



485366

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2013	.	
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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 board of county commissioners  
37 shall order an election to decide whether intoxicating liquors,  
38 wines, or beer shall be sold by the drink for consumption on  
39 premises as provided in s. 567.07(2)(c) by a majority vote of  
40 the board of county commissioners or when application is made  
41 signed by one-tenth of the registered voters of the county.



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

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

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

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

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

70           (b) If such sales are determined to be permitted, to



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71 further determine whether the sales so made shall be limited to  
72 sales by the package as herein before defined, or whether sales  
73 by the drink on the premises, as well as sales by the package,  
74 may be permitted.

75

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

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

82 567.06 Form of ballot; canvassing votes.—

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

88

89 INSTRUCTIONS: Local Option Election on the Following Question:

90

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

96

97 For Sales by the Drink:

98

99 followed by the word "yes" and also by the word "no," and shall



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100 be styled in such a manner that a "yes" vote will indicate  
101 approval of the question and a "no" vote will indicate  
102 rejection.

103 Section 5. Paragraph (c) of subsection (2) of section  
104 567.07, Florida Statutes, is amended to read:

105 567.07 Results of election.—

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

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

124 Section 6. (1) The Legislature declares that it would not  
125 have enacted individually the amendments to sections 565.03 and  
126 561.14, Florida Statutes, and expressly finds the amendments to  
127 those provisions not to be severable. If a court of competent  
128 jurisdiction determines any provision of those sections as



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129 amended by this act to be in conflict with any law of this  
130 state, a federal law or regulation, the State Constitution, or  
131 the United States Constitution, or to be otherwise invalid for  
132 any reason, it is the intent of the Legislature that the  
133 amendments to sections 565.03 and 561.14, Florida Statutes,  
134 shall be void, that such invalidity shall void only those  
135 changes made by this act to sections 565.03 and 561.14, Florida  
136 Statutes, and that no other law be affected.

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

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

146  
147 ===== T I T L E A M E N D M E N T =====

148 And the title is amended as follows:

149 Delete lines 2 - 14

150 and insert:

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



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