

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Renuart offered the following:

**Amendment (with title amendment)**

Remove lines 117-126 and insert:

Section 2. Section 567.01, Florida Statutes, is amended to read:

567.01 Petition, order, notice of election.—

(1) The board of county commissioners of each county shall order an election to decide whether the sale of intoxicating liquors, wines, or beer shall be prohibited or permitted in that ~~said county and if not prohibited, to decide the method of sale,~~ upon the presentation to said board at a regular or special meeting, of a written application asking for such a determination in the county in which said application is made signed by one-fourth of the registered voters of the county. The signature of each registered voter shall be personally signed to

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17 such application; provided, however, a copy of said petition  
18 shall be dated and filed with the clerk of the circuit court of  
19 the county in which such election is to be held prior to  
20 procuring the signature of any registered voter thereon; and  
21 such petition must be completed and presented to the board of  
22 county commissioners within 120 days from the date said copy of  
23 said petition is originally filed with the clerk of the circuit  
24 court; and if not so done, said petition shall be held to be  
25 invalid.

26 (2) The election so ordered shall be to decide ~~either:~~  
27 ~~(a)~~ whether the sale of intoxicating liquors, wines, or  
28 beer shall be prohibited or permitted in said county, and to  
29 decide also whether such sale, if permitted by said election,  
30 shall be restricted to sales by the package, ~~as hereinafter~~  
31 ~~defined; or~~

32 (3)(b) After an a-prior election has authorized the such  
33 sale of intoxicating liquors, wines, or beer and has restricted  
34 the sales to by the package only, the board of county  
35 commissioners shall order an election to decide whether  
36 intoxicating liquors, wines, or beer shall be sold by the drink  
37 for consumption on premises as provided in s. 567.07(2)(c) by a  
38 majority vote of the board of county commissioners or when  
39 application is made signed by one-tenth of the registered voters  
40 of the county.

41 (4)(3) The term "Sales by the package" is defined to mean  
42 sales made in sealed containers, for consumption off the  
43 premises where sold.

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44        ~~(5)-(4)~~ Such an election shall not be ordered oftener than  
45 once every 2 years. All orders for such election shall be in  
46 writing and shall be entered upon the minutes of the board but  
47 this requirement shall be directory only.

48        ~~(6)-(5)~~ Upon the making of the order for an election ~~as~~  
49 ~~aforsaid~~, the board shall cause its clerk to give at least 30  
50 days' notice of said election by publishing a copy of the order  
51 for election in one newspaper in each and every town in said  
52 county in which a newspaper or newspapers be published, and if  
53 no newspaper be published within the county, then by posting at  
54 least 10 copies of said order in 10 of the most public places in  
55 said county, one of which shall be the courthouse door. Proof of  
56 publication or proof of posting shall be filed with the board  
57 and shall be made as provided by ss. 49.10 and 49.11, for making  
58 proof of publication and proof of posting incident to  
59 constructive service of process, except that the provisions of  
60 said sections for recording shall not apply. All proofs of  
61 publication and of posting shall be entered upon the minutes of  
62 the board, but this requirement shall be directory only.

63        ~~(7)-(6)~~ It is the purpose and intent of the Legislature  
64 that the ~~such~~ election shall obviate the necessity for holding  
65 two separate elections, except as provided in s. 567.07(2)(c),  
66 by determining in one election:

67            (a) Whether the sale of intoxicating liquors, wines, or  
68 beer shall be prohibited or permitted, and

69            (b) If such sales are determined to be permitted, to  
70 further determine whether the sales so made shall be limited to  
71 sales by the package as herein before defined, or whether sales

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72 by the drink on the premises, as well as sales by the package,  
73 may be permitted.

74  
75 A majority of those legally voting at such election must cast  
76 their votes for selling intoxicating liquors, wines, or beer in  
77 order that the results of the election on the second question  
78 shall be effective and binding.

79 Section 3. Subsection (1) of section 561.14, Florida  
80 Statutes, is amended to read:

81 561.14 License and registration classification.—Licenses  
82 and registrations referred to in the Beverage Law shall be  
83 classified as follows:

84 (1) Manufacturers licensed to manufacture alcoholic  
85 beverages and distribute the same at wholesale to licensed  
86 distributors and to no one else within the state, unless  
87 authorized by statute. Persons engaged in the business of  
88 distilling, rectifying, or blending spirituous liquors licensed  
89 under s. 565.03(2) ~~565.03(1)(a)1. and (b)~~ shall sell and  
90 distribute such beverages at wholesale only to other  
91 manufacturers and to licensed distributors and to no one else  
92 within this state.

