

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Regulatory Affairs  
 2 Committee  
 3 Representative Rodrigues, R. offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Section 210.13, Florida Statutes, is amended to  
 8 read:

9 210.13 Determination of tax on failure to file a return.—  
 10 If a dealer or other person required to remit the tax under this  
 11 part fails to file any return required under this part, or  
 12 having filed an incorrect or insufficient return, fails to file  
 13 a correct or sufficient return, as the case may require, within  
 14 10 days after the giving of notice to the dealer by the Division  
 15 of Alcoholic Beverages and Tobacco that such return or corrected  
 16 or sufficient return is required, the division shall determine  
 17 the amount of tax due by such dealer any time within 3 years

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18 after the making of the earliest sale included in such  
19 determination and give written notice of such determination to  
20 such dealer. Such a determination shall finally and irrevocably  
21 fix the tax unless the dealer against whom it is assessed shall,  
22 within 30 days after the giving of notice of such determination,  
23 apply to the division for a hearing. Judicial review shall not  
24 be granted unless the amount of tax stated in the decision, with  
25 penalties thereon, if any, shall have been first deposited with  
26 the division, and an undertaking or bond filed in the court in  
27 which such cause may be pending in such amount and with such  
28 sureties as the court shall approve, conditioned that if such  
29 proceeding be dismissed or the decision of the division  
30 confirmed, the applicant for review will pay all costs and  
31 charges which may accrue against the applicant in the  
32 prosecution of the proceeding. At the option of the applicant,  
33 such undertaking or bond may be in an additional sum sufficient  
34 to cover the tax, penalties, costs, and charges aforesaid, in  
35 which event the applicant shall not be required to pay such tax  
36 and penalties precedent to the granting of such review by such  
37 court.

38 Section 2. Subsection (22) is added to section 561.01,  
39 Florida Statutes, to read:

40 561.01 Definitions.—As used in the Beverage Law:

41 (22) "Railroad transit station" means a platform or a  
42 terminal facility where passenger trains operating on a guided  
43 rail system according to a fixed schedule between two or more

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44 cities regularly stop to load and unload passengers or goods.  
45 The term includes a passenger waiting lounge and dining, retail,  
46 entertainment, or recreational facilities within the licensed  
47 premises owned or leased by the railroad operator or owner.

48 Section 3. Paragraph (a) of subsection (2) of section  
49 561.20, Florida Statutes, is amended to read:

50 561.20 Limitation upon number of licenses issued.—

51 (2) (a) The ~~No such~~ limitation of the number of licenses as  
52 ~~herein provided in this section does not shall henceforth~~  
53 prohibit the issuance of a special license to:

54 1. Any bona fide hotel, motel, or motor court of not fewer  
55 than 80 guest rooms in any county having a population of less  
56 than 50,000 residents, and of not fewer than 100 guest rooms in  
57 any county having a population of 50,000 residents or greater;  
58 or any bona fide hotel or motel located in a historic structure,  
59 as defined in s. 561.01(21), with fewer than 100 guest rooms  
60 which derives at least 51 percent of its gross revenue from the  
61 rental of hotel or motel rooms, which is licensed as a public  
62 lodging establishment by the Division of Hotels and Restaurants;  
63 provided, however, that a bona fide hotel or motel with no fewer  
64 than 10 and no more than 25 guest rooms which is a historic  
65 structure, as defined in s. 561.01(21), in a municipality that  
66 on the effective date of this act has a population, according to  
67 the University of Florida's Bureau of Economic and Business  
68 Research Estimates of Population for 1998, of no fewer than  
69 25,000 and no more than 35,000 residents and that is within a

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70 constitutionally chartered county may be issued a special  
71 license. This special license shall allow the sale and  
72 consumption of alcoholic beverages only on the licensed premises  
73 of the hotel or motel. In addition, the hotel or motel must  
74 derive at least 60 percent of its gross revenue from the rental  
75 of hotel or motel rooms and the sale of food and nonalcoholic  
76 beverages; provided that the provisions of this subparagraph  
77 shall supersede local laws requiring a greater number of hotel  
78 rooms;

