

1 A bill to be entitled
2 An act relating to alcoholic beverages and tobacco;
3 amending s. 210.13, F.S.; revising applicability to
4 include other persons who may be subject to a
5 determination of tax on failure to file a return;
6 amending s. 561.01, F.S.; defining the term "railroad
7 transit station"; amending s. 561.20, F.S.; revising
8 the requirements to obtain and maintain a food service
9 establishment alcoholic beverage license; amending s.
10 561.29, F.S.; requiring the Division of Alcoholic
11 Beverages and Tobacco to grant a one-time written
12 waiver or extension of certain requirements to
13 specified licensees; revising the circumstances under
14 which a licensee may seek and the division may grant a
15 waiver or extension of the requirements; revising
16 compliance requirements for certain licensees;
17 creating s. 561.4205, F.S.; requiring an alcoholic
18 beverage distributor to charge a deposit for certain
19 alcoholic beverage sales; providing an inventory and
20 reconciliation process as an accounting alternative
21 for specified vendors; providing an inventory and
22 reconciliation process for malt beverage kegs;
23 amending s. 561.422, F.S.; authorizing the division to
24 issue temporary permits to charitable organizations to
25 sell alcoholic beverages for consumption on the
26 premises of an event; amending s. 563.06, F.S.;

27 | authorizing certain licensees to fill or refill
 28 | growlers under certain conditions; amending s. 565.02,
 29 | F.S.; authorizing operators of railroad transit
 30 | stations to obtain licenses to sell alcoholic
 31 | beverages; providing requirements and conditions;
 32 | prohibiting a municipality or county from requiring an
 33 | additional license or levying a tax to sell certain
 34 | beverages; exempting railroad transit stations from
 35 | liquor bottle size restrictions; revising the tax on
 36 | the sale of alcoholic beverages on certain foreign
 37 | passenger vessels; imposing a tax on sale of
 38 | cigarettes and other tobacco products on certain
 39 | foreign passenger vessels; defining terms; revising
 40 | legislative findings; requiring permittees to submit a
 41 | report to the division; providing requirements for the
 42 | report; amending s. 565.04, F.S.; authorizing a
 43 | licensed distributor to transport alcoholic beverages
 44 | through certain premises under specified
 45 | circumstances; providing an effective date.

47 | Be It Enacted by the Legislature of the State of Florida:

48 |
 49 | Section 1. Section 210.13, Florida Statutes, is amended to
 50 | read:

51 | 210.13 Determination of tax on failure to file a return.-
 52 | If a dealer or other person required to remit the tax under this

53 part fails to file any return required under this part, or
54 having filed an incorrect or insufficient return, fails to file
55 a correct or sufficient return, as the case may require, within
56 10 days after the giving of notice to the dealer by the Division
57 of Alcoholic Beverages and Tobacco that such return or corrected
58 or sufficient return is required, the division shall determine
59 the amount of tax due by such dealer any time within 3 years
60 after the making of the earliest sale included in such
61 determination and give written notice of such determination to
62 such dealer. Such a determination shall finally and irrevocably
63 fix the tax unless the dealer against whom it is assessed shall,
64 within 30 days after the giving of notice of such determination,
65 apply to the division for a hearing. Judicial review shall not
66 be granted unless the amount of tax stated in the decision, with
67 penalties thereon, if any, shall have been first deposited with
68 the division, and an undertaking or bond filed in the court in
69 which such cause may be pending in such amount and with such
70 sureties as the court shall approve, conditioned that if such
71 proceeding be dismissed or the decision of the division
72 confirmed, the applicant for review will pay all costs and
73 charges which may accrue against the applicant in the
74 prosecution of the proceeding. At the option of the applicant,
75 such undertaking or bond may be in an additional sum sufficient
76 to cover the tax, penalties, costs, and charges aforesaid, in
77 which event the applicant shall not be required to pay such tax
78 and penalties precedent to the granting of such review by such

79 court.

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

82 561.01 Definitions.—As used in the Beverage Law:

83 (22) "Railroad transit station" means a platform or a
84 terminal facility where passenger trains operating on a guided
85 rail system according to a fixed schedule between two or more
86 cities regularly stop to load and unload passengers or goods.
87 The term includes a passenger waiting lounge and dining, retail,
88 entertainment, or recreational facilities within the licensed
89 premises owned or leased by the railroad operator or owner.