93 Section 4. Subsection (3) of section 567.06, Florida  
94 Statutes, is amended to read:

95 567.06 Form of ballot; canvassing votes.—

96 (3) However, for a local option election authorized by s.  
97 567.01(3) ~~567.01(2)(b)~~ on the sole question of whether  
98 intoxicating liquors, wines, or beer may be sold by the drink

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99 for consumption on premises, ballot instructions shall be  
100 presented in the following form:

101 INSTRUCTIONS: Local Option Election on the Following Question:  
102 THE QUESTION BEFORE THE ELECTORATE is to decide whether  
103 intoxicating liquors, wines, or beer, containing more than 6.243  
104 percent of alcohol by volume, may be sold by the drink for  
105 consumption on premises in ( ) County, Florida.

106 For Sales by the Drink:  
107 followed by the word "yes" and also by the word "no," and shall  
108 be styled in such a manner that a "yes" vote will indicate  
109 approval of the question and a "no" vote will indicate  
110 rejection.

111 Section 5. Paragraph (c) of subsection (2) of section  
112 567.07, Florida Statutes, is amended to read:

113 567.07 Results of election.—

114 (2) If a majority of those legally voting at any such  
115 election cast their votes "For Selling Intoxicating Liquors,  
116 Wines, or Beer" on question number 1 and a majority of votes  
117 legally cast on question number 2 be cast "For Sales by the  
118 Package Only," then:

119 (c) After the expiration of 2 years, an election pursuant  
120 to s. 567.01(3) ~~567.01(2)(b)~~ may be held to determine the sole  
121 question of whether intoxicating liquors, wines, or beer may be  
122 sold by the drink for consumption on premises. If a majority of  
123 those legally voting cast their votes for selling intoxicating  
124 liquors, wines, or beer by the drink for consumption on  
125 premises, such alcoholic beverages may be sold as otherwise  
126 provided by law in that county until otherwise determined in an

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127 election, which shall not be held oftener than once every 2  
128 years. If a majority of those legally voting cast their vote  
129 against the sale of intoxicating liquors, wines, or beer by the  
130 drink for consumption on premises, sales by the package only  
131 shall continue.

132 Section 6. (1) The Legislature declares that it would not  
133 have enacted individually the amendments to ss. 565.03 and  
134 561.14, Florida Statutes, and expressly finds the amendments to  
135 those provisions not to be severable. If a court of competent  
136 jurisdiction determines any provision of those sections as  
137 amended by this act to be in conflict with any law of this  
138 state, a federal law or regulation, the State Constitution, or  
139 the United States Constitution, or to be otherwise invalid for  
140 any reason, it is the intent of the Legislature that the  
141 amendments to ss. 565.03 and 561.14, Florida Statutes, shall be  
142 void, that such invalidity shall void only those changes made by  
143 this act to ss. 565.03 and 561.14, Florida Statutes, and that no  
144 other law be affected.

145 (2) If a provision of s. 567.01, s. 567.06, s. or 567.07,  
146 Florida Statutes, as amended by this act, or if the application  
147 of those sections as amended by this act to any person or  
148 circumstance is held invalid, the invalidity does not affect  
149 other provisions or applications of the act which can be given  
150 effect without the invalid provision or application, and to this  
151 end the amendments to ss. 567.01, 567.06, and 567.07, Florida  
152 Statutes, are severable.

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**T I T L E   A M E N D M E N T**

Remove lines 2-16 and insert:

An act relating to alcoholic beverages; amending s. 565.03, F.S.; providing definitions; revising provisions with respect to the licensure and operation of distilleries; providing requirements for craft distilleries; providing for the sale of distilled spirits by licensed distilleries under certain conditions; providing reporting requirements; prohibiting the shipment of certain distilled spirits; prohibiting the transfer of a distillery license under certain conditions; prohibiting a craft distillery from having its ownership affiliated with another distillery under certain conditions; providing requirements relating to the payment of taxes; providing for applicability; providing rulemaking authority; amending s. 567.01, F.S.; providing that a county commission may order an election on the sale of alcoholic beverages for consumption on premise under certain conditions; amending ss. 561.14, 567.06, and 567.07, F.S.; conforming cross-references; providing legislative intent with respect to the severability or nonseverability of specified amendments made by the act; providing an

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