

By Senator Dudley

25-168C-98

1 A bill to be entitled
2 An act relating to alcoholic beverages;
3 creating the "Ryan P. Grillo Memorial Act";
4 amending s. 561.703, F.S.; providing
5 definitions; amending s. 561.705, F.S.;
6 requiring that certain vendors provide courses
7 of instruction to employees and managers who
8 sell alcoholic beverages; requiring written
9 policies; requiring that the vendor maintain
10 employment records; requiring that the vendor
11 post certain signs; repealing ss. 561.701,
12 561.706, F.S., relating to the Florida
13 Responsible Vendor Act, exemptions from license
14 suspension or revocation, and mitigation for
15 certain violations of the beverage law;
16 providing an effective date.

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

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20 Section 1. This act may be cited as the "Ryan P.
21 Grillo Memorial Act."

22 Section 2. Section 561.703, Florida Statutes, is
23 amended to read:

24 561.703 Definitions.--As used in ss. 261.702-561.705
25 ~~this act~~, the term:

26 (1) "Division" means the Division of Alcoholic
27 Beverages and Tobacco of the Department of Business and
28 Professional Regulation.

29 (2) "Vendor" means a person who is licensed pursuant
30 to this chapter, chapter 563, chapter 564, or chapter 565, to
31 sell or serve alcoholic beverages. However, vendors at grocery

1 or drug stores licensed under the provisions of s.
2 563.02(1)(a) or s. 564.02(1)(a), whose premises are in excess
3 of 5,000 square feet of floor space, shall be exempt from ss.
4 561.702-561.705 ~~the provisions of this act.~~

5 Section 3. Section 561.705, Florida Statutes, is
6 amended to read:

7 561.705 Vendors that sell or serve alcoholic beverages
8 ~~Responsible vendor qualification.--Each To qualify as a~~
9 ~~responsible vendor, the~~ vendor must:

10 (1) Provide a course of instruction for its employees
11 which that must include subjects dealing with alcoholic
12 beverages and may also include subjects dealing with
13 controlled substances as follows:

14 (a) Laws covering the service of alcoholic beverages
15 and the operation of establishments serving alcoholic
16 beverages.

17 (b) Alcohol or controlled substances or both as a drug
18 and its effects on the body and behavior, including its
19 effects on a person operating a motor vehicle.

20 (c) Effects of alcohol in combination with commonly
21 used drugs, both legal and illegal.

22 (d) Methods of recognizing and dealing with underaged
23 customers.

24 (e) Methods for dealing with customers, and for
25 dealing with employees, who use or traffic in illegal drugs.

26 (2) Provide an alcohol server management course for
27 managers of establishments that sell alcoholic beverages. The
28 course must include subjects on alcoholic beverages and may
29 include subjects on controlled substances as follows:

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31

1 (a) Laws governing the service of alcoholic beverages
2 and the operation of establishments serving alcoholic
3 beverages.

4 (b) Development of standard operating procedures for
5 dealing with underaged customers.

6 (c) Development of standard operating procedures for
7 dealing with customers, and for dealing with employees, who
8 use or traffic in illegal drugs.

9 (d) Methods of assisting employees in dealing with
10 underaged customers and in maintaining records that relate to
11 such incidents.

12 (3) Require each nonmanagerial employee who is
13 employed to serve alcoholic beverages to complete the employee
14 training course specified in subsection (1) within 30 days
15 after commencing employment. The vendor must provide for the
16 supervision of such an employee in the service of alcoholic
17 beverages until the employee has received such training.

18 (4) Require each managerial employee to complete the
19 managerial training course specified in subsection (2) within
20 15 days after commencing employment.

21 (5) Require all employees to attend one meeting every
22 4 months. Each meeting must include the dissemination of
23 information covering the applicable subjects specified in this
24 section and an explanation of the vendor's policies and
25 procedures relating to those subjects.

26 (6) Require each employee, as a condition of her or
27 his initial employment, to complete a written questionnaire
28 providing the vendor the same information as is required by
29 the division from persons who apply for alcoholic beverage
30 licenses and to determine therefrom whether the employee is
31 precluded by law from serving or selling alcoholic beverages;

1 however, employees of vendors licensed under s. 563.02(1)(a)
2 or s. 564.02(1)(a) are ~~shall~~ not ~~be~~ subject to the
3 requirements of this subsection.

4 (7) Establish a written policy under which any
5 employee who engages in the illegal use of controlled
6 substances on the licensed premises will be immediately
7 dismissed from employment and require each employee to
8 acknowledge the policy in writing.

9 (8) Maintain employment records of the applications,
10 acknowledgments, and training of its employees required by
11 this section and records of the vendor's enforcement of the
12 policies requiring dismissal specified in subsection (7).

13 (9) Post signs on the vendor's premises informing
14 customers of the vendor's policy against serving alcoholic
15 beverages to underaged persons and informing customers that
16 the purchase of alcoholic beverages by an underaged person or
17 the illegal use of or trafficking in controlled substances
18 will result in ejection from the premises and prosecution.

19 Section 4. Sections 561.701 and 561.706, Florida
20 Statutes, are repealed.

21 Section 5. This act shall take effect July 1, 1998.

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24 SENATE SUMMARY

25 Creates the "Ryan P. Grillo Memorial Act." Repeals the
26 Florida Responsible Vendor Act and provides that the
27 requirements of the act be mandatory rather than
28 discretionary. Requires that certain vendors provide
29 training courses for employees who serve alcoholic
30 beverages. Deletes provisions that exempt a vendor from
31 certain license suspensions or revocations due to a
violation of the beverage law.