79       2. Any condominium accommodation of which no fewer than  
80 100 condominium units are wholly rentable to transients and  
81 which is licensed under the provisions of chapter 509, except  
82 that the license shall be issued only to the person or  
83 corporation which operates the hotel or motel operation and not  
84 to the association of condominium owners;

85       3. Any condominium accommodation of which no fewer than 50  
86 condominium units are wholly rentable to transients, which is  
87 licensed under the provisions of chapter 509, and which is  
88 located in any county having home rule under s. 10 or s. 11,  
89 Art. VIII of the State Constitution of 1885, as amended, and  
90 incorporated by reference in s. 6(e), Art. VIII of the State  
91 Constitution, except that the license shall be issued only to  
92 the person or corporation which operates the hotel or motel  
93 operation and not to the association of condominium owners;

94       4. Any food service establishment that has ~~restaurant~~  
95 ~~having~~ 2,500 square feet of service area, is ~~and~~ equipped to

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96 serve meals to 150 persons ~~full course meals at tables~~ at one  
97 time, and that derives ~~deriving~~ at least 51 percent of its gross  
98 food and beverage revenue from the sale of food and nonalcoholic  
99 beverages during the first 60-day operating period and each 12-  
100 month operating period thereafter. ~~However,~~ A food service  
101 establishment ~~no restaurant~~ granted a special license on or  
102 after January 1, 1958, pursuant to general or special law may  
103 not shall operate as a package store and may not sell, ~~nor shall~~  
104 intoxicating beverages ~~be sold~~ under such license after the  
105 hours of serving or consumption of food have elapsed. Failure by  
106 a licensee to meet the required percentage of food and  
107 nonalcoholic beverage gross revenues during the covered  
108 operating period shall result in revocation of the license or  
109 denial of the pending license application. A licensee whose  
110 license is revoked or an applicant whose pending application is  
111 denied, or any person required to qualify on the special license  
112 application, is ineligible to have any interest in a subsequent  
113 application for such a license for a period of 120 days after  
114 the date of the final denial or revocation; or

115 5. Any caterer, deriving at least 51 percent of its gross  
116 revenue from the sale of food and nonalcoholic beverages,  
117 licensed by the Division of Hotels and Restaurants under chapter  
118 509. Notwithstanding any other provision of law to the contrary,  
119 a licensee under this subparagraph shall sell or serve alcoholic  
120 beverages only for consumption on the premises of a catered  
121 event at which the licensee is also providing prepared food, and

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122 shall prominently display its license at any catered event at  
123 which the caterer is selling or serving alcoholic beverages. A  
124 licensee under this subparagraph shall purchase all alcoholic  
125 beverages it sells or serves at a catered event from a vendor  
126 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.  
127 565.02(1) subject to the limitation imposed in subsection (1),  
128 as appropriate. A licensee under this subparagraph may not store  
129 any alcoholic beverages to be sold or served at a catered event.  
130 Any alcoholic beverages purchased by a licensee under this  
131 subparagraph for a catered event that are not used at that event  
132 must remain with the customer; provided that if the vendor  
133 accepts unopened alcoholic beverages, the licensee may return  
134 such alcoholic beverages to the vendor for a credit or  
135 reimbursement. Regardless of the county or counties in which the  
136 licensee operates, a licensee under this subparagraph shall pay  
137 the annual state license tax set forth in s. 565.02(1)(b). A  
138 licensee under this subparagraph must maintain for a period of 3  
139 years all records required by the department by rule to  
140 demonstrate compliance with the requirements of this  
141 subparagraph, including licensed vendor receipts for the  
142 purchase of alcoholic beverages and records identifying each  
143 customer and the location and date of each catered event.  
144 Notwithstanding any provision of law to the contrary, any vendor  
145 licensed under s. 565.02(1) subject to the limitation imposed in  
146 subsection (1), may, without any additional licensure under this  
147 subparagraph, serve or sell alcoholic beverages for consumption