90 Section 3. Paragraph (a) of subsection (2) of section
91 561.20, Florida Statutes, is amended to read:

92 561.20 Limitation upon number of licenses issued.—

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

96 1. Any bona fide hotel, motel, or motor court of not fewer
97 than 80 guest rooms in any county having a population of less
98 than 50,000 residents, and of not fewer than 100 guest rooms in
99 any county having a population of 50,000 residents or greater;
100 or any bona fide hotel or motel located in a historic structure,
101 as defined in s. 561.01(21), with fewer than 100 guest rooms
102 which derives at least 51 percent of its gross revenue from the
103 rental of hotel or motel rooms, which is licensed as a public
104 lodging establishment by the Division of Hotels and Restaurants;

105 provided, however, that a bona fide hotel or motel with no fewer
106 than 10 and no more than 25 guest rooms which is a historic
107 structure, as defined in s. 561.01(21), in a municipality that
108 on the effective date of this act has a population, according to
109 the University of Florida's Bureau of Economic and Business
110 Research Estimates of Population for 1998, of no fewer than
111 25,000 and no more than 35,000 residents and that is within a
112 constitutionally chartered county may be issued a special
113 license. This special license shall allow the sale and
114 consumption of alcoholic beverages only on the licensed premises
115 of the hotel or motel. In addition, the hotel or motel must
116 derive at least 60 percent of its gross revenue from the rental
117 of hotel or motel rooms and the sale of food and nonalcoholic
118 beverages; provided that the provisions of this subparagraph
119 shall supersede local laws requiring a greater number of hotel
120 rooms;

121 2. Any condominium accommodation of which no fewer than
122 100 condominium units are wholly rentable to transients and
123 which is licensed under the provisions of chapter 509, except
124 that the license shall be issued only to the person or
125 corporation which operates the hotel or motel operation and not
126 to the association of condominium owners;

127 3. Any condominium accommodation of which no fewer than 50
128 condominium units are wholly rentable to transients, which is
129 licensed under the provisions of chapter 509, and which is
130 located in any county having home rule under s. 10 or s. 11,

131 Art. VIII of the State Constitution of 1885, as amended, and
 132 incorporated by reference in s. 6(e), Art. VIII of the State
 133 Constitution, except that the license shall be issued only to
 134 the person or corporation which operates the hotel or motel
 135 operation and not to the association of condominium owners;
 136 4. A food service establishment that has ~~Any restaurant~~
 137 ~~having~~ 2,500 square feet of service area, is and equipped to
 138 serve meals to 150 persons ~~full-course meals at tables~~ at one
 139 time, and derives ~~deriving~~ at least 51 percent of its gross food
 140 and beverage revenue from the sale of food and nonalcoholic
 141 beverages during the first 60-day operating period and each 12-
 142 month operating period thereafter. ~~A food service establishment,~~
 143 ~~however, no restaurant~~ granted a special license on or after
 144 January 1, 1958, pursuant to general or special law may not
 145 ~~shall~~ operate as a package store and may not sell, ~~nor shall~~
 146 intoxicating beverages ~~be sold~~ under such license after the
 147 hours of serving or consumption of food have elapsed. Failure by
 148 a licensee to meet the required percentage of food and
 149 nonalcoholic beverage gross revenues during the covered
 150 operating period shall result in revocation of the license or
 151 denial of the pending license application. A licensee whose
 152 license is revoked or an applicant whose pending application is
 153 denied, or any person required to qualify on the special license
 154 application, is ineligible to have any interest in a subsequent
 155 application for such a license for a period of 120 days after
 156 the date of the final denial or revocation; or

