

By Senator Hill

1-1522A-07

1                                   A bill to be entitled  
2           An act relating to underage drinking; amending  
3           s. 561.703, F.S.; redefining the term "vendor";  
4           amending s. 561.705, F.S.; requiring the  
5           completion of a responsible-vendor training  
6           program for all employees, all managers, and  
7           certain licensees who sell, prepare, dispense,  
8           serve, or otherwise deliver alcoholic beverages  
9           during the course of employment; providing  
10          requirements for a responsible-vendor training  
11          program; providing that the program may be  
12          conducted by the vendor or an approved and  
13          certified responsible-vendor training provider;  
14          authorizing the Division of Alcoholic Beverages  
15          and Tobacco of the Department of Business and  
16          Professional Regulation to refuse the renewal  
17          of a license until the licensee has satisfied  
18          all applicable training requirements; requiring  
19          the division to adopt rules; repealing s.  
20          561.706, F.S., relating to the exemption from  
21          license suspension or revocation under certain  
22          circumstances for licensees whose employees  
23          sell or serve alcoholic beverages to underage  
24          persons; creating s. 561.707, F.S.; requiring  
25          the division to approve and certify providers  
26          of responsible-vendor training; authorizing the  
27          division to levy fines against, or revoke or  
28          suspend the license of, any training provider  
29          who fails to provide appropriate training  
30          programs; providing a maximum fine; authorizing  
31          the division to establish fees for persons

1 seeking approval and certification to provide  
2 responsible-vendor training, as well as a  
3 biennial renewal fee; authorizing the division  
4 to adopt rules; creating s. 561.708, F.S.;  
5 requiring training providers to maintain and  
6 make available certain information for a  
7 certain length of time; requiring providers to  
8 agree in writing to cooperate with the  
9 department; authorizing the department to fine,  
10 suspend, or revoke approval for providers under  
11 certain circumstances; creating s. 563.09,  
12 F.S.; defining the terms "keg" and  
13 "keg-registration label"; providing for the  
14 design of keg-registration labels; requiring  
15 vendors selling kegs for off premises  
16 consumption to place a specific type of  
17 registration label on all kegs; requiring  
18 vendors to require all purchasers to sign a  
19 receipt when purchasing one or more kegs;  
20 providing requirements for such receipts;  
21 prohibiting the removal or damage of a  
22 keg-registration label; prohibiting the return  
23 of a keg-rental deposit in certain  
24 circumstances; providing certain exemptions  
25 from the label and receipt requirements;  
26 providing that it is a second-degree  
27 misdemeanor for any person who is not a vendor  
28 or distributor to knowingly remove or make  
29 unreadable all or part of a registration label,  
30 to possess a keg that does not have a label  
31 affixed, or to knowingly provide false

1 information on a keg-registration receipt;  
2 amending s. 1001.02, F.S.; requiring the State  
3 Board of Education to develop an annual report  
4 regarding the extent of alcohol and illicit  
5 drug use in college communities; requiring that  
6 the report contain certain information;  
7 providing responsibilities of the board  
8 regarding the submission of the report;  
9 amending ss. 1001.64 and 1001.74, F.S.;  
10 requiring each board of trustees to establish a  
11 plan to reduce and eliminate alcohol and  
12 illicit drug abuse and to evaluate that plan  
13 annually; amending s. 1002.21, F.S.;  
14 authorizing state universities and community  
15 colleges to disclose information regarding  
16 violations of law or policy related to alcohol  
17 or illicit drug use or possession to the parent  
18 or legal guardian of certain students;  
19 requiring state universities and community  
20 colleges to report such information to a  
21 student's parent or legal guardian upon a  
22 second or subsequent violation by the student;  
23 providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Subsection (2) of section 561.703, Florida  
28 Statutes, is amended to read:  
29 561.703 Definitions relating to Florida Responsible  
30 Vendor Act.--As used in this act, the term:  
31

