

Bill No. CS for SB 44-A, 1st Eng.

Amendment No. \_\_\_\_ Barcode 964788

CHAMBER ACTION

Senate

House

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Senator Diaz de la Portilla moved the following amendment:

**Senate Amendment (with title amendment)**

On page 18, line, 4 through page 19, line 26, delete those lines

and insert:

(1) The division shall designate as a stand-alone bar 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 premises.

(2) Upon this act becoming law and until the annual renewal of a vendor's license, a licensed vendor who makes the required election may permit tobacco smoking on the licensed premises and must post a notice of such intention at the same location where the vendor's current alcoholic beverage license is posted. The notice shall affirm the vendor's intent to comply with the conditions and qualifications of a stand-alone bar imposed pursuant to part II of chapter 386 and the Beverage Law.

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

9       (4) A licensed vendor operating a stand-alone bar must  
10 conspicuously post signs at each entrance to the establishment  
11 stating that smoking is permitted in the establishment. The  
12 color and design of such signs shall be left to the discretion  
13 of the person in charge of the premises.

14       (5) After the initial designation, to continue to  
15 qualify as a stand-alone bar, the licensee must provide to the  
16 division each year, on or before the licensee's annual renewal  
17 date, for the preceding 12-month period an affidavit that  
18 certifies the following:

19       (a) No more than 10 percent of the gross revenue of  
20 the business is from the sale of food consumed on the licensed  
21 premises as defined in s. 386.203(11).

22       (b) Other than customary bar snacks as defined by rule  
23 of the division, the licensed vendor does not provide or serve  
24 food to a person on the licensed premises without requiring  
25 the person to pay a separately stated charge for food that  
26 reasonably approximates the retail value of the food.

27       (c) The licensed vendor conspicuously posts signs at  
28 each entrance to the establishment stating that smoking is  
29 permitted in the establishment.

30       (d) The division shall establish by rule the format of  
31 the affidavit required by this section.

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1       (6) The division shall have the power to enforce the  
2 provisions of part II of chapter 386 and to audit a vendor  
3 that operates a business that meets the definition of a  
4 stand-alone bar as provided in s. 386.203(11) for compliance  
5 with this section.

6       (7) The division shall adopt rules required for the  
7 effective enforcement and administration of this section and  
8 part II of chapter 386. The division is authorized to adopt  
9 emergency rules pursuant to s. 120.54(4) to implement the  
10 provisions of this section.

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

15       (a) For the first violation the vendor shall be  
16 subject to a warning;

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

20       (c) For the third or subsequent violation within a two  
21 year period of the first violation the vendor shall receive up  
22 to a 30 day suspension of the right to maintain a stand-alone  
23 bar in which tobacco smoking is permitted and shall be subject  
24 to a fine of \$500 to \$2,000; and

25       (d) For the fourth or subsequent violation the vendor  
26 shall receive a 60 day suspension and shall be subject to a  
27 fine of \$500 to \$2,000 or be subject to a revocation of the  
28 right to maintain a stand-alone bar in which tobacco smoking  
29 is permitted.

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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 3, after "enforcement;"

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5 and insert:

6            providing for posting of signs;

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