157 5. Any caterer, deriving at least 51 percent of its gross
158 revenue from the sale of food and nonalcoholic beverages,
159 licensed by the Division of Hotels and Restaurants under chapter
160 509. Notwithstanding any other provision of law to the contrary,
161 a licensee under this subparagraph shall sell or serve alcoholic
162 beverages only for consumption on the premises of a catered
163 event at which the licensee is also providing prepared food, and
164 shall prominently display its license at any catered event at
165 which the caterer is selling or serving alcoholic beverages. A
166 licensee under this subparagraph shall purchase all alcoholic
167 beverages it sells or serves at a catered event from a vendor
168 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.
169 565.02(1) subject to the limitation imposed in subsection (1),
170 as appropriate. A licensee under this subparagraph may not store
171 any alcoholic beverages to be sold or served at a catered event.
172 Any alcoholic beverages purchased by a licensee under this
173 subparagraph for a catered event that are not used at that event
174 must remain with the customer; provided that if the vendor
175 accepts unopened alcoholic beverages, the licensee may return
176 such alcoholic beverages to the vendor for a credit or
177 reimbursement. Regardless of the county or counties in which the
178 licensee operates, a licensee under this subparagraph shall pay
179 the annual state license tax set forth in s. 565.02(1)(b). A
180 licensee under this subparagraph must maintain for a period of 3
181 years all records required by the department by rule to
182 demonstrate compliance with the requirements of this

183 | subparagraph, including licensed vendor receipts for the
184 | purchase of alcoholic beverages and records identifying each
185 | customer and the location and date of each catered event.
186 | Notwithstanding any provision of law to the contrary, any vendor
187 | licensed under s. 565.02(1) subject to the limitation imposed in
188 | subsection (1), may, without any additional licensure under this
189 | subparagraph, serve or sell alcoholic beverages for consumption
190 | on the premises of a catered event at which prepared food is
191 | provided by a caterer licensed under chapter 509. If a licensee
192 | under this subparagraph also possesses any other license under
193 | the Beverage Law, the license issued under this subparagraph
194 | shall not authorize the holder to conduct activities on the
195 | premises to which the other license or licenses apply that would
196 | otherwise be prohibited by the terms of that license or the
197 | Beverage Law. Nothing in this section shall permit the licensee
198 | to conduct activities that are otherwise prohibited by the
199 | Beverage Law or local law. The Division of Alcoholic Beverages
200 | and Tobacco is hereby authorized to adopt rules to administer
201 | the license created in this subparagraph, to include rules
202 | governing licensure, recordkeeping, and enforcement. The first
203 | \$300,000 in fees collected by the division each fiscal year
204 | pursuant to this subparagraph shall be deposited in the
205 | Department of Children and Families' Operations and Maintenance
206 | Trust Fund to be used only for alcohol and drug abuse education,
207 | treatment, and prevention programs. The remainder of the fees
208 | collected shall be deposited into the Hotel and Restaurant Trust

209 Fund created pursuant to s. 509.072.
210
211 However, any license heretofore issued to any such hotel, motel,
212 motor court, or restaurant or hereafter issued to any such
213 hotel, motel, or motor court, including a condominium
214 accommodation, under the general law shall not be moved to a new
215 location, such license being valid only on the premises of such
216 hotel, motel, motor court, or restaurant. Licenses issued to
217 hotels, motels, motor courts, or restaurants under the general
218 law and held by such hotels, motels, motor courts, or
219 restaurants on May 24, 1947, shall be counted in the quota
220 limitation contained in subsection (1). Any license issued for
221 any hotel, motel, or motor court under the provisions of this
222 law shall be issued only to the owner of the hotel, motel, or
223 motor court or, in the event the hotel, motel, or motor court is
224 leased, to the lessee of the hotel, motel, or motor court; and
225 the license shall remain in the name of the owner or lessee so
226 long as the license is in existence. Any special license now in
227 existence heretofore issued under the provisions of this law
228 cannot be renewed except in the name of the owner of the hotel,
229 motel, motor court, or restaurant or, in the event the hotel,
230 motel, motor court, or restaurant is leased, in the name of the
231 lessee of the hotel, motel, motor court, or restaurant in which
232 the license is located and must remain in the name of the owner
233 or lessee so long as the license is in existence. Any license
234 issued under this section shall be marked "Special," and nothing

235 herein provided shall limit, restrict, or prevent the issuance
 236 of a special license for any restaurant or motel which shall
 237 hereafter meet the requirements of the law existing immediately
 238 prior to the effective date of this act, if construction of such
 239 restaurant has commenced prior to the effective date of this act
 240 and is completed within 30 days thereafter, or if an application
 241 is on file for such special license at the time this act takes
 242 effect; and any such licenses issued under this proviso may be
 243 annually renewed as now provided by law. Nothing herein prevents
 244 an application for transfer of a license to a bona fide
 245 purchaser of any hotel, motel, motor court, or restaurant by the
 246 purchaser of such facility or the transfer of such license
 247 pursuant to law.