1           (2) "Vendor" means a person who is licensed pursuant  
2 to this chapter, chapter 563, chapter 564, or chapter 565, to  
3 sell or serve alcoholic beverages. ~~However, vendors at grocery~~  
4 ~~or drug stores licensed under the provisions of s.~~  
5 ~~563.02(1)(a) or s. 564.02(1)(a), whose premises are in excess~~  
6 ~~of 5,000 square feet of floor space, shall be exempt from the~~  
7 ~~provisions of this act.~~

8           Section 2. Section 561.705, Florida Statutes, is  
9 amended to read:

10           561.705 Responsible vendor training requirement  
11 ~~qualification.~~ ~~--To qualify as a responsible vendor, the vendor~~  
12 ~~must:~~

13           (1) Each vendor must demonstrate that all of his or  
14 her employees who as part of their employment responsibilities  
15 sell, prepare, dispense, serve, or otherwise deliver alcoholic  
16 beverages directly to patrons of the licensed establishment,  
17 who check the identification of patrons, or who manage  
18 employees who perform such tasks have successfully completed a  
19 responsible-vendor training program approved and certified by  
20 the division. Each licensee who participates directly in the  
21 management of the licensed premises must also successfully  
22 complete a responsible-vendor training program approved and  
23 certified by the division. The required responsible-vendor  
24 program must:

25           ~~(a)(1)~~ Provide a course of instruction for its  
26 employees that must include subjects dealing with alcoholic  
27 beverages and may also include subjects dealing with  
28 controlled substances as follows:

29           1.(a) Laws covering the service of alcoholic beverages  
30 and the operation of establishments serving alcoholic  
31 beverages.

1           ~~2.(b)~~ Alcohol or controlled substances or both as a  
2 drug and its effects on the body and behavior, including its  
3 effects on a person operating a motor vehicle.

4           ~~3.(c)~~ Effects of alcohol in combination with commonly  
5 used drugs, both legal and illegal.

6           ~~4.(d)~~ Methods of recognizing and dealing with  
7 underaged customers.

8           ~~5.(e)~~ Methods for dealing with customers, and for  
9 dealing with employees, who use or traffic in illegal drugs.

10           ~~(b)(2)~~ Provide an alcohol server management course for  
11 managers of establishments that sell alcoholic beverages. The  
12 course must include subjects on alcoholic beverages and may  
13 include subjects on controlled substances as follows:

14           ~~1.(a)~~ Laws governing the service of alcoholic  
15 beverages and the operation of establishments serving  
16 alcoholic beverages.

17           ~~2.(b)~~ Development of standard operating procedures for  
18 dealing with underaged customers.

19           ~~3.(c)~~ Development of standard operating procedures for  
20 dealing with customers, and for dealing with employees, who  
21 use or traffic in illegal drugs.

22           ~~4.(d)~~ Methods of assisting employees in dealing with  
23 underaged customers and in maintaining records that relate to  
24 such incidents.

25           ~~(c)(3)~~ Require each nonmanagerial employee who is  
26 employed to serve alcoholic beverages to complete the employee  
27 training course specified in paragraph (a) ~~subsection (1)~~  
28 within 30 days after commencing employment. The vendor must  
29 provide for the supervision of such an employee in the service  
30 of alcoholic beverages until the employee has received such  
31 training.

1           ~~(d)(4)~~ Require each managerial employee to complete  
2 the managerial training course specified in paragraph (b)  
3 ~~subsection (2)~~ within 15 days after commencing employment.

4           ~~(e)(5)~~ Require all employees to attend one meeting  
5 every 4 months. Each meeting must include the dissemination of  
6 information covering the applicable subjects specified in this  
7 section and an explanation of the vendor's policies and  
8 procedures relating to those subjects.

