

Amendment No.

CHAMBER ACTION

Senate

House

.

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 ~~is~~ 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 or charitable organizations;
342 temporary permits.—Upon the filing of an application,
343 presentation of a local building and zoning permit, and payment
344 of a fee of \$25 per permit, the director of the division may
345 issue a permit authorizing a bona fide nonprofit civic or
346 charitable organization to sell alcoholic beverages for
347 consumption on the premises only, for a period not to exceed 3
348 days, subject to any state law or municipal or county ordinance
349 regulating the time for selling such beverages. All net profits

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350 from sales of alcoholic beverages collected during the permit
351 period must be retained by the nonprofit civic or charitable
352 organization. A nonprofit ~~Any such~~ civic or charitable
353 organization may be issued no more than 12 ~~only three such~~
354 permits per calendar year. Notwithstanding other provisions of
355 the Beverage Law, a nonprofit ~~any~~ civic or charitable
356 organization licensed under this section may purchase alcoholic
357 beverages from a distributor or vendor licensed under the
358 Beverage Law. The division may adopt rules and conduct audits to
359 ensure compliance with this section.

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

363 563.06 Malt beverages; imprint on individual container;
364 size of containers; exemptions.-

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

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

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

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

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

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

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

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

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

390 d. The growlers meet the labeling and sealing requirements
391 of paragraph (b).

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

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

396 565.02 License fees; vendors; clubs; caterers; and
397 others.—

398 (2) An ~~Any~~ operator of railroads or sleeping cars, or a
399 vendor in a railroad transit station, in this state may obtain a
400 license to keep for sale and to sell the beverages mentioned in
401 the Beverage Law ~~on passenger trains~~ upon the payment of an

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402 annual license tax of \$2,500, ~~the tax to be paid to the~~
403 division. A municipality or county may not require an additional
404 license or levy a tax for the privilege of selling such
405 beverages.

406 (a) Operators of railroads or sleeping cars in this state
407 are authorized ~~Such license shall authorize the holder thereof~~
408 ~~to keep for sale and to sell all beverages mentioned in the~~
409 ~~Beverage Law for consumption upon any dining, club, parlor,~~
410 ~~buffet, or observation car of a passenger train in which~~
411 certified copies of the licenses issued to the operators are
412 posted. Certified copies of such licenses shall be issued by the
413 division upon the payment of a \$10 fee ~~operated by it in this~~
414 ~~state, but such beverages may be sold only to passengers upon~~
415 ~~the cars and must be served for consumption thereon. It is~~
416 ~~unlawful for such licensees to purchase or sell any liquor~~
417 ~~except in miniature bottles of not more than 2 ounces. A Every~~
418 ~~such license for the sale of alcoholic beverages on a passenger~~
419 train shall be good throughout the state. Except for alcoholic
420 beverages sold within the licensed premises of a railroad
421 transit station, it is unlawful for such licensees to purchase
422 or sell any liquor on a passenger train except in miniature
423 bottles of not more than 2 ounces. No license shall be required,
424 ~~or tax levied by any municipality or county, for the privilege~~
425 ~~of selling such beverages for consumption in such cars. Such~~
426 ~~beverages shall be sold only on cars in which are posted~~
427 ~~certified copies of the licenses issued to such operator. Such~~

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428 ~~certified copies of such licenses shall be issued by the~~
429 ~~division upon the payment of a tax of \$10.~~

430 (b) A vendor in a railroad transit station is authorized
431 to keep for sale and to sell all beverages mentioned in the
432 Beverage Law. A license issued to a vendor in a railroad transit
433 station may not be transferred to locations beyond the railroad
434 transit station. The alcoholic beverages sold are for
435 consumption on the licensed premises and may be consumed in all
436 areas within the railroad transit station and on a passenger
437 train. Operators of railroads and sleeping cars shall keep
438 separate the alcoholic beverages intended for sale on passenger
439 trains and the alcoholic beverages intended for sale in the
440 railroad transit station.

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

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

445 2. "Base rate" means an amount equal to the total taxes
446 and surcharges paid by all permittees pursuant to the Beverage
447 Law and chapter 210 for sales of alcoholic beverages,
448 cigarettes, and other tobacco products taking place between
449 January 1, 2015, and December 31, 2015, inclusive, divided by
450 the sum of the annual capacities of all vessels permitted
451 pursuant to former s. 565.02(9), Florida Statutes 2015, for
452 calendar year 2015.

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

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

456 a. Affixed to a vessel;

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

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

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

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

468 (c) Upon the filing of an application and payment of an
469 annual fee of \$1,100, the director is authorized to issue a
470 permit authorizing the operator, or, if applicable, his or her
471 concessionaire, of a passenger vessel which has cabin-berth
472 capacity for at least 75 passengers, and which is engaged
473 exclusively in foreign commerce, to sell alcoholic beverages,
474 cigarettes, and other tobacco products on the vessel for
475 consumption on board only:

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

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479 2.(b) At any time while the vessel is located in Florida
480 territorial waters and is in transit to or from international
481 waters.