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148 on the premises of a catered event at which prepared food is  
149 provided by a caterer licensed under chapter 509. If a licensee  
150 under this subparagraph also possesses any other license under  
151 the Beverage Law, the license issued under this subparagraph  
152 shall not authorize the holder to conduct activities on the  
153 premises to which the other license or licenses apply that would  
154 otherwise be prohibited by the terms of that license or the  
155 Beverage Law. Nothing in this section shall permit the licensee  
156 to conduct activities that are otherwise prohibited by the  
157 Beverage Law or local law. The Division of Alcoholic Beverages  
158 and Tobacco is hereby authorized to adopt rules to administer  
159 the license created in this subparagraph, to include rules  
160 governing licensure, recordkeeping, and enforcement. The first  
161 \$300,000 in fees collected by the division each fiscal year  
162 pursuant to this subparagraph shall be deposited in the  
163 Department of Children and Families' Operations and Maintenance  
164 Trust Fund to be used only for alcohol and drug abuse education,  
165 treatment, and prevention programs. The remainder of the fees  
166 collected shall be deposited into the Hotel and Restaurant Trust  
167 Fund created pursuant to s. 509.072.

168  
169 However, any license heretofore issued to any such hotel,  
170 motel, motor court, or restaurant or hereafter issued to any  
171 such hotel, motel, or motor court, including a condominium  
172 accommodation, under the general law shall not be moved to a new  
173 location, such license being valid only on the premises of such

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174 hotel, motel, motor court, or restaurant. Licenses issued to  
175 hotels, motels, motor courts, or restaurants under the general  
176 law and held by such hotels, motels, motor courts, or  
177 restaurants on May 24, 1947, shall be counted in the quota  
178 limitation contained in subsection (1). Any license issued for  
179 any hotel, motel, or motor court under the provisions of this  
180 law shall be issued only to the owner of the hotel, motel, or  
181 motor court or, in the event the hotel, motel, or motor court is  
182 leased, to the lessee of the hotel, motel, or motor court; and  
183 the license shall remain in the name of the owner or lessee so  
184 long as the license is in existence. Any special license now in  
185 existence heretofore issued under the provisions of this law  
186 cannot be renewed except in the name of the owner of the hotel,  
187 motel, motor court, or restaurant or, in the event the hotel,  
188 motel, motor court, or restaurant is leased, in the name of the  
189 lessee of the hotel, motel, motor court, or restaurant in which  
190 the license is located and must remain in the name of the owner  
191 or lessee so long as the license is in existence. Any license  
192 issued under this section shall be marked "Special," and nothing  
193 herein provided shall limit, restrict, or prevent the issuance  
194 of a special license for any restaurant or motel which shall  
195 hereafter meet the requirements of the law existing immediately  
196 prior to the effective date of this act, if construction of such  
197 restaurant has commenced prior to the effective date of this act  
198 and is completed within 30 days thereafter, or if an application  
199 is on file for such special license at the time this act takes

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200 effect; and any such licenses issued under this proviso may be  
201 annually renewed as now provided by law. Nothing herein prevents  
202 an application for transfer of a license to a bona fide  
203 purchaser of any hotel, motel, motor court, or restaurant by the  
204 purchaser of such facility or the transfer of such license  
205 pursuant to law

206 Section 4. Paragraphs (h) and (i) of subsection (1) of  
207 section 561.29, Florida Statutes, are amended to read:

208 561.29 Revocation and suspension of license; power to  
209 subpoena.—

210 (1) The division is given full power and authority to  
211 revoke or suspend the license of any person holding a license  
212 under the Beverage Law, when it is determined or found by the  
213 division upon sufficient cause appearing of:

214 (h) Failure by the holder of any license under s.  
215 561.20(1) to maintain the licensed premises in an active manner  
216 in which the licensed premises are open for the bona fide sale  
217 of authorized alcoholic beverages during regular business hours  
218 of at least 6 hours a day for a period of 120 days or more  
219 during any 12-month period commencing 18 months after the  
220 acquisition of the license by the licensee, regardless of the  
221 date the license was originally issued. Every licensee must  
222 notify the division in writing of any period during which his or  
223 her license is inactive and place the physical license with the  
224 division to be held in an inactive status. ~~The division may~~  
225 ~~waive or extend the requirement of this section upon the finding~~

