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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 and return;  
6           amending s. 218.32, F.S.; requiring local governmental  
7           entities to include revenues derived from the use of  
8           temporary alcoholic beverage permits in annual  
9           financial reports; amending s. 561.01, F.S.; defining  
10          the term "railroad transit station"; amending s.  
11          561.20, F.S.; providing that a license must be revoked  
12          or a pending application must be denied under certain  
13          circumstances; providing that certain licensees or  
14          applicants are not eligible to have an interest in a  
15          subsequent license under certain circumstances for a  
16          specified timeframe; amending s. 561.29, F.S.;  
17          requiring the division to grant a one-time written  
18          waiver or extension of certain requirements to  
19          specified licensees; revising the circumstances under  
20          which a licensee may seek and the division may grant a  
21          waiver or extension of the requirements; creating s.  
22          561.4205, F.S.; requiring an alcoholic beverage  
23          distributor to charge a deposit for certain alcoholic  
24          beverage sales; providing an inventory and  
25          reconciliation process as an accounting alternative  
26          for specified vendors; providing an inventory and  
27          reconciliation process for malt beverage kegs;  
28          amending s. 561.422, F.S.; authorizing the division to  
29          issue temporary permits to municipalities and counties

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30 to sell alcoholic beverages for consumption on the  
31 premises of an event; authorizing the director of the  
32 division to issue more than three permits per calendar  
33 year under certain circumstances; providing conditions  
34 for such permits; requiring certain municipalities and  
35 counties to properly store and secure unconsumed  
36 alcoholic beverages; amending s. 563.06, F.S.;  
37 revising requirements for certain vendors to be  
38 authorized to fill or refill a growler; revising which  
39 licensed vendors may fill or refill a growler;  
40 amending s. 565.02, F.S.; authorizing vendors in  
41 railroad transit stations to obtain licenses to keep  
42 and sell alcoholic beverages; prohibiting a  
43 municipality or county from requiring an additional  
44 license or levying a tax to sell certain beverages;  
45 revising the locations where certain beverages may be  
46 sold; providing liquor bottle size restrictions for  
47 railroad transit stations; prohibiting the transfer of  
48 certain licenses; requiring operators of railroads and  
49 sleeping cars to keep separate certain alcoholic  
50 beverages; amending s. 565.04, F.S.; authorizing a  
51 licensed distributor to transport alcoholic beverages  
52 through certain premises under specified  
53 circumstances; providing an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Section 210.13, Florida Statutes, is amended to  
58 read:

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59           210.13 Determination of tax on failure to file a return.—If  
60 a dealer or other person required to remit the tax under this  
61 part fails to file any return required under this part, or  
62 having filed an incorrect or insufficient return, fails to file  
63 a correct or sufficient return, as the case may require, within  
64 10 days after the giving of notice to the dealer by the Division  
65 of Alcoholic Beverages and Tobacco that such return or corrected  
66 or sufficient return is required, the division shall determine  
67 the amount of tax due by such dealer any time within 3 years  
68 after the making of the earliest sale included in such  
69 determination and give written notice of such determination to  
70 such dealer. Such a determination shall finally and irrevocably  
71 fix the tax unless the dealer against whom it is assessed shall,  
72 within 30 days after the giving of notice of such determination,  
73 apply to the division for a hearing. Judicial review shall not  
74 be granted unless the amount of tax stated in the decision, with  
75 penalties thereon, if any, shall have been first deposited with  
76 the division, and an undertaking or bond filed in the court in  
77 which such cause may be pending in such amount and with such  
78 sureties as the court shall approve, conditioned that if such  
79 proceeding be dismissed or the decision of the division  
80 confirmed, the applicant for review will pay all costs and  
81 charges which may accrue against the applicant in the  
82 prosecution of the proceeding. At the option of the applicant,  
83 such undertaking or bond may be in an additional sum sufficient  
84 to cover the tax, penalties, costs, and charges aforesaid, in  
85 which event the applicant shall not be required to pay such tax  
86 and penalties precedent to the granting of such review by such  
87 court.

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88 Section 2. Paragraph (a) of subsection (1) of section  
89 218.32, Florida Statutes, is amended to read:

90 218.32 Annual financial reports; local governmental  
91 entities.—

92 (1) (a) Each local governmental entity that is determined to  
93 be a reporting entity, as defined by generally accepted  
94 accounting principles, and each independent special district as  
95 defined in s. 189.012, shall submit to the department a copy of  
96 its annual financial report for the previous fiscal year in a  
97 format prescribed by the department. The annual financial report  
98 must include a list of each local governmental entity included  
99 in the report and each local governmental entity that failed to  
100 provide financial information as required by paragraph (b). The  
101 annual financial report must also include all revenues derived  
102 from the use of temporary permits obtained by a reporting entity  
103 pursuant to s. 561.422. The chair of the governing body and the  
104 chief financial officer of each local governmental entity shall  
105 sign the annual financial report submitted pursuant to this  
106 subsection attesting to the accuracy of the information included  
107 in the report. The county annual financial report must be a  
108 single document that covers each county agency.