9           ~~(f)(6)~~ Require each employee, as a condition of her or  
10 his initial employment, to complete a written questionnaire  
11 providing the vendor the same information as is required by  
12 the division from persons who apply for alcoholic beverage  
13 licenses and to determine therefrom whether the employee is  
14 precluded by law from serving or selling alcoholic beverages;  
15 however, employees of vendors licensed under s. 563.02(1)(a)  
16 or s. 564.02(1)(a) shall not be subject to the requirements of  
17 this subsection.

18           ~~(g)(7)~~ Establish a written policy under which any  
19 employee who engages in the illegal use of controlled  
20 substances on the licensed premises will be immediately  
21 dismissed from employment and require each employee to  
22 acknowledge the policy in writing.

23           ~~(h)(8)~~ Maintain employment records of the  
24 applications, acknowledgments, and training of its employees  
25 required by this section and records of the vendor's  
26 enforcement of the policies requiring dismissal specified in  
27 paragraph (g) ~~subsection (7)~~.

28           ~~(i)(9)~~ Post signs on the vendor's premises informing  
29 customers of the vendor's policy against serving alcoholic  
30 beverages to underaged persons and informing customers that  
31 the purchase of alcoholic beverages by an underaged person or

1 the illegal use of or trafficking in controlled substances  
2 will result in ejection from the premises and prosecution.

3 (2) A vendor may conduct the program of  
4 responsible-vendor training that complies with the provisions  
5 of this section or may engage the services of an approved and  
6 certified responsible-vendor training provider.

7 (3) The division shall establish a system to monitor  
8 licensee compliance with applicable requirements and to  
9 determine each licensee's responsible-vendor training status.  
10 The division shall determine whether each licensee, manager,  
11 and employee of the licensee is in full compliance with  
12 applicable training requirements as of the time of the  
13 licensee's license renewal.

14 (4) The division may refuse renewal of a licensee's  
15 license until the licensee has satisfied all applicable  
16 training requirements.

17 (5) The division may adopt rules under ss. 120.536(1)  
18 and 120.54 to administer this section.

19 Section 3. Section 561.706, Florida Statutes, is  
20 repealed.

21 Section 4. Section 561.707, Florida Statutes, is  
22 created to read:

23 561.707 Responsible-vendor training provider and  
24 program approval.--

25 (1) The division shall approve and certify providers  
26 of responsible-vendor training. The approval of  
27 responsible-vendor training providers and training programs  
28 must be for a specified period not to exceed 4 years.

29 (2) The division shall issue an order requiring a  
30 person or entity to cease and desist from offering any  
31 responsible-vendor training for licensees and fining,

1 suspending, or revoking any approval of a provider previously  
2 granted by the division if the division finds that the person  
3 or entity has failed to provide appropriate responsible-vendor  
4 training programs that conform to approved training  
5 requirements. The fine may not exceed \$250 per violation.

6 (3) The division may establish, by rule, a fee not to  
7 exceed \$250 for any person seeking approval and certification  
8 to provide responsible-vendor training and may establish, by  
9 rule, a biennial fee not to exceed \$250 for renewal.

10 (4) The division may adopt rules under ss. 120.536(1)  
11 and 120.54 to administer this section.

12 Section 5. Section 561.708, Florida Statutes, is  
13 created to read:

14 561.708 Responsible-vendor training providers.--

15 (1) Each responsible-vendor training provider shall  
16 maintain and make available to the division upon request, in  
17 an electronic format determined by the division, such  
18 information regarding the training status of licensees, their  
19 managers, and their employees as the division determines is  
20 necessary to ensure compliance.

21 (2) Each responsible-vendor training provider shall  
22 retain all records relating to completion of  
23 responsible-vendor training for at least 3 years after  
24 completion of a program of training.

25 (3) A responsible-vendor training provider may not be  
26 approved, and the approval may not be renewed, unless the  
27 provider agrees in writing to provide such cooperation as the  
28 department deems necessary or appropriate.

