

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rodrigues, R. offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 210.13, Florida Statutes, is amended to  
6 read:

7 210.13 Determination of tax on failure to file a return.-

8 If a dealer or other person required to remit the tax under this  
9 part fails to file any return required under this part, or

10 having filed an incorrect or insufficient return, fails to file  
11 a correct or sufficient return, as the case may require, within  
12 10 days after the giving of notice to the dealer by the Division  
13 of Alcoholic Beverages and Tobacco that such return or corrected  
14 or sufficient return is required, the division shall determine

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15 the amount of tax due by such dealer any time within 3 years  
16 after the making of the earliest sale included in such  
17 determination and give written notice of such determination to  
18 such dealer. Such a determination shall finally and irrevocably  
19 fix the tax unless the dealer against whom it is assessed shall,  
20 within 30 days after the giving of notice of such determination,  
21 apply to the division for a hearing. Judicial review shall not  
22 be granted unless the amount of tax stated in the decision, with  
23 penalties thereon, if any, shall have been first deposited with  
24 the division, and an undertaking or bond filed in the court in  
25 which such cause may be pending in such amount and with such  
26 sureties as the court shall approve, conditioned that if such  
27 proceeding be dismissed or the decision of the division  
28 confirmed, the applicant for review will pay all costs and  
29 charges which may accrue against the applicant in the  
30 prosecution of the proceeding. At the option of the applicant,  
31 such undertaking or bond may be in an additional sum sufficient  
32 to cover the tax, penalties, costs, and charges aforesaid, in  
33 which event the applicant shall not be required to pay such tax  
34 and penalties precedent to the granting of such review by such  
35 court.

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

38 561.01 Definitions.—As used in the Beverage Law:

39 (22) "Railroad transit station" means a platform or a  
40 terminal facility where passenger trains operating on a guided

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41 rail system according to a fixed schedule between two or more  
42 cities regularly stop to load and unload passengers or goods.  
43 The term includes a passenger waiting lounge and dining, retail,  
44 entertainment, or recreational facilities within the licensed  
45 premises owned or leased by the railroad operator or owner.

46 Section 3. Paragraph (a) of subsection (2) of section  
47 561.20, Florida Statutes, is amended to read:

48 561.20 Limitation upon number of licenses issued.—

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

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

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67 25,000 and no more than 35,000 residents and that is within a  
68 constitutionally chartered county may be issued a special  
69 license. This special license shall allow the sale and  
70 consumption of alcoholic beverages only on the licensed premises  
71 of the hotel or motel. In addition, the hotel or motel must  
72 derive at least 60 percent of its gross revenue from the rental  
73 of hotel or motel rooms and the sale of food and nonalcoholic  
74 beverages; provided that the provisions of this subparagraph  
75 shall supersede local laws requiring a greater number of hotel  
76 rooms;

77 2. Any condominium accommodation of which no fewer than  
78 100 condominium units are wholly rentable to transients and  
79 which is licensed under the provisions of chapter 509, except  
80 that the license shall be issued only to the person or  
81 corporation which operates the hotel or motel operation and not  
82 to the association of condominium owners;

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

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92           4. A food service establishment that has ~~Any restaurant~~  
93 ~~having 2,500 square feet of service area,~~ is and equipped to  
94 serve meals to 150 persons ~~full-course meals at tables~~ at one  
95 time, and derives ~~deriving~~ at least 51 percent of its gross food  
96 and beverage revenue from the sale of food and nonalcoholic  
97 beverages during the first 60-day operating period and each 12-  
98 month operating period thereafter. A food service establishment~~+~~  
99 ~~however, no restaurant~~ granted a special license on or after  
100 January 1, 1958, pursuant to general or special law may not  
101 ~~shall~~ operate as a package store and may not sell, ~~nor shall~~  
102 intoxicating beverages ~~be sold~~ under such license after the  
103 hours of serving or consumption of food have elapsed. Failure by  
104 a licensee to meet the required percentage of food and  
105 nonalcoholic beverage gross revenues during the covered  
106 operating period shall result in revocation of the license or  
107 denial of the pending license application. A licensee whose  
108 license is revoked or an applicant whose pending application is  
109 denied, or any person required to qualify on the special license  
110 application, is ineligible to have any interest in a subsequent  
111 application for such a license for a period of 120 days after  
112 the date of the final denial or revocation; or

