

By the Committee on Regulated Industries and Senator Gutman

315-1787-99

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

25 (b) After a prior election has authorized such sale
26 and has restricted sales to by the package only, whether
27 intoxicating liquors, wines, or beer shall be sold by the
28 drink for consumption on premises as provided in s.
29 567.07(2)(c).

30 (6) It is the purpose and intent of the Legislature
31 that such election shall obviate the necessity for holding two

1 separate elections, except as provided in s. 567.07(2)(c), by
2 determining in one election:

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

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

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

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

17 567.06 Form of ballot; canvassing votes.--

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

23
24 INSTRUCTIONS: Local Option Election on the Following
25 Question:

26
27 THE QUESTION BEFORE THE ELECTORATE is to decide
28 whether intoxicating liquors, wines, or beer,
29 containing more than 6.243 percent of alcohol
30 by volume, may be sold by the drink for
31

1 consumption on premises in () County,
2 Florida.

3
4 For Sales by the Drink:

5
6 followed by the word "yes" and also by the word "no," and
7 shall be styled in such a manner that a "yes" vote will
8 indicate approval of the question and a "no" vote will
9 indicate rejection.

10 Section 3. Section 567.07, Florida Statutes, is
11 amended to read:

12 567.07 Results of election.--

13 (1) If ~~Should~~ a majority of those legally voting at
14 any election under s. 567.01 cast their votes "Against Selling
15 Intoxicating Liquors, Wines, or Beer" on question number 1,
16 then no intoxicating liquors, wines, or beer shall be sold in
17 the county in which the ~~said~~ election was held until otherwise
18 determined by an election, which shall not be held oftener
19 than once in every 2 years.

20 (2) If ~~Should~~ a majority of those legally voting at
21 any such election cast their votes "For Selling Intoxicating
22 Liquors, Wines, or Beer" on question number 1 and a majority
23 of votes legally cast on question number 2 be cast "For Sales
24 by the Package Only," then:

25 (a) No intoxicating liquors, wines, or beer shall be
26 sold in said county that are not contained in sealed
27 containers, and

28 (b) No intoxicating liquors, wines, or beer shall be
29 consumed in said county on the premises where such
30 intoxicating liquors, wines, or beer are sold or on any other
31 premise under the control, either directly or indirectly, of

1 the licensee, until otherwise determined in an election, which
2 shall not be held oftener than once in every 2 years.

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

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

17
18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 SB 340

21 Inserts omitted existing statutory text and revises s. 567.01,
22 F.S., to clarify that the "by the drink" only election is to
23 be held only after a prior election has determined that sales
24 of intoxicating beverages are to be allowed in the county.
25
26
27
28
29
30
31