29 (4) The department may fine, suspend, or revoke  
30 approval of any responsible-vendor training provider that  
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1 fails to comply with its responsibilities under this section.  
2 The fine may not exceed \$250 per violation.

3 (5) The department may adopt rules under ss.  
4 120.536(1) and 120.54 to administer this section.

5 Section 6. Section 563.09, Florida Statutes, is  
6 created to read:

7 563.09 Sale of kegs.--

8 (1) As used in this section, the term:

9 (a) "Keg" means any container capable of holding four  
10 or more gallons of beer which is designed to dispense beer  
11 directly from the container for the purpose of consumption.

12 (b) "Keg-registration label" means any document,  
13 stamp, declaration, seal, decal, sticker, or device approved  
14 by the division which is designed to be affixed to kegs and  
15 which displays the identity of the vendor, a registration  
16 number, and such other information as may be prescribed by the  
17 division. The registration label shall consist of paper within  
18 a clear protective coating made of durable material that is  
19 not easily damaged or destroyed. The registration label may  
20 contain a nonpermanent adhesive material facilitating  
21 application of the label directly to an outside surface of a  
22 keg or it may be attached to the keg on a tag with nylon ties  
23 or cording, wire ties, other metal attachment devices, or by  
24 other durable means of tying or attaching the tag to the keg.  
25 The registration label shall be designed so that when the  
26 label is affixed to a keg, the label or tag will not mar or  
27 otherwise physically damage the keg.

28 (2) Vendors selling keg beer for off-premises  
29 consumption shall place a keg-registration label on all kegs  
30 of beer in order to allow kegs to be traced if the contents  
31 are used in violation of the Beverage Law. The

1 keg-registration label must be in the form of a numbered label  
2 prescribed and supplied by the department which identifies the  
3 vendor.

4 (3) The vendor shall require the purchaser of any keg  
5 of beer to sign a receipt. The receipt must be on a form  
6 prescribed by the division and must include the name and  
7 address of the purchaser and the purchaser's driver's license  
8 number or equivalent form of identification number.

9 (4) The receipt must provide a statement, signed by  
10 the purchaser, which indicates that the purchaser is 21 years  
11 of age or older, does not intend to allow persons under 21  
12 years of age to consume the alcoholic beverages purchased, and  
13 will not remove or make unreadable the keg-registration label  
14 affixed to the keg or allow it to be removed or made  
15 unreadable and that the purchaser acknowledges that removal or  
16 making unreadable the keg-registration label or furnishing  
17 alcoholic beverages to persons under the age of 21 years may  
18 result in criminal prosecution.

19 (5) A vendor may not return any deposit upon the  
20 return of any keg that does not have the identification label  
21 required by this section.

22 (6) When the purchaser obtains more than one keg from  
23 the same vendor on the same date, one keg-registration receipt  
24 may be completed if all of the required information for each  
25 keg is included on the receipt.

26 (7) A keg-registration label or receipt is not  
27 required to sell beer in kegs to vendors for on-premises  
28 consumption or to any caterer licensed under s. 561.20(2)(a)5.  
29 or chapter 509.

30 (8) A person who is not a vendor or distributor acting  
31 in the ordinary course of business may not knowingly remove

1 from a beer keg all or part of a keg-registration label, make  
2 unreadable all or any part of a required keg-registration  
3 label, or possess a keg required to be registered under this  
4 section which does not have the keg-registration label affixed  
5 thereto. A person may not knowingly provide false information  
6 on a keg-registration receipt. Any person who violates this  
7 subsection commits a misdemeanor of the second degree,  
8 punishable as provided in s. 775.082 or s. 775.083.

9 Section 7. Subsection (10) is added to section  
10 1001.02, Florida Statutes, to read:

11 1001.02 General powers of State Board of Education.--

12 (10) The State Board of Education shall, in  
13 conjunction with the board of governors, develop an annual  
14 report regarding the extent of alcohol and illicit drug abuse,  
15 including underage alcohol use by college and university  
16 students at the state universities and community colleges. The  
17 report must review the enforcement, prevention, and  
18 intervention policies and practices of the state universities  
19 and community colleges. The report shall address the need for  
20 uniform reporting, data collection, and recordkeeping by the  
21 state universities and community colleges. The report must  
22 provide and delineate its findings for each state university  
23 community.