113           5. Any caterer, deriving at least 51 percent of its gross  
114 revenue from the sale of food and nonalcoholic beverages,  
115 licensed by the Division of Hotels and Restaurants under chapter  
116 509. Notwithstanding any other provision of law to the contrary,  
117 a licensee under this subparagraph shall sell or serve alcoholic

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118 beverages only for consumption on the premises of a catered  
119 event at which the licensee is also providing prepared food, and  
120 shall prominently display its license at any catered event at  
121 which the caterer is selling or serving alcoholic beverages. A  
122 licensee under this subparagraph shall purchase all alcoholic  
123 beverages it sells or serves at a catered event from a vendor  
124 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.  
125 565.02(1) subject to the limitation imposed in subsection (1),  
126 as appropriate. A licensee under this subparagraph may not store  
127 any alcoholic beverages to be sold or served at a catered event.  
128 Any alcoholic beverages purchased by a licensee under this  
129 subparagraph for a catered event that are not used at that event  
130 must remain with the customer; provided that if the vendor  
131 accepts unopened alcoholic beverages, the licensee may return  
132 such alcoholic beverages to the vendor for a credit or  
133 reimbursement. Regardless of the county or counties in which the  
134 licensee operates, a licensee under this subparagraph shall pay  
135 the annual state license tax set forth in s. 565.02(1)(b). A  
136 licensee under this subparagraph must maintain for a period of 3  
137 years all records required by the department by rule to  
138 demonstrate compliance with the requirements of this  
139 subparagraph, including licensed vendor receipts for the  
140 purchase of alcoholic beverages and records identifying each  
141 customer and the location and date of each catered event.  
142 Notwithstanding any provision of law to the contrary, any vendor  
143 licensed under s. 565.02(1) subject to the limitation imposed in

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144 subsection (1), may, without any additional licensure under this  
145 subparagraph, serve or sell alcoholic beverages for consumption  
146 on the premises of a catered event at which prepared food is  
147 provided by a caterer licensed under chapter 509. If a licensee  
148 under this subparagraph also possesses any other license under  
149 the Beverage Law, the license issued under this subparagraph  
150 shall not authorize the holder to conduct activities on the  
151 premises to which the other license or licenses apply that would  
152 otherwise be prohibited by the terms of that license or the  
153 Beverage Law. Nothing in this section shall permit the licensee  
154 to conduct activities that are otherwise prohibited by the  
155 Beverage Law or local law. The Division of Alcoholic Beverages  
156 and Tobacco is hereby authorized to adopt rules to administer  
157 the license created in this subparagraph, to include rules  
158 governing licensure, recordkeeping, and enforcement. The first  
159 \$300,000 in fees collected by the division each fiscal year  
160 pursuant to this subparagraph shall be deposited in the  
161 Department of Children and Families' Operations and Maintenance  
162 Trust Fund to be used only for alcohol and drug abuse education,  
163 treatment, and prevention programs. The remainder of the fees  
164 collected shall be deposited into the Hotel and Restaurant Trust  
165 Fund created pursuant to s. 509.072.

166  
167 However, any license heretofore issued to any such hotel, motel,  
168 motor court, or restaurant or hereafter issued to any such  
169 hotel, motel, or motor court, including a condominium

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

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196 and is completed within 30 days thereafter, or if an application  
197 is on file for such special license at the time this act takes  
198 effect; and any such licenses issued under this proviso may be  
199 annually renewed as now provided by law. Nothing herein prevents  
200 an application for transfer of a license to a bona fide  
201 purchaser of any hotel, motel, motor court, or restaurant by the  
202 purchaser of such facility or the transfer of such license  
203 pursuant to law.