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226 ~~of hardship, including the purchase of the license in order to~~  
227 ~~transfer it to a newly constructed or remodeled location.~~  
228 ~~However, during such closed period, the licensee shall make~~  
229 ~~reasonable efforts toward restoring the license to active~~  
230 ~~status.~~ This paragraph applies ~~shall apply~~ to all annual license  
231 periods commencing on or after July 1, 1981, but does ~~shall~~ not  
232 apply to licenses issued after September 30, 1988. The division  
233 shall, upon written request of the licensee, grant a one-time  
234 written waiver or extension of the requirements of this  
235 paragraph for a period not to exceed 12 months. Additionally,  
236 the division may, upon written request of the licensee, grant a  
237 waiver or extension of the requirements of this paragraph for a  
238 period not to exceed 12 months if the licensee demonstrates  
239 that:

- 240 1. The licensed premises has been physically damaged to  
241 such an extent that active operation of the business at the  
242 premises is impracticable;
- 243 2. Construction or remodeling is underway to relocate the  
244 license to another location;
- 245 3. The licensed premises has been prohibited from making  
246 sales as the result of any order of any court of competent  
247 jurisdiction, or any action or inaction of a local governmental  
248 entity relating to the permitting, construction, or occupational  
249 capacity of the physical location of the licensed premises.

250 (i) Failure of any licensee issued a new or transfer  
251 license after September 30, 1988, under s. 561.20(1) to maintain

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252 the licensed premises in an active manner in which the licensed  
253 premises are open for business to the public for the bona fide  
254 retail sale of authorized alcoholic beverages during regular and  
255 reasonable business hours for at least 8 hours a day for a  
256 period of 210 days or more during any 12-month period commencing  
257 6 months after the acquisition of the license by the licensee.  
258 It is the intent of this act that for purposes of compliance  
259 with this paragraph, a licensee shall operate the licensed  
260 premises in a manner so as to maximize sales and tax revenues  
261 thereon; this includes maintaining a reasonable inventory of  
262 merchandise, including authorized alcoholic beverages, and the  
263 use of good business practices to achieve the intent of this  
264 law. Any attempt by a licensee to circumvent the intent of this  
265 law shall be grounds for revocation or suspension of the  
266 alcoholic beverage license. The division may, upon written  
267 request of the licensee, give a written waiver of this  
268 requirement for a period not to exceed 12 months in cases where  
269 the licensee demonstrates that the licensed premises has been  
270 physically destroyed through no fault of the licensee, when the  
271 licensee has suffered an incapacitating illness or injury which  
272 is likely to be prolonged, or when the licensed premises has  
273 been prohibited from making sales as a result of any action of  
274 any court of competent jurisdiction. Any waiver given pursuant  
275 to this subsection may be continued upon subsequent written  
276 request showing that substantial progress has been made toward  
277 restoring the licensed premises to a condition suitable for the

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278 resumption of sales or toward allowing for a court having  
279 jurisdiction over the premises to release said jurisdiction, or  
280 that an incapacitating illness or injury continues to exist.  
281 However, in no event may the waivers necessitated by any one  
282 occurrence cumulatively total more than 24 months. Every A  
283 licensee shall notify the division in writing of any period  
284 during which his or her license is inactive and place the  
285 physical license with the division to be held in an inactive  
286 status. For the purpose of calculating compliance with the  
287 requirements of this paragraph, a license that is acquired in a  
288 transaction that is not an arm's length transaction, including  
289 transfers from relatives, affiliates, subsidiaries, and other  
290 related entities, retains and is subject to the first related  
291 transferor's date of acquisition and related periods of  
292 operation. The division shall, upon written request of the  
293 licensee, grant a one-time written waiver or extension of the  
294 requirements of this paragraph for a period not to exceed 12  
295 months. Additionally, the division may, upon written request of  
296 the licensee, grant a waiver or extension of the requirements of  
297 this paragraph for a period not to exceed 12 months if the  
298 licensee demonstrates that:

- 299 1. The licensed premises has been physically damaged to  
300 such an extent that active operation of the business at the  
301 premises is impracticable;  
302 2. Construction or remodeling is underway to relocate the  
303 license to another location;

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304 3. The licensed premises has been prohibited from making  
305 sales as the result of any order of any court of competent  
306 jurisdiction, or any action or inaction of a local governmental  
307 entity relating to the permitting, construction, or occupational  
308 capacity of the physical location of the licensed premises.