24 (a) At a minimum, the report must:

25 1. Detail each university and community college's  
26 policies and practices regarding the use and possession of  
27 alcohol, including the extent to which alcohol use and  
28 possession is permitted in campus housing and campus dining  
29 and meeting facilities and during university-sponsored events,  
30 including on-campus and off-campus athletic events;

1           2. Specify which universities and community colleges  
2 notify the parents or legal guardians of students under 21  
3 years of age of violations of the institution's policies  
4 governing the use or possession of alcohol or illicit drugs;

5           3. Identify the institution's number of  
6 alcohol-related deaths by students, including deaths occurring  
7 during breaks between the school terms and off-campus. The  
8 term "alcohol-related deaths" includes deaths in which the use  
9 of alcohol or illicit drug use was a contributing factor;

10           4. Identify the number of incidents related to alcohol  
11 and illicit drugs on the campuses of the state universities,  
12 including incidents involving students and nonstudents, and  
13 specify the number of persons involved in each incident. The  
14 term "incident" includes violations of the college or  
15 university's alcohol and illicit drug policies and violations  
16 of state law in which alcohol or illicit drug use was a  
17 contributing factor;

18           5. Identify the number of alcohol-related  
19 hospitalizations of students. The term "alcohol-related  
20 hospitalizations" means incidents in which a student requires  
21 medical treatment for injuries or other medical conditions  
22 related to the abuse or excessive consumption of illicit drugs  
23 or alcohol;

24           6. Identify the on-campus and off-campus programs  
25 designed to deter and prevent the use or abuse of alcohol and  
26 illicit drugs and underage alcohol consumption; and

27           7. Identify the number of violations of each  
28 institution's student code of conduct related to alcohol or  
29 illicit drugs, including an accounting of the penalties  
30 imposed.

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1           (b) The annual report must include an assessment of  
2 progress made to reduce the incidence of alcohol and illicit  
3 drug violations and abuse, including underage alcohol use, at  
4 the state universities and community colleges, and must  
5 specify the practices and policies that need improvement. The  
6 annual report shall be submitted by July 1, 2008, and by July  
7 1 in each successive year, to the Governor, the President of  
8 the Senate, and the Speaker of the House of Representatives.

9           (c) The State Board of Education shall encourage the  
10 nonpublic universities and colleges of this state to  
11 contribute to the findings of the annual report and to  
12 participate in its preparation.

13           Section 8. Paragraph (h) is added to subsection (8) of  
14 section 1001.64, Florida Statutes, to read:

15           1001.64 Community college boards of trustees; powers  
16 and duties.--

17           (8) Each board of trustees has authority for policies  
18 related to students, enrollment of students, student records,  
19 student activities, financial assistance, and other student  
20 services.

21           (h) Each board of trustees shall establish a plan to  
22 reduce and eliminate alcohol and illicit drug abuse, including  
23 underage alcohol use, and conduct an annual evaluation of the  
24 effectiveness of that plan.

25           Section 9. Paragraph (j) is added to subsection (10)  
26 of section 1001.74, Florida Statutes, to read:

27           1001.74 Powers and duties of university boards of  
28 trustees.--

29           (10) Each board of trustees has responsibility for  
30 policies related to students, enrollment of students, student  
31

1 activities and organizations, financial assistance, and other  
2 student services.

3 (j) To the extent delegated by the board of governors  
4 pursuant to s. 1001.706, each board of trustees shall  
5 establish a plan to reduce and eliminate alcohol and illicit  
6 drug abuse, including underage alcohol use, and conduct an  
7 annual evaluation of the effectiveness of that plan.