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

206 561.29 Revocation and suspension of license; power to  
207 subpoena.—

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

212 (h) Failure by the holder of any license under s.  
213 561.20(1) to maintain the licensed premises in an active manner  
214 in which the licensed premises are open for the bona fide sale  
215 of authorized alcoholic beverages during regular business hours  
216 of at least 6 hours a day for a period of 120 days or more  
217 during any 12-month period commencing 18 months after the  
218 acquisition of the license by the licensee, regardless of the  
219 date the license was originally issued. Every licensee must  
220 notify the division in writing of any period during which his or  
221 her license is inactive and place the physical license with the

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

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

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248 (i) Failure of a any licensee having issued a new or  
249 ~~transfer~~ license issued under s. 561.20(1) after September 30,  
250 1988, ~~under s. 561.20(1)~~ to maintain the licensed premises in an  
251 active manner in which the licensed premises are open for  
252 business to the public for the bona fide retail sale of  
253 authorized alcoholic beverages during regular and reasonable  
254 business hours for at least 8 hours a day for a period of 210  
255 days or more during any 12-month period commencing 6 months  
256 after the acquisition of the license by the licensee. It is the  
257 intent of this act that for purposes of compliance with this  
258 paragraph, a licensee shall operate the licensed premises in a  
259 manner so as to maximize sales and tax revenues thereon; this  
260 includes maintaining a reasonable inventory of merchandise,  
261 including authorized alcoholic beverages, and the use of good  
262 business practices to achieve the intent of this law. Any  
263 attempt by a licensee to circumvent the intent of this law shall  
264 be grounds for revocation or suspension of the alcoholic  
265 beverage license. ~~The division may, upon written request of the~~  
266 ~~licensee, give a written waiver of this requirement for a period~~  
267 ~~not to exceed 12 months in cases where the licensee demonstrates~~  
268 ~~that the licensed premises has been physically destroyed through~~  
269 ~~no fault of the licensee, when the licensee has suffered an~~  
270 ~~incapacitating illness or injury which is likely to be~~  
271 ~~prolonged, or when the licensed premises has been prohibited~~  
272 ~~from making sales as a result of any action of any court of~~  
273 ~~competent jurisdiction. Any waiver given pursuant to this~~

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

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298 1. The licensed premises has been physically damaged to  
299 such an extent that active operation of the business at the  
300 premises is impracticable;

301 2. Construction or remodeling is underway to relocate the  
302 license to another location;

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

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

310 561.4205 Keg deposits; limited alternative inventory and  
311 reconciliation process.-

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

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324 (2) In lieu of receiving a keg deposit, a distributor  
325 selling alcoholic beverages by recyclable keg or other similar  
326 reusable container for the purpose of sale in draft form to a  
327 vendor identified in s. 561.01(18) or s. 565.02(6) or (7) shall  
328 implement an inventory and reconciliation process with such  
329 vendor in which an accounting of kegs is completed and any loss  
330 or variance in the number of kegs is paid for by the vendor on a  
331 per-keg basis equivalent to the required keg deposit. This  
332 inventory and reconciliation process may occur twice per year,  
333 at the discretion of the distributor, but must occur at least  
334 annually. Upon completion of an agreed upon keg inventory and  
335 reconciliation, the vendor shall remit payment within 15 days  
336 after receiving an invoice from the distributor. The vendor may  
337 choose to establish and fund a separate account with the  
338 distributor for the purpose of expediting timely payments.