309 Section 5. Section 561.4205, Florida Statutes, is created  
310 to read:

311 561.4205 Keg deposits; limited alternative inventory and  
312 reconciliation process.-

313 (1) A distributor selling an alcoholic beverage to a  
314 vendor in bulk, by recyclable keg or other similar reusable  
315 container, for the purpose of sale in draft form on tap, must  
316 charge the vendor a deposit, to be referred to as a "keg  
317 deposit," in an amount not less than that charged to the  
318 distributor by the manufacturer for each keg or container of the  
319 beverage sold. The deposit amount charged to a vendor for a  
320 draft keg or container of a like brand must be uniform. Charges  
321 made for deposits collected or credits allowed for empty kegs or  
322 containers returned must be shown separately on all sale tickets  
323 or invoices. A copy of such sales tickets or invoices must be  
324 given to the vendor at the time of delivery.

325 (2) In lieu of receiving a keg deposit, a distributor  
326 selling alcoholic beverages by recyclable keg or other similar  
327 reusable container for the purpose of sale in draft form to a  
328 vendor identified in s. 561.01(18) or s. 565.02(6) or (7) shall  
329 implement an inventory and reconciliation process with such

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330 vendor in which an accounting of kegs is completed and any loss  
331 or variance in the number of kegs is paid for by the vendor on a  
332 per-keg basis equivalent to the required keg deposit. This  
333 inventory and reconciliation process may occur twice per year,  
334 at the discretion of the distributor, but must occur at least  
335 annually. Upon completion of an agreed upon keg inventory and  
336 reconciliation, the vendor shall remit payment within 15 days  
337 after receiving an invoice from the distributor. The vendor may  
338 choose to establish and fund a separate account with the  
339 distributor for the purpose of expediting timely payments.

340 Section 6. Section 561.422, Florida Statutes, is amended  
341 to read:

342 561.422 Nonprofit civic or charitable organizations;  
343 temporary permits.-

344 Upon the filing of an application, presentation of a local  
345 building and zoning permit, and payment of a fee of \$25 per  
346 permit, the director of the division may issue a permit  
347 authorizing a bona fide nonprofit civic or charitable  
348 organization to sell alcoholic beverages for consumption on the  
349 premises only, for a period not to exceed 3 days, subject to any  
350 state law or municipal or county ordinance regulating the time  
351 for selling such beverages. All net profits from sales of  
352 alcoholic beverages collected during the permit period must be  
353 retained by the nonprofit civic or charitable organization. Any  
354 such nonprofit civic or charitable organization may be issued no  
355 more than 12 ~~only three~~ such permits per calendar year.

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356 Notwithstanding other provisions of the Beverage Law, any civic  
357 organization licensed under this section may purchase alcoholic  
358 beverages from a distributor or vendor licensed under the  
359 Beverage Law. The division may adopt rules and conduct audits to  
360 ensure compliance of this section.

361 Section 7. Subparagraph 4. Of paragraph (a) of subsection  
362 (7) of section 563.06, Florida Statutes, is created to read:

363 (7) Notwithstanding any other provision of the Beverage  
364 Law, a malt beverage may be packaged in a growler, which is an  
365 individual container that holds 32, 64, or 128 ounces of such  
366 malt beverage if it is filled at the point of sale.

