

1 age of another to induce licensee to serve alcoholic beverages
2 to person under 21; penalties.--

3 (4) Any law enforcement officer, as defined in s.
4 943.10(1), may utilize persons under the age of 21 to assist
5 the officer in enforcement efforts by testing vendor
6 compliance with the prohibitions established in this section.
7 Notwithstanding the prohibitions contained in s. 562.111, such
8 person acting on behalf of the law enforcement officer to test
9 vendor compliance with the prohibitions established in this
10 section shall be immune from civil and criminal liability
11 imposed by s. 562.111 while acting on behalf of the law
12 enforcement officer.

13 Section 2. Paragraph (a) of subsection (2) of section
14 562.45, Florida Statutes, is amended to read:

15 562.45 Penalties for violating Beverage Law; local
16 ordinances; prohibiting regulation of certain activities or
17 business transactions; requiring nondiscriminatory treatment;
18 providing exceptions.--

19 (2)(a) Nothing contained in the Beverage Law shall be
20 construed to affect or impair the power or right of any county
21 or incorporated municipality of the state to enact ordinances
22 regulating the hours of business and location of place of
23 business, and prescribing sanitary regulations therefor, of
24 any licensee under the Beverage Law within the county or
25 corporate limits of such municipality. However, except for
26 premises licensed on or before July 1, 1998, a location for
27 on-premises consumption of alcoholic beverages may not be
28 located within 500 feet of the real property that comprises a
29 public or private elementary school, middle school, or
30 secondary school unless the county or municipality approves
31 the location as promoting the public health, safety, and

1 general welfare of the community under proceedings as provided
2 in s. 286.0115.The division may not issue a change in the
3 series of a license or approve a change of a licensee's
4 location unless the licensee provides documentation of proper
5 zoning from the appropriate county or municipal zoning
6 authorities.

7 Section 3. Subsection (2) and (6) of section 567.01,
8 Florida Statutes, are amended to read:

9 567.01 Petition, order, notice of election.--

10 (2) The election so ordered shall be to decide either:

11 (a) Whether the sale of intoxicating liquors, wines,
12 or beer shall be prohibited or permitted in said county, and
13 to decide also whether such sale, if permitted by said
14 election, shall be restricted to sales by the package as
15 hereinafter defined; or-

16 (b) Whether the sale of intoxicating liquors, wines,
17 or beer shall be sold by the drink for consumption on premises
18 as provided in s. 567.07(3).

19 (6) It is the purpose and intent of the Legislature
20 that such election shall obviate the necessity for holding two
21 separate elections, except as provided in s. 567.07(3), by
22 determining in one election:

23 (a) Whether the sale of intoxicating liquors, wines,
24 or beer shall be prohibited or permitted, and

25 (b) If such sales are determined to be permitted, to
26 further determine whether the sales so made shall be limited
27 to sales by the package as hereinbefore defined, or whether
28 sales by the drink on the premises, as well as sales by the
29 package, may be permitted.

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1 A majority of those legally voting at such election must cast
2 their votes for selling intoxicating liquors, wines, or beer
3 in order that the results of the election on the second
4 question shall be effective and binding.

5 Section 4. Subsection (3) is added to section 567.06,
6 Florida Statutes, to read:

7 567.06 Form of ballot; canvassing votes.--

8 (3) However, for a local option election authorized by
9 s. 567.01(2)(b) on the sole question of whether intoxicating
10 liquors, wines, or beer may be sold by the drink for
11 consumption on premises, ballot instructions shall be
12 presented in the following form:

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14 INSTRUCTIONS: Local Option Election on the Following
15 Question:

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17 THE QUESTION BEFORE THE ELECTORATE is to decide
18 whether the sale of intoxicating liquors,
19 wines, or beer, containing more than 6.243
20 percent of alcohol by volume, may be sold by
21 the drink for consumption on premises in
22 () County, Florida.

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24 For Sales by the Drink:

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26 followed by the word "yes" and also by the word "no," and
27 shall be styled in such a manner that a "yes" vote will
28 indicate approval of the question and a "no" vote will
29 indicate rejection.

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1 Section 5. Subsection (3) of section 567.07, Florida
2 Statutes, is renumbered as subsection (4) and a new subsection
3 (3) is added to said section, to read:

4 567.07 Results of election.--

5 (3) In the event a majority of those legally voting at
6 any such election cast their vote "For Selling Intoxicating
7 Liquors, Wines, or Beer" on question number 1 and a majority
8 of the votes legally cast on question number 2 be "For Sales
9 by the Package Only" then, after the expiration of two years
10 an election pursuant to s. 567.01(2)(b) may be held to
11 determine the sole question of whether intoxicating liquors,
12 wines, or beer may be sold by the drink for consumption on
13 premises. If a majority of those legally voting cast their
14 votes for selling intoxicating liquors, wines, or beer by the
15 drink for consumption on premises, then such alcoholic
16 beverages may be sold as otherwise provided by law in said
17 county until otherwise determined in an election, which shall
18 not be held more often than once in every 2 years. If a
19 majority of those legally voting cast their vote against the
20 sale of intoxicating liquors, wines, or beer by the drink for
21 consumption on premises, then sales by the package only shall
22 continue.

23 Section 6. Subsection (7) of section 569.002, Florida
24 Statutes, is amended to read:

25 569.002 Definitions.--As used in this chapter, the
26 term:

27 (7) "Any person under the age of 18" does not include
28 any person under the age of 18 who:

29 (a) Has had his or her disability of nonage removed
30 under chapter 743;

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1 (b) Is in the military reserve or on active duty in
2 the Armed Forces of the United States;

3 (c) Is otherwise emancipated by a court of competent
4 jurisdiction and released from parental care and
5 responsibility; or

6 (d) Is acting in his or her scope of lawful employment
7 with an entity licensed under the provisions of chapter 210 or
8 this chapter. ~~or~~

9 ~~(e) Is working in conjunction with a law enforcement
10 agency to test the compliance of dealers with this chapter.~~

11 Section 7. Subsection (4) is added to section 569.101,
12 Florida Statutes, to read:

13 569.101 Selling, delivering, bartering, furnishing, or
14 giving tobacco products to persons under 18 years of age;
15 criminal penalties; defense.--

16 (4) Any law enforcement officer, as defined in s.
17 943.10(1), may utilize persons under the age of 18 to assist
18 the officer in enforcement efforts by testing vendor
19 compliance with the prohibitions established in this section.
20 Notwithstanding the prohibitions contained in s. 569.11, such
21 person acting on behalf of a law enforcement officer to test
22 vendor compliance with the prohibitions established in this
23 section shall be immune from civil liability imposed by s.
24 569.11 while acting on behalf of the law enforcement officer.

25 Section 8. This act shall take effect upon becoming a
26 law.

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