

By Senator Gutman

34-420A-99

See HB

1                                   A bill to be entitled  
2           An act relating to alcohol sales; amending s.  
3           567.01, F.S.; providing for local option  
4           elections to determine sales of intoxicating  
5           liquors, wines, or beer by the drink; amending  
6           s. 567.06, F.S.; providing ballot instructions  
7           for local option elections; amending s. 567.07,  
8           F.S.; providing for a local option election for  
9           sole purpose of determining whether  
10          intoxicating liquors, wines, or beer may be  
11          sold by the drink for consumption on premises;  
12          providing an effective date.

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

16           Section 1. Subsections (2) and (6) of section 567.01,  
17 Florida Statutes, are amended to read:

18           567.01   Petition, order, notice of election.--

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

20           (a) Whether intoxicating liquors, wines, or beer shall  
21           be prohibited or permitted in said county, and to decide also  
22           whether such sale, if permitted by said election, shall be  
23           restricted to sales by the package as hereinafter defined; or.

24           (b) Whether intoxicating liquors, wines, or beer shall  
25           be sold by the drink for consumption on premises as provided  
26           in s. 567.07(3).

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

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

3 (b) If such sales are determined to be permitted, to  
4 further determine whether the sales so made shall be limited  
5 to sales by the package as herein before defined, or whether  
6 sales by the drink on the premises, as well as sales by the  
7 package, may be permitted.

8  
9 A majority of those legally voting at such election must cast  
10 their votes for selling intoxicating liquors, wines, or beer  
11 in order that the results of the election on the second  
12 question shall be effective and binding.

13 Section 2. Subsection (3) is added to section 567.06,  
14 Florida Statutes, to read:

15 567.06 Form of ballot; canvassing votes.--

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

21  
22 INSTRUCTIONS: Local Option Election on the Following  
23 Question:

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25 THE QUESTION BEFORE THE ELECTORATE is to decide  
26 whether intoxicating liquors, wines, or beer,  
27 containing more than 6.243 percent of alcohol  
28 by volume, may be sold by the drink for  
29 consumption on premises in ( ) County,  
30 Florida.

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For Sales by the Drink:

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

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

567.07 Results of election.--

(3) In the event a majority of those legally voting at any such election cast their vote "For Selling Intoxicating Liquors, Wines, or Beer" on question number 1 and a majority of the votes legally cast on question number 2 be "For Sales by the Package Only" then, after the expiration of 2 years, an election pursuant to s. 567.01(2)(b) may be held to determine the sole question of whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises. If a majority of those legally voting cast their votes for selling intoxicating liquors, wines, or beer by the drink for consumption on premises, then such alcoholic beverages may be sold as otherwise provided by law in that county until otherwise determined in an election, which shall not be held oftener than once every 2 years. If a majority of those legally voting cast their vote against the sale of intoxicating liquors, wines, or beer by the drink for consumption on premises, then sales by the package only shall continue.

Section 4. This act shall take effect July 1, 1999.

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HOUSE SUMMARY

Provides for local option elections to determine sales of intoxicating liquors, wines, or beer by the drink and provides ballot instructions for such local option elections. Provides for a local option election for the sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises. See bill for details.