic beverages for consumption on the vendor's
26 licensed premises and whose principal business is the sale of
27 alcoholic beverages, shall allow the licensed premises, as
28 defined in s. 561.01(11), to be rented, leased, or otherwise
29 used during the hours in which the sale of alcoholic beverages
30 is prohibited. However, this prohibition shall not apply to
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1 the rental, lease, or other use of the licensed premises on
2 Sundays after 8 a.m.

3 ~~(3)(2)~~ The division shall not be responsible for the
4 enforcement of the hours of sale established by county or
5 municipal ordinance.

6 ~~(4)(3)~~ Any person violating this section shall be
7 guilty of a misdemeanor of the second degree, punishable as
8 provided in s. 775.082 or s. 775.083.

9 Section 3. Subsection (3) is added to section 562.45,
10 Florida Statutes, to read:

11 562.45 Penalties for violating Beverage Law; local
12 ordinances; prohibiting regulation of certain activities or
13 business transactions; requiring nondiscriminatory treatment;
14 providing exceptions.--

15 (3) A county or municipality may not enact any
16 ordinance that regulates or prohibits those activities or
17 business transactions of a licensee regulated by the Division
18 of Alcoholic Beverages and Tobacco under the Beverage Law.
19 Except as otherwise provided in this section, a local
20 government, when enacting ordinances designed to promote and
21 protect the general health, safety and welfare of the public,
22 shall treat a licensee in a nondiscriminatory manner and in a
23 manner that is consistent with the manner of treatment of any
24 other lawful business transacted in this state. Nothing in
25 this section shall be construed to affect or impair the
26 enactment or enforcement by a county or municipality of any
27 zoning, land development or comprehensive plan regulation or
28 other ordinance authorized under ss. 1 and 5, Art. VIII of the
29 State Constitution.

30 Section 4. This act shall take effect upon becoming a
31 law.

HOUSE SUMMARY

Provides that it is the intent of the Legislature that the state retain primary regulatory authority over the activities of licensees under the Beverage Law within the power of the state and the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

Provides that no vendor issued an alcoholic beverage license to sell alcoholic beverages for consumption on the vendor's licensed premises and whose principal business is the sale of alcoholic beverages, shall allow the licensed premises to be rented, leased, or otherwise used during the hours in which the sale of alcoholic beverages is prohibited. Provides an exception.

Provides that no county or municipality shall adopt any ordinance which regulates or prohibits those activities or business transactions of a licensee regulated by the Division of Alcoholic Beverages and Tobacco under the Beverage Law.

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