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

341 561.422 Nonprofit civic organizations, charitable  
342 organizations, municipalities, and counties; temporary permits.-  
343 Upon the filing of an application, presentation of a local  
344 building and zoning permit, and payment of a fee of \$25 per  
345 permit, the director of the division may issue a permit  
346 authorizing a bona fide nonprofit civic organization, charitable  
347 organization, municipality, or county to sell alcoholic  
348 beverages for consumption on the premises only, for a period not  
349 to exceed 3 days, subject to any state law or municipal or

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350 county ordinance regulating the time for selling such beverages.  
351 All net profits from sales of alcoholic beverages collected  
352 during the permit period by a nonprofit or civic organization  
353 must be retained by such organizations ~~the nonprofit civic~~  
354 ~~organization.~~ All net profits from sales of alcoholic beverages  
355 collected during the permit period by a municipality or county  
356 must be donated to a nonprofit civic or charitable organization  
357 within 90 days after the permitted event. A municipality or  
358 county may only be issued such a temporary permit if it has  
359 attempted to solicit a qualified nonprofit civic or charitable  
360 organization to conduct such sales but has been unable to find  
361 such a qualifying organization in a reasonably practicable  
362 manner and timeframe. A nonprofit ~~Any such~~ civic organization,  
363 charitable organization, municipality, or county may be issued  
364 no more than 12 ~~only three such~~ permits per calendar year.  
365 Notwithstanding other provisions of the Beverage Law, a  
366 nonprofit ~~any~~ civic organization, charitable organization,  
367 municipality, or county licensed under this section may purchase  
368 alcoholic beverages from a distributor or vendor licensed under  
369 the Beverage Law. The division may adopt rules and conduct  
370 audits to ensure compliance with this section.

371 Section 7. Effective upon this act becoming a law,  
372 paragraph (a) of subsection (7) of section 563.06, Florida  
373 Statutes, is amended to read:

374 563.06 Malt beverages; imprint on individual container;  
375 size of containers; exemptions.-

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

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

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

384 2. A vendor holding a quota license under s. 561.20(1) or  
385 s. 565.02(1)(a) which ~~that~~ authorizes the sale of malt  
386 beverages.

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

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

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

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

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

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401 d. The growlers meet the labeling and sealing requirements  
402 of paragraph (b).

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

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

407 565.02 License fees; vendors; clubs; caterers; and  
408 others.—

409 (2) An Any operator of railroads or sleeping cars, or a  
410 vendor in a railroad transit station, in this state may obtain a  
411 license to keep for sale and to sell the beverages mentioned in  
412 the Beverage Law ~~on passenger trains~~ upon the payment of an  
413 annual license tax of \$2,500, ~~the tax to be paid~~ to the  
414 division. A municipality or county may not require an additional  
415 license or levy a tax for the privilege of selling such  
416 beverages.

417 (a) Operators of railroads or sleeping cars in this state  
418 are authorized ~~Such license shall authorize the holder thereof~~  
419 to keep for sale and to sell all beverages mentioned in the  
420 Beverage Law ~~for consumption~~ upon any dining, club, parlor,  
421 buffet, or observation car ~~of a passenger train in which~~  
422 certified copies of the licenses issued to the operators are  
423 posted. Certified copies of such licenses shall be issued by the  
424 division upon the payment of a \$10 fee ~~operated by it in this~~  
425 state, ~~but such beverages may be sold only to passengers upon~~  
426 the cars and must be served for consumption thereon. It is

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427 ~~unlawful for such licensees to purchase or sell any liquor~~  
428 ~~except in miniature bottles of not more than 2 ounces. A Every~~  
429 ~~such license for the sale of alcoholic beverages on a passenger~~  
430 ~~train shall be good throughout the state. Except for alcoholic~~  
431 ~~beverages sold within the licensed premises of a railroad~~  
432 ~~transit station, it is unlawful for such licensees to purchase~~  
433 ~~or sell any liquor on a passenger train except in miniature~~  
434 ~~bottles of not more than 2 ounces. No license shall be required,~~  
435 ~~or tax levied by any municipality or county, for the privilege~~  
436 ~~of selling such beverages for consumption in such cars. Such~~  
437 ~~beverages shall be sold only on cars in which are posted~~  
438 ~~certified copies of the licenses issued to such operator. Such~~  
439 ~~certified copies of such licenses shall be issued by the~~  
440 ~~division upon the payment of a tax of \$10.~~

441 (b) A vendor in a railroad transit station is authorized  
442 to keep for sale and to sell all beverages mentioned in the  
443 Beverage Law. A license issued to a vendor in a railroad transit  
444 station may not be transferred to locations beyond the railroad  
445 transit station. The alcoholic beverages sold are for  
446 consumption on the licensed premises and may be consumed in all  
447 areas within the railroad transit station and on a passenger  
448 train. Operators of railroads and sleeping cars shall keep  
449 separate the alcoholic beverages intended for sale on passenger  
450 trains and the alcoholic beverages intended for sale in the  
451 railroad transit station.