367 (a) A growler may be filled or refilled by any of the  
368 following:

369 4. A vendor holding a license pursuant to s. 563.02(1)(a)  
370 or s. 564.02(1)(a), having held that license in current, active  
371 status on June 30, 2015, subject to the following requirements:

372 i. The vendor proves, to the satisfaction of the division,  
373 that the vendor had draft equipment and tapping accessories  
374 installed and had purchased kegs prior to June 30, 2015.

375 ii. The growlers are filled or refilled by the vendor or  
376 the vendor's employee aged 18 or older.

377 iv. The taps or mechanisms used to fill or refill the  
378 growlers are not accessible to customers.

379 v. The growlers meet labeling or sealing requirements set  
380 forth in paragraph (b).

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381 vi. The vendor does not permit consumption on premises,  
382 including tastings or other sampling activities.

383 Section 8. Subsections (2) and (9) of section 565.02,  
384 Florida Statutes, are amended to read:

385 565.02 License fees; vendors; clubs; caterers; and  
386 others.—

387 (2) Any operator of railroads or sleeping cars and any  
388 vendor in a railroad transit station in this state may obtain a  
389 license to keep for sale and sell the beverages mentioned in the  
390 Beverage Law ~~on passenger trains~~ upon the payment of an annual  
391 license tax of \$2,500, the tax to be paid to the division. A  
392 municipality or county may not require an additional license or  
393 levy a tax for the privilege of selling such beverages.

394 (a) Operators of railroads or sleeping cars in this state  
395 are authorized to ~~Such license shall authorize the holder~~  
396 ~~thereof to~~ keep for sale and sell all beverages mentioned in the  
397 Beverage Law for consumption upon any dining, club, parlor,  
398 buffet, or observation car of a passenger train in which  
399 certified copies of the licenses issued to the operators are  
400 posted. Certified copies of such licenses shall be issued by the  
401 division upon the payment of a fee of \$10 ~~operated by it in this~~  
402 ~~state, but such beverages may be sold only to passengers upon~~  
403 ~~the cars and must be served for consumption thereon. It is~~  
404 ~~unlawful for such licensees to purchase or sell any liquor~~  
405 ~~except in miniature bottles of not more than 2 ounces. Every~~  
406 such license for the sale of alcoholic beverages on a passenger

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407 train shall be good throughout the state. Except for alcoholic  
408 beverages sold within the licensed premises of a railroad  
409 transit station, it is unlawful for such licensees to purchase  
410 or sell any liquor on a passenger train except in miniature  
411 bottles of not more than 2 ounces ~~No license shall be required,~~  
412 ~~or tax levied by any municipality or county, for the privilege~~  
413 ~~of selling such beverages for consumption in such cars. Such~~  
414 ~~beverages shall be sold only on cars in which are posted~~  
415 ~~certified copies of the licenses issued to such operator. Such~~  
416 ~~certified copies of such licenses shall be issued by the~~  
417 ~~division upon the payment of a tax of \$10.~~

418 (b) Vendors in a railroad transit station are authorized  
419 to keep for sale and sell all beverages mentioned in the  
420 Beverage Law. Licenses issued to vendors in a railroad transit  
421 station may not be transferred to locations beyond the railroad  
422 transit station. The alcoholic beverages sold are for  
423 consumption on the licensed premises and may be consumed in all  
424 areas within the railroad transit station and on the passenger  
425 train. Operators of railroads and sleeping cars shall keep  
426 separate the alcoholic beverages intended for sale on passenger  
427 trains and the alcoholic beverages intended for sale in the  
428 railroad transit station.

429 (9) (a) As used in this subsection, the term:

430 1. "Annual capacity" means an amount equal to the number  
431 of lower berths on a vessel multiplied by the number of  
432 embarkations of that vessel during a calendar year.

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433        2. "Base rate" means an amount equal to the total taxes  
434 and surcharges paid by all permittees pursuant to the Beverage  
435 Law and chapter 210 for sales of alcoholic beverages,  
436 cigarettes, and other tobacco products taking place between  
437 January 1, 2015, and December 31, 2015, inclusive, divided by  
438 the sum of the annual capacities of all vessels permitted  
439 pursuant to former s. 565.02(9), Florida Statutes 2015, for  
440 calendar year 2015.