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

250 561.29 Revocation and suspension of license; power to
 251 subpoena.—

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

256 (h) Failure by the holder of any license under s.
 257 561.20(1) to maintain the licensed premises in an active manner
 258 in which the licensed premises are open for the bona fide sale
 259 of authorized alcoholic beverages during regular business hours
 260 of at least 6 hours a day for a period of 120 days or more

261 during any 12-month period commencing 18 months after the
 262 acquisition of the license by the licensee, regardless of the
 263 date the license was originally issued. Every licensee must
 264 notify the division in writing of any period during which his or
 265 her license is inactive and place the physical license with the
 266 division to be held in an inactive status. ~~The division may~~
 267 ~~waive or extend the requirement of this section upon the finding~~
 268 ~~of hardship, including the purchase of the license in order to~~
 269 ~~transfer it to a newly constructed or remodeled location.~~
 270 ~~However, during such closed period, the licensee shall make~~
 271 ~~reasonable efforts toward restoring the license to active~~
 272 ~~status.~~ This paragraph applies ~~shall apply~~ to all annual license
 273 periods commencing on or after July 1, 1981, but does ~~shall~~ not
 274 apply to licenses issued after September 30, 1988. The division
 275 shall, upon written request of the licensee, grant a one-time
 276 written waiver or extension of the requirements of this
 277 paragraph for a period not to exceed 12 months. Additionally,
 278 the division may, upon written request of the licensee, grant a
 279 waiver or extension of the requirements of this paragraph for a
 280 period not to exceed 12 months if the licensee demonstrates
 281 that:

- 282 1. The licensed premises has been physically damaged to
 283 such an extent that active operation of the business at the
 284 premises is impracticable;
- 285 2. Construction or remodeling is underway to relocate the
 286 license to another location;

287 3. The licensed premises is prohibited from making sales
 288 as the result of an order of a court of competent jurisdiction,
 289 or the action or inaction of a local governmental entity
 290 relating to the permitting, construction, or occupational
 291 capacity of the physical location of the licensed premises.

292 (i) Failure of a any licensee having issued a ~~new or~~
 293 ~~transfer~~ license issued under s. 561.20(1) after September 30,
 294 1988, ~~under s. 561.20(1)~~ to maintain the licensed premises in an
 295 active manner in which the licensed premises are open for
 296 business to the public for the bona fide retail sale of
 297 authorized alcoholic beverages during regular and reasonable
 298 business hours for at least 8 hours a day for a period of 210
 299 days or more during any 12-month period commencing 6 months
 300 after the acquisition of the license by the licensee. It is the
 301 intent of this act that for purposes of compliance with this
 302 paragraph, a licensee shall operate the licensed premises in a
 303 manner so as to maximize sales and tax revenues thereon; this
 304 includes maintaining a reasonable inventory of merchandise,
 305 including authorized alcoholic beverages, and the use of good
 306 business practices to achieve the intent of this law. Any
 307 attempt by a licensee to circumvent the intent of this law shall
 308 be grounds for revocation or suspension of the alcoholic
 309 beverage license. ~~The division may, upon written request of the~~
 310 ~~licensee, give a written waiver of this requirement for a period~~
 311 ~~not to exceed 12 months in cases where the licensee demonstrates~~
 312 ~~that the licensed premises has been physically destroyed through~~

313 ~~no fault of the licensee, when the licensee has suffered an~~
314 ~~incapacitating illness or injury which is likely to be~~
315 ~~prolonged, or when the licensed premises has been prohibited~~
316 ~~from making sales as a result of any action of any court of~~
317 ~~competent jurisdiction. Any waiver given pursuant to this~~
318 ~~subsection may be continued upon subsequent written request~~
319 ~~showing that substantial progress has been made toward restoring~~
320 ~~the licensed premises to a condition suitable for the resumption~~
321 ~~of sales or toward allowing for a court having jurisdiction over~~
322 ~~the premises to release said jurisdiction, or that an~~
323 ~~incapacitating illness or injury continues to exist. However, in~~
324 ~~no event may the waivers necessitated by any one occurrence~~
325 ~~cumulatively total more than 24 months. A~~ Every licensee shall
326 notify the division in writing of any period during which his or
327 her license is inactive and place the physical license with the
328 division to be held in an inactive status. For the purpose of
329 calculating compliance with the requirements of this paragraph,
330 a license that is acquired in a transaction that is not an arm's
331 length transaction, including transfers from relatives,
332 affiliates, subsidiaries, and other related entities, retains
333 and is subject to the first related transferor's date of
334 acquisition and related periods of operation. The division
335 shall, upon written request of the licensee, grant a one-time
336 written waiver or extension of the requirements of this
337 paragraph for a period not to exceed 12 months. Additionally,
338 the division may, upon written request of the licensee, grant a