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

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

456 2. "Base rate" means an amount equal to the total taxes  
457 and surcharges paid by all permittees pursuant to the Beverage  
458 Law and chapter 210 for sales of alcoholic beverages,  
459 cigarettes, and other tobacco products taking place between  
460 January 1, 2015, and December 31, 2015, inclusive, divided by  
461 the sum of the annual capacities of all vessels permitted  
462 pursuant to former s. 565.02(9), Florida Statutes 2015, for  
463 calendar year 2015.

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

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

467 a. Affixed to a vessel;

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

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

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

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

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479        (c) Upon the filing of an application and payment of an  
480 annual fee of \$1,100, the director is authorized to issue a  
481 permit authorizing the operator, or, if applicable, his or her  
482 concessionaire, of a passenger vessel which has cabin-berth  
483 capacity for at least 75 passengers, and which is engaged  
484 exclusively in foreign commerce, to sell alcoholic beverages,  
485 cigarettes, and other tobacco products on the vessel for  
486 consumption on board only:

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

490        2.(b) At any time while the vessel is located in Florida  
491 territorial waters and is in transit to or from international  
492 waters.

493  
494 One such permit shall be required for each such vessel and shall  
495 name the vessel for which it is issued. No license shall be  
496 required or tax levied by any municipality or county for the  
497 privilege of selling beverages, cigarettes, or other tobacco  
498 products for consumption on board such vessels. The beverages,  
499 cigarettes, or other tobacco products so sold may be purchased  
500 outside the state by the permittee, and the same shall not be  
501 considered as imported for the purposes of s. 561.14(3) solely  
502 because of such sale. The permittee is not required to obtain  
503 its beverages, cigarettes, or other tobacco products from  
504 licensees under the Beverage Law or chapter 210. Each permittee

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505 ~~but it~~ shall keep a strict account of the quarterly capacity of  
506 each of its vessels ~~all such beverages sold within this state~~  
507 and shall make quarterly ~~monthly~~ reports to the division on  
508 forms prepared and furnished by the division. ~~A permittee who~~  
509 ~~sells on board the vessel beverages withdrawn from United States~~  
510 ~~Bureau of Customs and Border Protection bonded storage on board~~  
511 ~~the vessel may satisfy such accounting requirement by supplying~~  
512 ~~the division with copies of the appropriate United States Bureau~~  
513 ~~of Customs and Border Protection forms evidencing such~~  
514 ~~withdrawals as importations under United States customs laws.~~

515 (d) Each Such permittee shall pay to the state a ~~an~~ excise  
516 tax for beverages, cigarettes, and other tobacco products sold  
517 pursuant to this subsection in an amount equal to the base rate  
518 multiplied by the permittee's quarterly capacity during the  
519 calendar quarter, less any tax or surcharge already paid by a  
520 licensed manufacturer or distributor pursuant to the Beverage  
521 Law or chapter 210 on beverages, cigarettes, and other tobacco  
522 products sold by the permittee pursuant to this subsection  
523 during the quarter for which tax is due ~~section, if such excise~~  
524 ~~tax has not previously been paid, in an amount equal to the tax~~  
525 ~~which would be required to be paid on such sales by a licensed~~  
526 ~~manufacturer or distributor.~~

527 (e) A vendor holding such permit shall pay the tax  
528 quarterly ~~monthly~~ to the division at the same time he or she  
529 furnishes the required report. Such report shall be filed on or  
530 before the 15th day of each calendar quarter ~~month~~ for the

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531 quarterly capacity sales occurring during the previous calendar  
532 quarter month.