441        3. "Embarkation" means an instance in which a vessel  
442 departs from a port in this state.

443        4. "Lower berth" means a bed that is:

444        a. Affixed to a vessel;

445        b. Not located above another bed in the same cabin; and

446        c. Located in a cabin not in use by employees of the  
447 operator of the vessel or its contractors.

448        5. "Quarterly capacity" means an amount equal to the  
449 number of lower berths on a vessel multiplied by the number of  
450 embarkations of that vessel during a calendar quarter.

451        (b) It is the finding of the Legislature that passenger  
452 vessels engaged exclusively in foreign commerce are susceptible  
453 to a distinct and separate classification for purposes of the  
454 sale of alcoholic beverages, cigarettes, and other tobacco  
455 products under the Beverage Law and chapter 210.

456        (c) Upon the filing of an application and payment of an  
457 annual fee of \$1,100, the director is authorized to issue a  
458 permit authorizing the operator, or, if applicable, his or her

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459 concessionaire, of a passenger vessel which has cabin-berth  
460 capacity for at least 75 passengers, and which is engaged  
461 exclusively in foreign commerce, to sell alcoholic beverages,  
462 cigarettes, and other tobacco products on the vessel for  
463 consumption on board only:

464 1.(a) ~~For no more than~~ ~~During a period not in excess of~~ 24  
465 hours ~~before~~ ~~prior to~~ departure while the vessel is moored at a  
466 dock or wharf in a port of this state; or

467 2.(b) At any time while the vessel is located in Florida  
468 territorial waters and is in transit to or from international  
469 waters.

470  
471 One such permit shall be required for each such vessel and shall  
472 name the vessel for which it is issued. No license shall be  
473 required or tax levied by any municipality or county for the  
474 privilege of selling beverages, cigarettes, or other tobacco  
475 products for consumption on board such vessels. The beverages,  
476 cigarettes, or other tobacco products so sold may be purchased  
477 outside the state by the permittee, and the same shall not be  
478 considered as imported for the purposes of s. 561.14(3) solely  
479 because of such sale. The permittee is not required to obtain  
480 its beverages, cigarettes, or other tobacco products from  
481 licensees under the Beverage Law or chapter 210. Each permittee,  
482 ~~but it~~ shall keep a strict account of the quarterly capacity of  
483 each of its vessels ~~all such beverages sold within this state~~  
484 and shall make quarterly ~~monthly~~ reports to the division on

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485 forms prepared and furnished by the division. ~~A permittee who~~  
486 ~~sells on board the vessel beverages withdrawn from United States~~  
487 ~~Bureau of Customs and Border Protection bonded storage on board~~  
488 ~~the vessel may satisfy such accounting requirement by supplying~~  
489 ~~the division with copies of the appropriate United States Bureau~~  
490 ~~of Customs and Border Protection forms evidencing such~~  
491 ~~withdrawals as importations under United States customs laws.~~

492 (d) Each Such permittee shall pay to the state a an excise  
493 tax for beverages, cigarettes, and other tobacco products sold  
494 pursuant to this subsection in an amount equal to the base rate  
495 multiplied by the permittee's quarterly capacity during the  
496 calendar quarter, less any tax or surcharge already paid by a  
497 licensed manufacturer or distributor pursuant to the Beverage  
498 Law or chapter 210 on beverages, cigarettes, and other tobacco  
499 products sold by the permittee pursuant to this subsection  
500 during the quarter for which tax is due section, if such excise  
501 tax has not previously been paid, in an amount equal to the tax  
502 which would be required to be paid on such sales by a licensed  
503 manufacturer or distributor.

504 (e) A vendor holding such permit shall pay the tax  
505 quarterly monthly to the division at the same time he or she  
506 furnishes the required report. Such report shall be filed on or  
507 before the 15th day of each calendar quarter month for the  
508 quarterly capacity sales occurring during the previous calendar  
509 quarter month.

