

Bill No. CS for SB 720

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Lee moved the following amendment:

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13           **Senate Amendment (with title amendment)**

14           On page 2, between lines 3 and 4,

15  
16 insert:

17           Section 2. Subsection (4) is added to section 562.11,  
18 Florida Statutes, to read:

19           562.11 Selling, giving, or serving alcoholic beverages  
20 to person under age 21; misrepresenting or misstating age or  
21 age of another to induce licensee to serve alcoholic beverages  
22 to person under 21; penalties.--

23           (4) Any law enforcement officer, as defined in s.  
24 943.10(1), may use persons under the age of 21 to assist the  
25 officer in enforcement efforts by testing vendor compliance  
26 with the prohibitions established in this section.

27 Notwithstanding the prohibitions contained in s. 562.111, such  
28 person acting on behalf of the law enforcement officer to test  
29 vendor compliance with the prohibitions established in this  
30 section shall be immune from civil and criminal liability  
31 imposed by s. 562.111 while acting on behalf of the law

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1 enforcement officer.

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

4 567.01 Petition, order, notice of election.--

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

6 (a) Whether the sale of intoxicating liquors, wines,  
7 or beer shall be prohibited or permitted in said county, and  
8 to decide also whether such sale, if permitted by said  
9 election, shall be restricted to sales by the package as  
10 hereinafter defined; or-

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

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

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

20 (b) If such sales are determined to be permitted, to  
21 further determine whether the sales so made shall be limited  
22 to sales by the package as herein before defined, or whether  
23 sales by the drink on the premises, as well as sales by the  
24 package, may be permitted.

25  
26 A majority of those legally voting at such election must cast  
27 their votes for selling intoxicating liquors, wines, or beer  
28 in order that the results of the election on the second  
29 question shall be effective and binding.

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

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1           567.06 Form of ballot; canvassing votes.--  
2           (3) However, for a local option election authorized by  
3 s. 567.01(2)(b) on the sole question of whether intoxicating  
4 liquors, wines, or beer may be sold by the drink for  
5 consumption on premises, ballot instructions shall be  
6 presented in the following form:

7  
8 INSTRUCTIONS: Local Option Election on the Following  
9 Question:

10  
11           THE QUESTION BEFORE THE ELECTORATE is to decide  
12 whether the sale of intoxicating liquors,  
13 wines, or beer, containing more than 6.243  
14 percent of alcohol by volume, may be sold by  
15 the drink for consumption on premises in  
16 (            ) County, Florida.

17  
18                   For Sales by the Drink:  
19  
20 followed by the word "yes" and also by the word "no," and  
21 shall be styled in such a manner that a "yes" vote will  
22 indicate approval of the question and a "no" vote will  
23 indicate rejection.

24           Section 5. Present subsection (3) of section 567.07,  
25 Florida Statutes, is renumbered as subsection (4), and a new  
26 subsection (3) is added to that section, to read:

27           567.07 Results of election.--  
28           (3) In the event a majority of those legally voting at  
29 any such election cast their vote "For Selling Intoxicating  
30 Liquors, Wines, or Beer" on question number 1 and a majority  
31 of the votes legally cast on question number 2 be "For Sales

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1 by the Package Only" then, after the expiration of 2 years an  
 2 election pursuant to s. 567.01(2)(b) may be held to determine  
 3 the sole question of whether intoxicating liquors, wines, or  
 4 beer may be sold by the drink for consumption on premises. If  
 5 a majority of those legally voting cast their votes for  
 6 selling intoxicating liquors, wines, or beer by the drink for  
 7 consumption on premises, then such alcoholic beverages may be  
 8 sold as otherwise provided by law in that county until  
 9 otherwise determined in an election, which shall not be held  
 10 oftener than once every 2 years. If a majority of those  
 11 legally voting cast their vote against the sale of  
 12 intoxicating liquors, wines, or beer by the drink for  
 13 consumption on premises, then sales by the package only shall  
 14 continue.

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

17 569.002 Definitions.--As used in this chapter, the  
 18 term:

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

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

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

25 (c) Is otherwise emancipated by a court of competent  
 26 jurisdiction and released from parental care and  
 27 responsibility; or

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

31 ~~(e) Is working in conjunction with a law enforcement~~

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1 ~~agency to test the compliance of dealers with this chapter.~~

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

4 569.101 Selling, delivering, bartering, furnishing, or  
5 giving tobacco products to persons under 18 years of age;  
6 criminal penalties; defense.--

7 (4) Any law enforcement officer, as defined in s.  
8 943.10(1), may use persons under the age of 18 to assist the  
9 officer in enforcement efforts by testing vendor compliance  
10 with the prohibitions established in this section.

11 Notwithstanding the prohibitions contained in s. 569.11, such  
12 person acting on behalf of a law enforcement officer to test  
13 vendor compliance with the prohibitions established in this  
14 section shall be immune from civil liability imposed by s.  
15 569.11 while acting on behalf of the law enforcement officer.

16 Section 8. Subsection (5) of section 569.11, Florida  
17 Statutes, is amended to read:

18 569.11 Possession, misrepresenting age or military  
19 service to purchase, and purchase of tobacco products by  
20 persons under 18 years of age prohibited; penalties;  
21 jurisdiction; disposition of fines.--

22 (5)(a) If a person under 18 years of age is found by  
23 the court to have committed a noncriminal violation under this  
24 section and that person has failed to complete community  
25 service within 60 days, pay the fine as required by paragraph  
26 (1)(a) or paragraph (2)(a) within 30 days, or attend a  
27 school-approved anti-tobacco program, if locally available,  
28 the court must direct the Department of Highway Safety and  
29 Motor Vehicles to withhold issuance of or suspend the driver's  
30 license or driving privilege of that person for a period of 30  
31 consecutive days.

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1           (b) If a person under 18 years of age is found by the  
2 court to have committed a noncriminal violation under this  
3 section and that person has failed to pay the applicable fine  
4 as required by paragraph (1)(b) or paragraph (2)(b) within 30  
5 days, the court must direct the Department of Highway Safety  
6 and Motor Vehicles to withhold issuance of or suspend the  
7 driver's license or driving privilege of that person for a  
8 period of 45 consecutive days.

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10 (Redesignate subsequent sections.)

11

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13 ===== T I T L E   A M E N D M E N T =====

14 And the title is amended as follows:

15           On page 1, lines 2 through 6, delete those lines

16

17 and insert:

18           An act relating to alcohol and tobacco sales;  
19           amending s. 562.45, F.S.; providing  
20           restrictions on locations for on-premises  
21           consumption of alcoholic beverages; amending s.  
22           562.11, F.S.; authorizing law enforcement  
23           officers to use persons under a certain age to  
24           test vendor compliance with provisions  
25           restricting the sale of alcoholic beverages to  
26           certain minors; amending s. 567.01, F.S.;  
27           providing for local-option elections to  
28           determine sales of intoxicating liquors, wines,  
29           or beer by the drink; amending s. 567.06, F.S.;  
30           providing ballot instructions for local-option  
31           elections; amending s. 567.07, F.S.; providing

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1           for a local option election for sole purpose of  
2           determining whether intoxicating liquors,  
3           wines, or beer may be sold by the drink for  
4           consumption on premises; amending ss. 569.002  
5           and 569.101, F.S.; authorizing law enforcement  
6           officers to use persons under a certain age to  
7           test vendor compliance with provisions  
8           restricting the sale of tobacco products to  
9           certain minors; amending s. 569.11, F.S.;  
10          specifying times within which community service  
11          or fines are satisfied; providing effective  
12          dates.

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