482
483 One such permit shall be required for each such vessel and shall
484 name the vessel for which it is issued. No license shall be
485 required or tax levied by any municipality or county for the
486 privilege of selling beverages, cigarettes, or other tobacco
487 products for consumption on board such vessels. The beverages,
488 cigarettes, or other tobacco products so sold may be purchased
489 outside the state by the permittee, and the same shall not be
490 considered as imported for the purposes of s. 561.14(3) solely
491 because of such sale. The permittee is not required to obtain
492 its beverages, cigarettes, or other tobacco products from
493 licensees under the Beverage Law or chapter 210. Each permittee,
494 ~~but it~~ shall keep a strict account of the quarterly capacity of
495 each of its vessels ~~all such beverages sold within this state~~
496 and shall make quarterly ~~monthly~~ reports to the division on
497 forms prepared and furnished by the division. ~~A permittee who~~
498 ~~sells on board the vessel beverages withdrawn from United States~~
499 ~~Bureau of Customs and Border Protection bonded storage on board~~
500 ~~the vessel may satisfy such accounting requirement by supplying~~
501 ~~the division with copies of the appropriate United States Bureau~~
502 ~~of Customs and Border Protection forms evidencing such~~
503 ~~withdrawals as importations under United States customs laws.~~

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504 (d) Each ~~Such~~ permittee shall pay to the state a ~~an~~ excise
505 tax for beverages, cigarettes, and other tobacco products sold
506 pursuant to this subsection in an amount equal to the base rate
507 multiplied by the permittee's quarterly capacity during the
508 calendar quarter, less any tax or surcharge already paid by a
509 licensed manufacturer or distributor pursuant to the Beverage
510 Law or chapter 210 on beverages, cigarettes, and other tobacco
511 products sold by the permittee pursuant to this subsection
512 during the quarter for which tax is due ~~section, if such excise~~
513 ~~tax has not previously been paid, in an amount equal to the tax~~
514 ~~which would be required to be paid on such sales by a licensed~~
515 ~~manufacturer or distributor.~~

516 (e) A vendor holding such permit shall pay the tax
517 quarterly ~~monthly~~ to the division at the same time he or she
518 furnishes the required report. Such report shall be filed on or
519 before the 15th day of each calendar quarter ~~month~~ for the
520 quarterly capacity ~~sales occurring~~ during the previous calendar
521 quarter ~~month~~.

522 (f) By August 1, 2016, each permittee shall report the
523 annual capacity for each of its vessels for calendar year 2015
524 to the division on forms prepared and furnished by the division.
525 By September 1, 2016, the division shall calculate the base rate
526 and report it to each permittee. The base rate shall also be
527 published in the Florida Administrative Register and on the
528 department's website.

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

531 Section 9. Section 565.04, Florida Statutes, is amended to
532 read:

533 565.04 Package store restrictions.—

534 (1) Vendors licensed under s. 565.02(1)(a) shall not in
535 said place of business sell, offer, or expose for sale any
536 merchandise other than such beverages, and such places of
537 business shall be devoted exclusively to such sales; provided,
538 however, that such vendors shall be permitted to sell bitters,
539 grenadine, nonalcoholic mixer-type beverages (not to include
540 fruit juices produced outside this state), fruit juices produced
541 in this state, home bar, and party supplies and equipment
542 (including but not limited to glassware and party-type foods),
543 miniatures of no alcoholic content, and tobacco products. Such
544 places of business shall have no openings permitting direct
545 access to any other building or room, except to a private office
546 or storage room of the place of business from which patrons are
547 excluded.

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

552 Section 10. Except as otherwise expressly provided in this
553 act and except for this section, which shall take effect upon

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554 | this act becoming a law, this act shall take effect July 1,
555 | 2016.

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

559 | Remove everything before the enacting clause and insert:

560 | A bill to be entitled

561 | An act relating to alcoholic beverages and tobacco;
562 | amending s. 210.13, F.S.; revising applicability to
563 | include other persons who may be subject to a
564 | determination of tax on failure to file a return;
565 | amending s. 561.01, F.S.; defining the term "railroad
566 | transit station"; amending s. 561.20, F.S.; revising
567 | the requirements to obtain and maintain a food service
568 | establishment alcoholic beverage license; amending s.
569 | 561.29, F.S.; requiring the Division of Alcoholic
570 | Beverages and Tobacco to grant a one-time written
571 | waiver or extension of certain requirements to
572 | specified licensees; revising the circumstances under
573 | which a licensee may seek and the division may grant a
574 | waiver or extension of the requirements; revising
575 | compliance requirements for certain licensees;
576 | creating s. 561.4205, F.S.; requiring an alcoholic
577 | beverage distributor to charge a deposit for certain
578 | alcoholic beverage sales; providing an inventory and
579 | reconciliation process as an accounting alternative

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580 for specified vendors; providing an inventory and
581 reconciliation process for malt beverage kegs;
582 amending s. 561.422, F.S.; authorizing the division to
583 issue temporary permits to charitable organizations to
584 sell alcoholic beverages for consumption on the
585 premises of an event; amending s. 563.06, F.S.;
586 authorizing certain licensees to fill or refill
587 growlers under certain conditions; amending s. 565.02,
588 F.S.; authorizing operators of railroad transit
589 stations to obtain licenses to sell alcoholic
590 beverages; providing requirements and conditions;
591 prohibiting a municipality or county from requiring an
592 additional license or levying a tax to sell certain
593 beverages; exempting railroad transit stations from
594 liquor bottle size restrictions; revising the tax on
595 the sale of alcoholic beverages on certain foreign
596 passenger vessels; imposing a tax on sale of
597 cigarettes and other tobacco products on certain
598 foreign passenger vessels; defining terms; revising
599 legislative findings; requiring permittees to submit a
600 report to the division; providing requirements for the
601 report; amending s. 565.04, F.S.; authorizing a
602 licensed distributor to transport alcoholic beverages
603 through certain premises under specified
604 circumstances; providing effective dates.

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