510 (f) No later than August 1, 2016, each permittee shall

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511 report the annual capacity for each of its vessels for calendar  
512 year 2015 to the division on forms prepared and furnished by the  
513 division. No later than September 1, 2016, the division shall  
514 calculate the base rate and report it to each permittee. The  
515 base rate shall also be published in the Florida Administrative  
516 Register and on the department's website.

517 (g) Revenues collected pursuant to this subsection shall  
518 be distributed pursuant to s. 561.121(1).

519 Section 9. Section 565.04, Florida Statutes, is amended to  
520 read:

521 565.04 Package store restrictions.—

522 (1) Vendors licensed under s. 565.02(1)(a) shall not in  
523 said place of business sell, offer, or expose for sale any  
524 merchandise other than such beverages, and such places of  
525 business shall be devoted exclusively to such sales; provided,  
526 however, that such vendors shall be permitted to sell bitters,  
527 grenadine, nonalcoholic mixer-type beverages (not to include  
528 fruit juices produced outside this state), fruit juices produced  
529 in this state, home bar, and party supplies and equipment  
530 (including but not limited to glassware and party-type foods),  
531 miniatures of no alcoholic content, and tobacco products. Such  
532 places of business shall have no openings permitting direct  
533 access to any other building or room, except to a private office  
534 or storage room of the place of business from which patrons are  
535 excluded.

536 (2) Notwithstanding any other law, when delivering

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537 alcoholic beverages to a vendor licensed under s. 565.02(1)(a),  
538 a licensed distributor may transport the beverages through  
539 another premises owned in whole or in part by the vendor.

540 Section 10. This act shall take effect July 1, 2016.

541

542 -----

543 **T I T L E A M E N D M E N T**

544 Remove everything before the enacting clause and insert:

545 A bill to be entitled

546 An act relating to alcoholic beverages and tobacco;  
547 amending s. 210.13, F.S.; revising applicability to  
548 include other persons who may be subject to a  
549 determination of tax on failure to file and return;  
550 amending s. 561.01, F.S.; defining the term "railroad  
551 transit station"; amending s. 561.20, F.S.; clarifying  
552 the requirements to obtain and maintain a food service  
553 establishment alcoholic beverage license; amending s.  
554 561.29, F.S.; requiring, rather than authorizing, the  
555 Division of Alcoholic Beverages and Tobacco to give a  
556 licensee a written waiver of certain requirements;  
557 revising the requirements to obtain such waivers;  
558 extending a certain waiver period; deleting a  
559 provision prohibiting waiver periods from totaling  
560 more than 24 months; creating s. 561.4205, F.S.;

561 requiring an alcoholic beverage distributor to charge  
562 a deposit for certain alcoholic beverage sales;

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563 providing an inventory and reconciliation process as  
564 an accounting alternative for specified vendors;  
565 providing an inventory and reconciliation process for  
566 malt beverage kegs; amending s. 561.422, F.S.;  
567 authorizing the division to issue temporary permits to  
568 charitable organizations to sell alcoholic beverages  
569 for consumption on the premises of an event; amending  
570 s. 563.06, F.S.; providing that vendors holding  
571 licenses pursuant to s. 563.02(1)(a), may fill or  
572 refill growlers; amending s. 565.02, F.S.; authorizing  
573 operators of railroad transit stations to obtain  
574 licenses to sell alcoholic beverages; revising the  
575 locations where certain beverages may be sold;  
576 prohibiting the transfer of specified licenses to  
577 certain locations; prohibiting a municipality or  
578 county from requiring an additional license or levying  
579 a tax to sell certain beverages; exempting railroad  
580 transit stations from liquor bottle size restrictions;  
581 authorizing alcoholic beverages to be consumed in all  
582 areas within the property of a railroad transit  
583 station; defining terms; revising legislative  
584 findings; requiring permittees to submit a report to  
585 the division; providing requirements for the report;  
586 establishing a tax for beverages, cigarettes, and  
587 other tobacco products sold on vessels; amending s.  
588 565.04, F.S.; authorizing a licensed distributor to

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589 | transport alcoholic beverages through certain premises  
590 | under specified circumstances; providing an effective  
591 | date.