

By Senator Haridopolos

26-651-06

See HB 317

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A bill to be entitled

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

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

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

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

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

1 ~~(6)~~(7) The Division of Alcoholic Beverages and Tobacco
2 shall have the power to enforce the provisions of part II of
3 chapter 386 and to audit a licensed vendor that operates a
4 business that meets the definition of a stand-alone bar as
5 provided in s. 386.203(11) for compliance with this section.

6 ~~(7)~~(8) Any vendor that operates a business that meets
7 the definition of a stand-alone bar as provided in s.
8 386.203(11) who violates the provisions of this section or
9 part II of chapter 386 shall be subject to the following
10 penalties:

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

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

16 (c) For the third or subsequent violation within 2
17 years after the first violation, the vendor shall receive a
18 suspension of the right to maintain a stand-alone bar in which
19 tobacco smoking is permitted, not to exceed 30 days, and shall
20 be subject to a fine of not less than \$500 or more than
21 \$2,000; and

22 (d) For the fourth or subsequent violation, the vendor
23 shall receive a 60-day suspension of the right to maintain a
24 stand-alone bar in which tobacco smoking is permitted and
25 shall be subject to a fine of not less than \$500 or more than
26 \$2,000 or revocation of the right to maintain a stand-alone
27 bar in which tobacco smoking is permitted.

28 ~~(8)~~(9) The division shall adopt rules governing the
29 designation process, criteria for qualification, required
30 recordkeeping, auditing, and all other rules necessary for the
31 effective enforcement and administration of this section and

1 part II of chapter 386. The division is authorized to adopt
2 emergency rules pursuant to s. 120.54(4) to implement the
3 provisions of this section.

4 Section 2. This act shall take effect upon becoming a
5 law.

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