



209046

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/16/2013	.	
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The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete lines 126 - 136
and insert:

Section 3. 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,~~



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13 upon the presentation to said board at a regular or special
14 meeting, of a written application asking for such a
15 determination in the county in which said application is made
16 signed by one-fourth of the registered voters of the county. The
17 signature of each registered voter shall be personally signed to
18 such application; provided, however, a copy of said petition
19 shall be dated and filed with the clerk of the circuit court of
20 the county in which such election is to be held prior to
21 procuring the signature of any registered voter thereon; and
22 such petition must be completed and presented to the board of
23 county commissioners within 120 days from the date said copy of
24 said petition is originally filed with the clerk of the circuit
25 court; and if not so done, said petition shall be held to be
26 invalid.

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

33 ~~(b)~~

34 (3) After an a-prior election has authorized the such sale
35 of intoxicating liquors, wines, or beer and has restricted the
36 sales to by the package only, the county commission may order an
37 election to decide whether intoxicating liquors, wines, or beer
38 shall be sold by the drink for consumption on premises as
39 provided in s. 567.07(2)(c).

40 (4)~~(3)~~ The term "Sales by the package" is defined to mean
41 sales made in sealed containers, for consumption off the



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42 premises where sold.

43 ~~(5)~~~~(4)~~ Such an election shall not be ordered oftener than
44 once every 2 years. All orders for such election shall be in
45 writing and shall be entered upon the minutes of the board but
46 this requirement shall be directory only.

47 ~~(6)~~~~(5)~~ Upon the making of the order for an election ~~as~~
48 ~~aforsaid~~, the board shall cause its clerk to give at least 30
49 days' notice of said election by publishing a copy of the order
50 for election in one newspaper in each and every town in said
51 county in which a newspaper or newspapers be published, and if
52 no newspaper be published within the county, then by posting at
53 least 10 copies of said order in 10 of the most public places in
54 said county, one of which shall be the courthouse door. Proof of
55 publication or proof of posting shall be filed with the board
56 and shall be made as provided by ss. 49.10 and 49.11, for making
57 proof of publication and proof of posting incident to
58 constructive service of process, except that the provisions of
59 said sections for recording shall not apply. All proofs of
60 publication and of posting shall be entered upon the minutes of
61 the board, but this requirement shall be directory only.

62 ~~(7)~~~~(6)~~ It is the purpose and intent of the Legislature that
63 ~~the such~~ election shall obviate the necessity for holding two
64 separate elections, except as provided in s. 567.07(2)(c), by
65 determining in one election:

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

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



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

73
74 A majority of those legally voting at such election must cast
75 their votes for selling intoxicating liquors, wines, or beer in
76 order that the results of the election on the second question
77 shall be effective and binding.

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

80 567.06 Form of ballot; canvassing votes.—

81 (3) However, for a local option election authorized by s.
82 567.01 ~~(3)(2)(b)~~ on the sole question of whether intoxicating
83 liquors, wines, or beer may be sold by the drink for consumption
84 on premises, ballot instructions shall be presented in the
85 following form:

86
87 INSTRUCTIONS: Local Option Election on the Following Question:

88
89 THE QUESTION BEFORE THE ELECTORATE is to decide
90 whether intoxicating liquors, wines, or beer,
91 containing more than 6.243 percent of alcohol by
92 volume, may be sold by the drink for consumption on
93 premises in () County, Florida.

94
95 For Sales by the Drink:

96
97 followed by the word "yes" and also by the word "no," and shall
98 be styled in such a manner that a "yes" vote will indicate
99 approval of the question and a "no" vote will indicate



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100 rejection.

101 Section 5. Paragraph (c) of subsection (2) of section
102 567.07, Florida Statutes, is amended to read:

103 567.07 Results of election.—

104 (2) If a majority of those legally voting at any such
105 election cast their votes "For Selling Intoxicating Liquors,
106 Wines, or Beer" on question number 1 and a majority of votes
107 legally cast on question number 2 be cast "For Sales by the
108 Package Only," then:

109 (c) After the expiration of 2 years, an election pursuant
110 to s. 567.01 (3) (2) (b) may be held to determine the sole question
111 of whether intoxicating liquors, wines, or beer may be sold by
112 the drink for consumption on premises. If a majority of those
113 legally voting cast their votes for selling intoxicating
114 liquors, wines, or beer by the drink for consumption on
115 premises, such alcoholic beverages may be sold as otherwise
116 provided by law in that county until otherwise determined in an
117 election, which shall not be held oftener than once every 2
118 years. If a majority of those legally voting cast their vote
119 against the sale of intoxicating liquors, wines, or beer by the
120 drink for consumption on premises, sales by the package only
121 shall continue.

122 Section 6. (1) The Legislature declares that it would not
123 have enacted individually the amendments to sections 565.03 and
124 561.04, Florida Statutes, and expressly finds the amendments to
125 those provisions not to be severable. If a court of competent
126 jurisdiction determines any provision of those sections as
127 amended by this act to be in conflict with any law of this
128 state, a federal law or regulation, the State Constitution, or



129 the United States Constitution, or to be otherwise invalid for
130 any reason, it is the intent of the Legislature that the
131 amendments to sections 565.03 and 561.04, Florida Statutes,
132 shall be void, that such invalidity shall void only those
133 changes made by this act to sections 565.03 and 561.04, Florida
134 Statutes, and that no other law be affected.

135 (2) If any provisions of sections 567.01, 567.06, or
136 567.07, Florida Statutes, as amended by this act, or if the
137 application of those sections as amended by this act to any
138 person or circumstance is held invalid, the invalidity does not
139 affect other provisions or applications of the act which can be
140 given effect without the invalid provision or application, and
141 to this end sections 567.01, 567.06, or 567.07, Florida
142 Statutes, as amended by this act are severable.

143 Section 7. This act shall take effect July 1, 2013.

144
145 ===== T I T L E A M E N D M E N T =====

146 And the title is amended as follows:

147 Delete lines 2 - 14

148 and insert:

149 An act relating to alcoholic beverages; amending s.
150 565.03, F.S.; providing definitions; revising
151 provisions regarding a state license tax involved with
152 the operation of distilleries; providing requirements
153 for craft distilleries under certain conditions;
154 prohibiting the shipment of certain distilled spirits;
155 restricting license transferability and ownership
156 affiliation; providing reporting requirements;
157 providing requirements relating to the payment of



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158 taxes; providing for the adoption of rules; amending
159 s. 561.14, F.S.; conforming a cross-reference;
160 amending s. 567.01, F.S.; providing that a county
161 commission may order an election on the sale of
162 alcoholic beverages for consumption on premise;
163 amending s. 567.06; conforming a cross reference;
164 amending s. 567.07, F.S.; conforming a cross
165 reference; declaring that the provisions of ss. 565.03
166 and 561.04, F.S., as amended by this act are not
167 severable; providing a severability clause; providing
168 an effective date.