

1                                   A bill to be entitled  
2           An act relating to alcoholic beverages;  
3           amending s. 561.01, F.S.; providing a  
4           definition for an entertainment/resort complex;  
5           amending s. 561.02, F.S.; providing legislative  
6           intent; amending s. 562.14, F.S.; prohibiting  
7           certain vendors from allowing licensed premises  
8           to be rented, leased, or otherwise used during  
9           the hours in which the sale of alcoholic  
10          beverages is prohibited; providing exceptions;  
11          amending s. 562.45, F.S.; prohibiting counties  
12          or incorporated municipalities from adopting  
13          certain ordinances with respect to alcoholic  
14          beverages; providing exceptions; providing an  
15          effective date.

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

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19           Section 1. A new subsection (18) is added to s.  
20 561.01, Florida Statutes, to read:

21           561.01 Definitions.--As used in the Beverage Law:  
22           (18) "Entertainment/resort complex" means a theme park  
23 comprised of at least 25 acres of land with permanent  
24 exhibitions and a variety of recreational activities, which  
25 has at least 1 million visitors annually who pay admission  
26 fees thereto, together with any lodging, dining, and  
27 recreational facilities located adjacent to, contiguous to, or  
28 in close proximity to the theme park, as long as the  
29 owner(s)/operators(s) of the theme park, or a parent or  
30 related company or subsidiary thereof, has an equity interest  
31 in the lodging, dining, or recreational facilities or is in

1 privity therewith. Close proximity shall include an area  
2 within a five mile radius of the theme park complex.

3 Section 2. Section 561.02, Florida Statutes, is  
4 amended to read:

5 561.02 Creation and duties of Division of Alcoholic  
6 Beverages and Tobacco.--There is created within the Department  
7 of Business and Professional Regulation the Division of  
8 Alcoholic Beverages and Tobacco, which shall supervise the  
9 conduct, management, and operation of the manufacturing,  
10 packaging, distribution, and sale within the state of all  
11 alcoholic beverages and shall enforce the provisions of the  
12 Beverage Law and the tobacco law and rules and regulations of  
13 the division in connection therewith. It is the express  
14 legislative intent that the state retain primary regulatory  
15 authority over the activities of licensees under the Beverage  
16 Law within the power of the state and the Division of  
17 Alcoholic Beverages and Tobacco of the Department of Business  
18 and Professional Regulation. However, none of the provisions  
19 of the Beverage Law shall apply to ethyl alcohol intended for  
20 use or used for the following purposes:

21 (1) Scientific, chemical, mechanical, industrial, or  
22 medicinal purposes;

23 (2) Patented, patent, proprietary, medicinal,  
24 pharmaceutical, antiseptic, toilet, scientific, chemical,  
25 mechanical or industrial preparations, or products unfit for  
26 beverage purposes;

27 (3) Flavoring extracts and syrups, unfit for beverage  
28 purposes.

29 Section 3. Section 562.14, Florida Statutes, is  
30 amended to read:

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1           562.14 Regulating the time for sale of alcoholic and  
2 intoxicating beverages; prohibiting use of licensed  
3 premises.--

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

11           (2) Except as otherwise provided by county or  
12 municipal ordinance, no vendor issued an alcoholic beverage  
13 license to sell alcoholic beverages for consumption on the  
14 vendor's licensed premises and whose principal business is the  
15 sale of alcoholic beverages, shall allow the licensed  
16 premises, as defined in s. 561.01(11), to be rented, leased,  
17 or otherwise used during the hours in which the sale of  
18 alcoholic beverages is prohibited. However, this prohibition  
19 shall not apply to the rental, lease, or other use of the  
20 licensed premises on Sundays after 8 a.m. Further, neither  
21 this subsection, nor any local ordinance adopted pursuant to  
22 this subsection, shall be construed to apply to a theme park  
23 complex as defined in s. 565.02(6) or an entertainment/resort  
24 complex as defined in s. 561.01(18).

25           ~~(3)~~(2) The division shall not be responsible for the  
26 enforcement of the hours of sale established by county or  
27 municipal ordinance.

28           ~~(4)~~(3) Any person violating this section shall be  
29 guilty of a misdemeanor of the second degree, punishable as  
30 provided in s. 775.082 or s. 775.083.

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1           Section 4. Paragraph (c) is added to subsection (2) of  
2 section 562.45, Florida Statutes, to read:

3           562.45 Penalties for violating Beverage Law; local  
4 ordinances; prohibiting regulation of certain activities or  
5 business transactions; requiring nondiscriminatory treatment;  
6 providing exceptions.--

7           (2)(a) Nothing contained in the Beverage Law shall be  
8 construed to affect or impair the power or right of any county  
9 or incorporated municipality of the state to enact ordinances  
10 regulating the hours of business and location of place of  
11 business, and prescribing sanitary regulations therefor, of  
12 any licensee under the Beverage Law within the county or  
13 corporate limits of such municipality. The division may not  
14 issue a change in the series of a license or approve a change  
15 of a licensee's location unless the licensee provides  
16 documentation of proper zoning from the appropriate county or  
17 municipal zoning authorities.

18           (b) Nothing in the Beverage Law shall be construed to  
19 affect or impair the power or right of any county or  
20 incorporated municipality of the state to enact ordinances  
21 regulating the type of entertainment and conduct permitted in  
22 any establishment licensed under the Beverage Law to sell  
23 alcoholic beverages for consumption on the premises, or any  
24 bottle club licensed under s. 561.14, which is located within  
25 such county or municipality.

26           (c) A county or municipality may not enact any  
27 ordinance that regulates or prohibits those activities or  
28 business transactions of a licensee regulated by the Division  
29 of Alcoholic Beverages and Tobacco under the Beverage Law.  
30 Except as otherwise provided in the Beverage Law, a local  
31 government, when enacting ordinances designed to promote and

1 protect the general health, safety and welfare of the public,  
2 shall treat a licensee in a nondiscriminatory manner and in a  
3 manner that is consistent with the manner of treatment of any  
4 other lawful business transacted in this state. Nothing in  
5 this section shall be construed to affect or impair the  
6 enactment or enforcement by a county or municipality of any  
7 zoning, land development or comprehensive plan regulation or  
8 other ordinance authorized under ss. 1, 2, and 5, Art. VIII of  
9 the State Constitution.

10           Section 5. This act shall take effect upon becoming a  
11 law.