

Bill No. CS for SB 44-A

Amendment No. ____ Barcode 914128

CHAMBER ACTION

Senate

House

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Senator Diaz de la Portilla moved the following amendment:

Senate Amendment (with title amendment)

On page 16, lines 8 - 26, delete those lines

and insert:

Section 13. Section 386.2125, Florida Statutes, is created to read:

386.2125 Rulemaking.--The department and the Department of Business and Professional Regulation, shall, in consultation with the State Fire Marshal, have the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.

Section 14. Section 561.695, Florida Statutes, is created to read:

561.695 Stand-alone bar enforcement; penalties.-- (1) The division shall designate as a stand-alone bar in which tobacco smoking is permitted the licensed premises of a vendor that operates a business that meets the definition of a stand-alone bar in s. 386.203(11) upon receipt of the vendor's election to permit tobacco smoking in the licensed

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1 premises.

2 (2) Only the licensed vendor may provide or serve food
3 on the licensed premises of a stand-alone bar. Other than
4 customary bar snacks as defined by rule of the Department of
5 Business and Professional Regulation, the licensed vendor may
6 not provide or serve food to a person on the licensed premises
7 without requiring the person to pay a separately stated charge
8 for the food that reasonably approximates the retail value of
9 the food.

10 (3) The Division of Alcoholic Beverages and Tobacco
11 shall have the power to enforce the provisions of part II of
12 chapter 386 and to audit a vendor that operates a business
13 that meets the definition of a stand-alone bar as provided in
14 s. 386.203(11).

15 (4) The division shall adopt rules required for the
16 effective enforcement and administration of this section and
17 part II of chapter 386. The division is authorized to adopt
18 emergency rules pursuant to s. 120.54(4) to implement the
19 provisions of this section.

20 (5) Any vendor that operates a business that meets the
21 definition of a stand-alone bar as provided in s. 386.203(11)
22 who violates the provisions of this section or part II of
23 chapter 386 shall be subject to the following penalties:

24 (a) For the first violation the vendor shall be
25 subject to a warning;

26 (b) For the second violation within a two year period
27 of the first violation the vendor shall be subject to a fine
28 of \$500 to \$2000;

29 (c) For the third violation within a two year period
30 of the first violation the vendor shall be subject to a 30 day
31 suspension of the right to maintain a stand-alone bar in which

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1 tobacco smoking is permitted;

2 (d) For the fourth subsequent violation the vendor
3 shall be subject to a 60 day suspension of the right to
4 maintain a stand-alone bar in which tobacco smoking is
5 permitted; and

6 (e) For the fifth subsequent violation the vendor
7 shall be subject to a revocation of the right to maintain a
8 stand-alone bar in which tobacco smoking is permitted.

9 (6) On or after July 1, 2003, a vendor operating a
10 business intending to be designated as a stand-alone bar as
11 provided in this section shall post a notice of such intention
12 at the same location where the vendor's current alcoholic
13 beverage license is posted. The notice shall affirm the
14 vendor's intent to comply with the conditions and
15 qualifications of a stand-alone bar imposed pursuant to part
16 II of chapter 386, Florida Statutes, and the Beverage Law.
17 The vendor must have received the stand-alone bar designation
18 in order to allow smoking in the enclosed indoor workplace.

19 Section 15. If any provision of this act or the
20 application thereof to any person or circumstance is held
21 invalid, the invalidity shall not affect other provisions or
22 applications of the act which can be given effect without the
23 invalid provision or application, and to this end the
24 provisions of this act are declared severable.

25 Section 16. If any law amended by this act was also
26 amended by a law enacted at the 2003 Regular Session of the
27 Legislature, such laws shall be construed as if they had been
28 enacted during the same session of the Legislature, and full
29 effect shall be given to each if possible.

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

2 And the title is amended as follows:

3 On page 2, line 1, after the semicolon,

4

5 insert:

6 creating s. 561.695, F.S.; providing for
7 designation of stand-alone bars; providing for
8 rulemaking; providing for enforcement;
9 providing for penalties

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