339 waiver or extension of the requirements of this paragraph for a
340 period not to exceed 12 months if the licensee demonstrates
341 that:

342 1. The licensed premises has been physically damaged to
343 such an extent that active operation of the business at the
344 premises is impracticable;

345 2. Construction or remodeling is underway to relocate the
346 license to another location;

347 3. The licensed premises has been prohibited from making
348 sales as the result of any order of any court of competent
349 jurisdiction, or any action or inaction of a local governmental
350 entity relating to the permitting, construction, or occupational
351 capacity of the physical location of the licensed premises.

352 Section 5. Section 561.4205, Florida Statutes, is created
353 to read:

354 561.4205 Keg deposits; limited alternative inventory and
355 reconciliation process.-

356 (1) A distributor selling an alcoholic beverage to a
357 vendor in bulk, by recyclable keg or other similar reusable
358 container, for the purpose of sale in draft form on tap, must
359 charge the vendor a deposit, to be referred to as a "keg
360 deposit," in an amount not less than that charged to the
361 distributor by the manufacturer for each keg or container of the
362 beverage sold. The deposit amount charged to a vendor for a
363 draft keg or container of a like brand must be uniform. Charges
364 made for deposits collected or credits allowed for empty kegs or

365 containers returned must be shown separately on all sale tickets
366 or invoices. A copy of such sales tickets or invoices must be
367 given to the vendor at the time of delivery.

368 (2) In lieu of receiving a keg deposit, a distributor
369 selling alcoholic beverages by recyclable keg or other similar
370 reusable container for the purpose of sale in draft form to a
371 vendor identified in s. 561.01(18) or s. 565.02(6) or (7) shall
372 implement an inventory and reconciliation process with such
373 vendor in which an accounting of kegs is completed and any loss
374 or variance in the number of kegs is paid for by the vendor on a
375 per-keg basis equivalent to the required keg deposit. This
376 inventory and reconciliation process may occur twice per year,
377 at the discretion of the distributor, but must occur at least
378 annually. Upon completion of an agreed upon keg inventory and
379 reconciliation, the vendor shall remit payment within 15 days
380 after receiving an invoice from the distributor. The vendor may
381 choose to establish and fund a separate account with the
382 distributor for the purpose of expediting timely payments.

383 Section 6. Section 561.422, Florida Statutes, is amended
384 to read:

385 561.422 Nonprofit civic or charitable organizations;
386 temporary permits.—Upon the filing of an application,
387 presentation of a local building and zoning permit, and payment
388 of a fee of \$25 per permit, the director of the division may
389 issue a permit authorizing a bona fide nonprofit civic or
390 charitable organization to sell alcoholic beverages for

391 consumption on the premises only, for a period not to exceed 3
 392 days, subject to any state law or municipal or county ordinance
 393 regulating the time for selling such beverages. All net profits
 394 from sales of alcoholic beverages collected during the permit
 395 period must be retained by the nonprofit civic or charitable
 396 organization. A nonprofit ~~Any such~~ civic or charitable
 397 organization may be issued no more than 12 ~~only three~~ such
 398 permits per calendar year. Notwithstanding other provisions of
 399 the Beverage Law, a nonprofit ~~any~~ civic or charitable
 400 organization licensed under this section may purchase alcoholic
 401 beverages from a distributor or vendor licensed under the
 402 Beverage Law. The division may adopt rules and conduct audits to
 403 ensure compliance of this section.

404 Section 7. Paragraph (a) of subsection (7) of section
 405 563.06, Florida Statutes, is amended to read:

406 563.06 Malt beverages; imprint on individual container;
 407 size of containers; exemptions.—

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

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

414 1. A licensed manufacturer of malt beverages holding a
 415 vendor's license under s. 561.221(2).