533 (f) By August 1, 2016, each permittee shall report the  
534 annual capacity for each of its vessels for calendar year 2015  
535 to the division on forms prepared and furnished by the division.  
536 By September 1, 2016, the division shall calculate the base rate  
537 and report it to each permittee. The base rate shall also be  
538 published in the Florida Administrative Register and on the  
539 department's website.

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

542 Section 9. Section 565.04, Florida Statutes, is amended to  
543 read:

544 565.04 Package store restrictions.—

545 (1) Vendors licensed under s. 565.02(1)(a) shall not in  
546 said place of business sell, offer, or expose for sale any  
547 merchandise other than such beverages, and such places of  
548 business shall be devoted exclusively to such sales; provided,  
549 however, that such vendors shall be permitted to sell bitters,  
550 grenadine, nonalcoholic mixer-type beverages (not to include  
551 fruit juices produced outside this state), fruit juices produced  
552 in this state, home bar, and party supplies and equipment  
553 (including but not limited to glassware and party-type foods),  
554 miniatures of no alcoholic content, and tobacco products. Such  
555 places of business shall have no openings permitting direct  
556 access to any other building or room, except to a private office

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557 or storage room of the place of business from which patrons are  
558 excluded.

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

563 Section 10. Except as otherwise expressly provided in this  
564 act and except for this section, which shall take effect upon  
565 this act becoming a law, this act shall take effect July 1,  
566 2016.

567  
568 -----

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

569 Remove everything before the enacting clause and insert:

570 A bill to be entitled

571  
572 An act relating to alcoholic beverages and tobacco;  
573 amending s. 210.13, F.S.; revising applicability to  
574 include other persons who may be subject to a  
575 determination of tax on failure to file a return;  
576 amending s. 561.01, F.S.; defining the term "railroad  
577 transit station"; amending s. 561.20, F.S.; revising  
578 the requirements to obtain and maintain a food service  
579 establishment alcoholic beverage license; amending s.  
580 561.29, F.S.; requiring the Division of Alcoholic  
581 Beverages and Tobacco to grant a one-time written  
582 waiver or extension of certain requirements to

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583 specified licensees; revising the circumstances under  
584 which a licensee may seek and the division may grant a  
585 waiver or extension of the requirements; revising  
586 compliance requirements for certain licensees;  
587 creating s. 561.4205, F.S.; requiring an alcoholic  
588 beverage distributor to charge a deposit for certain  
589 alcoholic beverage sales; providing an inventory and  
590 reconciliation process as an accounting alternative  
591 for specified vendors; providing an inventory and  
592 reconciliation process for malt beverage kegs;  
593 amending s. 561.422, F.S.; authorizing the division to  
594 issue temporary permits to charitable organizations,  
595 municipalities, and counties to sell alcoholic  
596 beverages for consumption on the premises of an event;  
597 amending s. 563.06, F.S.; authorizing certain  
598 licensees to fill or refill growlers under certain  
599 conditions; amending s. 565.02, F.S.; authorizing  
600 operators of railroad transit stations to obtain  
601 licenses to sell alcoholic beverages; providing  
602 requirements and conditions; prohibiting a  
603 municipality or county from requiring an additional  
604 license or levying a tax to sell certain beverages;  
605 exempting railroad transit stations from liquor bottle  
606 size restrictions; revising the tax on the sale of  
607 alcoholic beverages on certain foreign passenger  
608 vessels; imposing a tax on sale of cigarettes and

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609 | other tobacco products on certain foreign passenger  
610 | vessels; defining terms; revising legislative  
611 | findings; requiring permittees to submit a report to  
612 | the division; providing requirements for the report;  
613 | amending s. 565.04, F.S.; authorizing a licensed  
614 | distributor to transport alcoholic beverages through  
615 | certain premises under specified circumstances;  
616 | providing effective dates.

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