

1 A bill to be entitled
 2 An act relating to stand-alone bars; amending s. 561.695,
 3 F.S.; removing a requirement that licensed vendors file a
 4 procedures report regarding compliance with certain food
 5 service limitations; providing an effective date.

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

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 9 Section 1. Subsections (6) through (9) of section 561.695,
 10 Florida Statutes, are amended to read:

11 561.695 Stand-alone bar enforcement; qualification;
 12 penalties.--

13 ~~(6) Every third year after the initial designation, on or~~
 14 ~~before the licensee's annual license renewal, the licensed~~
 15 ~~vendor must additionally provide to the division an agreed upon~~
 16 ~~procedures report in a format established by rule of the~~
 17 ~~department from a Florida certified public accountant that~~
 18 ~~attests to the licensee's compliance with the percentage~~
 19 ~~requirement of s. 386.203(11) for the preceding 36-month period.~~
 20 ~~Such report shall be admissible in any proceeding pursuant to s.~~
 21 ~~120.57. This subsection does not apply to a stand-alone bar if~~
 22 ~~the only food provided by the business, or in any other way~~
 23 ~~present or brought onto the premises for consumption by patrons,~~
 24 ~~is limited to nonperishable snack food items commercially~~
 25 ~~prepackaged off the premises of the stand-alone bar and served~~
 26 ~~without additions or preparation; except that a stand-alone bar~~
 27 ~~may pop popcorn for consumption on its premises, provided that~~

28 ~~the equipment used to pop the popcorn is not used to prepare any~~
29 ~~other food for patrons.~~

30 (6)~~(7)~~ The Division of Alcoholic Beverages and Tobacco
31 shall have the power to enforce the provisions of part II of
32 chapter 386 and to audit a licensed vendor that operates a
33 business that meets the definition of a stand-alone bar as
34 provided in s. 386.203(11) for compliance with this section.

35 (7)~~(8)~~ Any vendor that operates a business that meets the
36 definition of a stand-alone bar as provided in s. 386.203(11)
37 who violates the provisions of this section or part II of
38 chapter 386 shall be subject to the following penalties:

39 (a) For the first violation, the vendor shall be subject
40 to a warning or a fine of up to \$500, or both;

41 (b) For the second violation within 2 years after the
42 first violation, the vendor shall be subject to a fine of not
43 less than \$500 or more than \$2,000;

44 (c) For the third or subsequent violation within 2 years
45 after the first violation, the vendor shall receive a suspension
46 of the right to maintain a stand-alone bar in which tobacco
47 smoking is permitted, not to exceed 30 days, and shall be
48 subject to a fine of not less than \$500 or more than \$2,000; and

49 (d) For the fourth or subsequent violation, the vendor
50 shall receive a 60-day suspension of the right to maintain a
51 stand-alone bar in which tobacco smoking is permitted and shall
52 be subject to a fine of not less than \$500 or more than \$2,000
53 or revocation of the right to maintain a stand-alone bar in
54 which tobacco smoking is permitted.

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55 | (8)~~(9)~~ The division shall adopt rules governing the
56 | designation process, criteria for qualification, required
57 | recordkeeping, auditing, and all other rules necessary for the
58 | effective enforcement and administration of this section and
59 | part II of chapter 386. The division is authorized to adopt
60 | emergency rules pursuant to s. 120.54(4) to implement the
61 | provisions of this section.

62 | Section 2. This act shall take effect upon becoming a law.