

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

.
.
.

Representative Prieguez offered the following:

Amendment to Amendment (024515)

Remove line(s) 496 through 551, 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 a law and until the annual renewal of a vendor's license, a licensed vendor who makes the required election under subsection (1) may permit tobacco smoking on the licensed premises and must post a notice of such intention at the same location at which the vendor's current alcoholic beverage license is posted. The notice shall affirm

Amendment No. (for drafter's use only)

28 the vendor's intent to comply with the conditions and
29 qualifications of a stand-alone bar imposed pursuant to part II
30 of chapter 386 and the Beverage Law.

31 (3) Only the licensed vendor may provide or serve food on
32 the licensed premises of a stand-alone bar. Other than
33 customary bar snacks as defined by rule of the division, the
34 licensed vendor may not provide or serve food to a person on the
35 licensed premises without requiring the person to pay a
36 separately stated charge for the food that reasonably
37 approximates the retail value of the food.

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

43 (5) After the initial designation, to continue to qualify
44 as a stand-alone bar the licensee must provide to the division
45 annually, on or before the licensee's annual renewal date, an
46 affidavit that certifies, with respect to the preceding 12-month
47 period, the following:

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

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

Amendment No. (for drafter's use only)

56 (c) The licensed vendor conspicuously posts signs at each
57 entrance to the establishment stating that smoking is permitted
58 in the establishment.

59
60 The division shall establish by rule the format of the affidavit
61 required by this subsection.

62 (6) Every third year after the initial designation, on or
63 before the licensee's annual license renewal, the licensed
64 vendor must additionally provide to the division an agreed upon
65 procedures report in a format established by rule of the
66 department from a Florida certified public accountant that
67 attests to the licensee's compliance with the percentage
68 requirement of s. 386.203(11) for the preceding 36-month period.
69 Such report shall be admissible in any proceeding pursuant to s.
70 120.57. This subsection does not apply to a stand-alone bar if
71 the only food provided by the business, or in any other way
72 present or brought onto the premises for consumption by patrons,
73 is limited to nonperishable snack food items commercially
74 prepackaged off the premises of the stand-alone bar and served
75 without additions or preparation; except that a stand-alone bar
76 may pop popcorn for consumption on its premises, provided that
77 the equipment used to pop the popcorn is not used to prepare any
78 other food for patrons.

79