

By Senator Geller

31-1086-05

1   A bill to be entitled  
2           An act relating to indoor smoking places;  
3           amending s. 386.203, F.S.; redefining the term  
4           "stand-alone bar" to include a licensed  
5           premises that derives no more than a specified  
6           amount of gross revenue from the sale of food  
7           consumed on the licensed premises and that is  
8           located in a building individually listed in  
9           the National Register of Historic Places;  
10          reenacting ss. 386.2045(4) and 561.695(1),  
11          F.S., relating to enclosed indoor workplaces  
12          and requirements for stand-alone bars, to  
13          incorporate the amendment made to s. 386.203,  
14          F.S., in references thereto; providing an  
15          effective date.

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

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19           Section 1. Subsection (11) of section 386.203, Florida  
20 Statutes, is amended to read:

21           386.203 Definitions.--As used in this part:

22           (11) "Stand-alone bar" means any licensed premises  
23 devoted during any time of operation predominantly or totally  
24 to serving alcoholic beverages, intoxicating beverages, or  
25 intoxicating liquors, or any combination thereof, for  
26 consumption on the licensed premises; in which the serving of  
27 food, if any, is merely incidental to the consumption of any  
28 such beverage; and the licensed premises is not located  
29 within, and does not share any common entryway or common  
30 indoor area with, any other enclosed indoor workplace,  
31 including any business for which the sale of food or any other

1 | product or service is more than an incidental source of gross  
2 | revenue. A place of business constitutes a stand-alone bar in  
3 | which the service of food is merely incidental in accordance  
4 | with this subsection if the licensed premises derives no more  
5 | than 10 percent of its gross revenue from the sale of food  
6 | consumed on the licensed premises. However, a place of  
7 | business remains a stand-alone bar in which the service of  
8 | food is merely incidental if the licensed premises derives no  
9 | more than 20 percent of its gross revenue from the sale of  
10 | food consumed on the licensed premises and the licensed  
11 | premises is located in a building that is individually listed  
12 | in the National Register of Historic Places as defined in s.  
13 | 267.021.

14 |           Section 2. For the purpose of incorporating the  
15 | amendment made to section 386.203, Florida Statutes, in a  
16 | reference thereto, subsection (4) of section 386.2045, Florida  
17 | Statutes, is reenacted to read:

18 |           386.2045 Enclosed indoor workplaces; specific  
19 | exceptions.--Notwithstanding s. 386.204, tobacco smoking may  
20 | be permitted in each of the following places:

21 |           (4) STAND-ALONE BAR.--A business that meets the  
22 | definition of a stand-alone bar as defined in s. 386.203(11)  
23 | and that otherwise complies with all applicable provisions of  
24 | the Beverage Law and this part.

25 |           Section 3. For the purpose of incorporating the  
26 | amendment made to section 386.203, Florida Statutes, in a  
27 | reference thereto, subsection (1) of section 561.695, Florida  
28 | Statutes, is reenacted to read:

29 |           561.695 Stand-alone bar enforcement; qualification;  
30 | penalties.--

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1 (1) The division shall designate as a stand-alone bar  
2 the licensed premises of a vendor that operates a business  
3 that meets the definition of a stand-alone bar in s.  
4 386.203(11) upon receipt of the vendor's election to permit  
5 tobacco smoking in the licensed premises.

6 Section 4. This act shall take effect July 1, 2005.

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9 SENATE SUMMARY

10 Revises the definition of the term "stand-alone bar" to  
11 include a licensed premises that derives no more than 20  
12 percent of gross revenue from the sale of food consumed  
13 on the licensed premises and is located in a building  
14 that is individually listed in the National Register of  
15 Historic Places.

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