8 Section 10. Subsection (7) is added to section  
9 1002.21, Florida Statutes, to read:

10 1002.21 Postsecondary student and parent rights.--

11 (7) Each state university and community college may  
12 disclose to the parent or legal guardian of a student  
13 information regarding any violation of any state or local law,  
14 rule, or policy of the institution regarding the use or  
15 possession of alcohol or illicit drugs, regardless of whether  
16 that information is contained in the student's education  
17 records if:

18 (a) The student is under the age of 21; and

19 (b) The state university or college has determined  
20 that the student has committed a disciplinary violation with  
21 respect to such use or possession.

22  
23 Upon a subsequent violation by the student of any state or  
24 local law or rule or policy of the state university or college  
25 regarding the use or possession of alcohol or illicit drugs,  
26 the state university or college must disclose the violation to  
27 the parent or legal guardian of the student.

28 Section 11. This act shall take effect July 1, 2007.  
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SENATE SUMMARY

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2  
3 Requires the completion of a responsible-vendor training  
4 program for all employees, all managers, and certain  
5 licensees who sell, prepare, dispense, serve, or  
6 otherwise deliver alcoholic beverages during the course  
7 of their employment. Provides requirements for a  
8 responsible-vendor training program. Provides that the  
9 program may be conducted by either the vendor or an  
10 approved and certified responsible-vendor training  
11 provider. Authorizes the Division of Alcoholic Beverages  
12 and Tobacco of the Department of Business and  
13 Professional Regulation to refuse the renewal of a  
14 license until the licensee has satisfied all applicable  
15 training requirements. Requires the division to adopt  
16 rules. Repeals s. 561.706, F.S., relating to the  
17 exemption from license suspension or revocation under  
18 certain circumstances for licensees whose employees sell  
19 or serve alcoholic beverages to underage persons.  
20 Requires the division to approve and certify providers of  
21 responsible-vendor training. Authorizes the division to  
22 levy fines against, or revoke or suspend the license of,  
23 any training provider under certain circumstances. Sets a  
24 maximum amount of \$250 per violation for such fines.  
25 Authorizes the division to establish, by rule, a maximum  
26 fee of \$250 and a biennial renewal fee for anyone seeking  
27 approval and certification to provide responsible-vendor  
28 training. Authorizes the division to adopt rules.  
29 Requires training providers to maintain and make  
30 available certain information. Requires providers to  
31 agree in writing to cooperate with the department.  
Authorizes the department to fine, suspend, or revoke  
approval for providers under certain circumstances.  
Provides for the design of keg-registration labels.  
Requires certain vendors to place a specific type of  
registration label on all kegs. Requires vendors to  
require all purchasers to sign a receipt when purchasing  
one or more kegs. Provides requirements for such  
receipts. Prohibits the removal or damage of a  
keg-registration label. Prohibits the return of a  
keg-rental deposit in certain circumstances. Provides  
certain exemptions from the label and receipt  
requirements. Provides that it is a second-degree  
misdemeanor for any person who is not a vendor or  
distributor to knowingly remove or make unreadable all or  
part of a registration label, to possess a keg that does  
not have a label affixed, or to knowingly provide false  
information on a keg-registration receipt. Requires the  
State Board of Education to develop an annual report  
regarding the extent of alcohol and illicit drug use in  
college communities. Requires the report to contain  
certain information. Provides responsibilities of the  
board regarding the submission of the report. Requires  
each college or university board of trustees to establish  
a plan to reduce and eliminate alcohol and illicit drug  
abuse and to evaluate that plan annually. Authorizes  
state universities and community colleges to disclose  
information regarding violations of law or policy related  
to alcohol or illicit drug use or possession to the  
parent or legal guardian of certain students. Requires

1 | state universities and community colleges to report such  
2 | information to a student's parent or legal guardian upon  
3 | a second or subsequent violation by the student.  
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