416 2. A vendor holding a quota license under s. 561.20(1) or

417 s. 565.02(1)(a) which ~~that~~ authorizes the sale of malt
 418 beverages.

419 3. A vendor holding a license under s. 563.02(1)(b)-(f),
 420 s. 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless such license
 421 restricts the sale of malt beverages to sale for consumption
 422 only on the premises of such vendor.

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

426 a. The vendor proves, to the satisfaction of the division,
 427 that the vendor had draft equipment and tapping accessories
 428 installed and had purchased kegs before June 30, 2015.

429 b. The growlers are filled or refilled by the vendor or
 430 the vendor's employee aged 18 or older.

431 c. The taps or mechanisms used to fill or refill the
 432 growlers are not accessible to customers.

433 d. The growlers meet labeling or sealing requirements of
 434 paragraph (b).

435 e. The vendor does not permit consumption on premises,
 436 including tastings or other sampling activities.

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

439 565.02 License fees; vendors; clubs; caterers; and
 440 others.—

441 (2) An ~~Any~~ operator of railroads or sleeping cars, or a
 442 vendor in a railroad transit station, in this state may obtain a

443 license to keep for sale and to sell the beverages mentioned in
444 the Beverage Law ~~on passenger trains~~ upon the payment of an
445 annual license tax of \$2,500, ~~the tax to be paid to the~~
446 division. A municipality or county may not require an additional
447 license or levy a tax for the privilege of selling such
448 beverages.

449 (a) Operators of railroads or sleeping cars in this state
450 are authorized ~~Such license shall authorize the holder thereof~~
451 to keep for sale and to sell all beverages mentioned in the
452 Beverage Law for consumption upon any dining, club, parlor,
453 buffet, or observation car of a passenger train in which
454 certified copies of the licenses issued to the operators are
455 posted. Certified copies of such licenses shall be issued by the
456 division upon the payment of a \$10 fee ~~operated by it in this~~
457 ~~state, but such beverages may be sold only to passengers upon~~
458 ~~the cars and must be served for consumption thereon. It is~~
459 ~~unlawful for such licensees to purchase or sell any liquor~~
460 ~~except in miniature bottles of not more than 2 ounces. A Every~~
461 ~~such license~~ for the sale of alcoholic beverages on a passenger
462 train shall be good throughout the state. Except for alcoholic
463 beverages sold within the licensed premises of a railroad
464 transit station, it is unlawful for such licensees to purchase
465 or sell any liquor on a passenger train except in miniature
466 bottles of not more than 2 ounces. No license shall be required,
467 ~~or tax levied by any municipality or county, for the privilege~~
468 ~~of selling such beverages for consumption in such cars. Such~~

469 ~~beverages shall be sold only on cars in which are posted~~
470 ~~certified copies of the licenses issued to such operator. Such~~
471 ~~certified copies of such licenses shall be issued by the~~
472 ~~division upon the payment of a tax of \$10.~~

473 (b) A vendor in a railroad transit station is authorized
474 to keep for sale and to sell all beverages mentioned in the
475 Beverage Law. A license issued to a vendor in a railroad transit
476 station may not be transferred to locations beyond the railroad
477 transit station. The alcoholic beverages sold are for
478 consumption on the licensed premises and may be consumed in all
479 areas within the railroad transit station and on a passenger
480 train. Operators of railroads and sleeping cars shall keep
481 separate the alcoholic beverages intended for sale on passenger
482 trains and the alcoholic beverages intended for sale in the
483 railroad transit station.

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

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

488 2. "Base rate" means an amount equal to the total taxes
489 and surcharges paid by all permittees pursuant to the Beverage
490 Law and chapter 210 for sales of alcoholic beverages,
491 cigarettes, and other tobacco products taking place between
492 January 1, 2015, and December 31, 2015, inclusive, divided by
493 the sum of the annual capacities of all vessels permitted
494 pursuant to former s. 565.02(9), Florida Statutes 2015, for

495 calendar year 2015.

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

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

499 a. Affixed to a vessel;

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

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

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

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

511 (c) Upon the filing of an application and payment of an
 512 annual fee of \$1,100, the director is authorized to issue a
 513 permit authorizing the operator, or, if applicable, his or her
 514 concessionaire, of a passenger vessel which has cabin-berth
 515 capacity for at least 75 passengers, and which is engaged
 516 exclusively in foreign commerce, to sell alcoholic beverages,
 517 cigarettes, and other tobacco products on the vessel for
 518 consumption on board only:

519 1.(a) For no more than ~~During a period not in excess of 24~~
 520 hours ~~before~~ ~~prior to~~ departure while the vessel is moored at a

521 dock or wharf in a port of this state; or
522 2.~~(b)~~ At any time while the vessel is located in Florida
523 territorial waters and is in transit to or from international
524 waters.
525
526 One such permit shall be required for each such vessel and shall
527 name the vessel for which it is issued. No license shall be
528 required or tax levied by any municipality or county for the
529 privilege of selling beverages, cigarettes, or other tobacco
530 products for consumption on board such vessels. The beverages,
531 cigarettes, or other tobacco products so sold may be purchased
532 outside the state by the permittee, and the same shall not be
533 considered as imported for the purposes of s. 561.14(3) solely
534 because of such sale. The permittee is not required to obtain
535 its beverages, cigarettes, or other tobacco products from
536 licensees under the Beverage Law or chapter 210. Each permittee
537 ~~but it~~ shall keep a strict account of the quarterly capacity of
538 each of its vessels ~~all such beverages sold within this state~~
539 and shall make quarterly ~~monthly~~ reports to the division on
540 forms prepared and furnished by the division. ~~A permittee who~~
541 ~~sells on board the vessel beverages withdrawn from United States~~
542 ~~Bureau of Customs and Border Protection bonded storage on board~~
543 ~~the vessel may satisfy such accounting requirement by supplying~~
544 ~~the division with copies of the appropriate United States Bureau~~
545 ~~of Customs and Border Protection forms evidencing such~~
546 ~~withdrawals as importations under United States customs laws.~~

547 (d) Each ~~Such~~ permittee shall pay to the state a ~~an~~ excise
548 tax for beverages, cigarettes, and other tobacco products sold
549 pursuant to this subsection in an amount equal to the base rate
550 multiplied by the permittee's quarterly capacity during the
551 calendar quarter, less any tax or surcharge already paid by a
552 licensed manufacturer or distributor pursuant to the Beverage
553 Law or chapter 210 on beverages, cigarettes, and other tobacco
554 products sold by the permittee pursuant to this subsection
555 during the quarter for which tax is due ~~section, if such excise~~
556 ~~tax has not previously been paid, in an amount equal to the tax~~
557 ~~which would be required to be paid on such sales by a licensed~~
558 ~~manufacturer or distributor.~~

559 (e) A vendor holding such permit shall pay the tax
560 quarterly ~~monthly~~ to the division at the same time he or she
561 furnishes the required report. Such report shall be filed on or
562 before the 15th day of each calendar quarter ~~month~~ for the
563 quarterly capacity ~~sales occurring~~ during the previous calendar
564 quarter ~~month~~.

565 (f) By August 1, 2016, each permittee shall report the
566 annual capacity for each of its vessels for calendar year 2015
567 to the division on forms prepared and furnished by the division.
568 By September 1, 2016, the division shall calculate the base rate
569 and report it to each permittee. The base rate shall also be
570 published in the Florida Administrative Register and on the
571 department's website.

572 (g) Revenues collected pursuant to this subsection shall

573 be distributed pursuant to s. 561.121(1).

574 Section 9. Section 565.04, Florida Statutes, is amended to
575 read:

576 565.04 Package store restrictions.—

577 (1) Vendors licensed under s. 565.02(1)(a) shall not in
578 said place of business sell, offer, or expose for sale any
579 merchandise other than such beverages, and such places of
580 business shall be devoted exclusively to such sales; provided,
581 however, that such vendors shall be permitted to sell bitters,
582 grenadine, nonalcoholic mixer-type beverages (not to include
583 fruit juices produced outside this state), fruit juices produced
584 in this state, home bar, and party supplies and equipment
585 (including but not limited to glassware and party-type foods),
586 miniatures of no alcoholic content, and tobacco products. Such
587 places of business shall have no openings permitting direct
588 access to any other building or room, except to a private office
589 or storage room of the place of business from which patrons are
590 excluded.

591 (2) Notwithstanding any other law, when delivering
592 alcoholic beverages to a vendor licensed under s. 565.02(1)(a),
593 a licensed distributor may transport the beverages through
594 another premises owned in whole or in part by the vendor.

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