109 Section 3. Subsection (22) is added to section 561.01,  
110 Florida Statutes, to read:

111 561.01 Definitions.—As used in the Beverage Law:

112 (22) "Railroad transit station" means a platform or a  
113 terminal facility where passenger trains operating on a guided  
114 rail system according to a fixed schedule between two or more  
115 cities regularly stop to load and unload passengers or goods.  
116 The term includes a passenger waiting lounge and dining, retail,

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117 entertainment, or recreational facilities within the licensed  
118 premises owned or leased by the railroad operator or owner.

119 Section 4. Paragraph (a) of subsection (2) of section  
120 561.20, Florida Statutes, is amended to read:

121 561.20 Limitation upon number of licenses issued.—

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

125 1. Any bona fide hotel, motel, or motor court of not fewer  
126 than 80 guest rooms in any county having a population of less  
127 than 50,000 residents, and of not fewer than 100 guest rooms in  
128 any county having a population of 50,000 residents or greater;  
129 or any bona fide hotel or motel located in a historic structure,  
130 as defined in s. 561.01(21), with fewer than 100 guest rooms  
131 which derives at least 51 percent of its gross revenue from the  
132 rental of hotel or motel rooms, which is licensed as a public  
133 lodging establishment by the Division of Hotels and Restaurants;  
134 provided, however, that a bona fide hotel or motel with no fewer  
135 than 10 and no more than 25 guest rooms which is a historic  
136 structure, as defined in s. 561.01(21), in a municipality that  
137 on the effective date of this act has a population, according to  
138 the University of Florida's Bureau of Economic and Business  
139 Research Estimates of Population for 1998, of no fewer than  
140 25,000 and no more than 35,000 residents and that is within a  
141 constitutionally chartered county may be issued a special  
142 license. This special license shall allow the sale and  
143 consumption of alcoholic beverages only on the licensed premises  
144 of the hotel or motel. In addition, the hotel or motel must  
145 derive at least 60 percent of its gross revenue from the rental

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146 of hotel or motel rooms and the sale of food and nonalcoholic  
147 beverages; provided that the provisions of this subparagraph  
148 shall supersede local laws requiring a greater number of hotel  
149 rooms;

150 2. Any condominium accommodation of which no fewer than 100  
151 condominium units are wholly rentable to transients and which is  
152 licensed under the provisions of chapter 509, except that the  
153 license shall be issued only to the person or corporation which  
154 operates the hotel or motel operation and not to the association  
155 of condominium owners;

156 3. Any condominium accommodation of which no fewer than 50  
157 condominium units are wholly rentable to transients, which is  
158 licensed under the provisions of chapter 509, and which is  
159 located in any county having home rule under s. 10 or s. 11,  
160 Art. VIII of the State Constitution of 1885, as amended, and  
161 incorporated by reference in s. 6(e), Art. VIII of the State  
162 Constitution, except that the license shall be issued only to  
163 the person or corporation which operates the hotel or motel  
164 operation and not to the association of condominium owners;

165 4. Any food service establishment that has ~~restaurant~~  
166 ~~having~~ 2,500 square feet of service area, is ~~and~~ equipped to  
167 serve meals to 150 persons ~~full-course meals at tables~~ at one  
168 time, and that derives ~~deriving~~ at least 51 percent of its gross  
169 food and beverage revenue from the sale of food and nonalcoholic  
170 beverages during the first 60-day operating period and each 12-  
171 month operating period thereafter. ~~However,~~ A food service  
172 establishment ~~no restaurant~~ granted a special license on or  
173 after January 1, 1958, pursuant to general or special law may  
174 not ~~shall~~ operate as a package store and may not sell, ~~nor shall~~

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175 intoxicating beverages ~~be sold~~ under such license after the  
176 hours of serving or consumption of food have elapsed. Failure by  
177 a licensee to meet the required percentage of food and  
178 nonalcoholic beverage gross revenues during the covered  
179 operating period shall result in revocation of the license or  
180 denial of the pending license application. A licensee whose  
181 license is revoked or an applicant whose pending application is  
182 denied, or any person required to qualify on the special license  
183 application, is ineligible to have any interest in a subsequent  
184 application for such a license for a period of 120 days after  
185 the date of the final denial or revocation; or

186         5. Any caterer, deriving at least 51 percent of its gross  
187 revenue from the sale of food and nonalcoholic beverages,  
188 licensed by the Division of Hotels and Restaurants under chapter  
189 509. Notwithstanding any other provision of law to the contrary,  
190 a licensee under this subparagraph shall sell or serve alcoholic  
191 beverages only for consumption on the premises of a catered  
192 event at which the licensee is also providing prepared food, and  
193 shall prominently display its license at any catered event at  
194 which the caterer is selling or serving alcoholic beverages. A  
195 licensee under this subparagraph shall purchase all alcoholic  
196 beverages it sells or serves at a catered event from a vendor  
197 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.  
198 565.02(1) subject to the limitation imposed in subsection (1),  
199 as appropriate. A licensee under this subparagraph may not store  
200 any alcoholic beverages to be sold or served at a catered event.  
201 Any alcoholic beverages purchased by a licensee under this  
202 subparagraph for a catered event that are not used at that event  
203 must remain with the customer; provided that if the vendor

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204 accepts unopened alcoholic beverages, the licensee may return  
205 such alcoholic beverages to the vendor for a credit or  
206 reimbursement. Regardless of the county or counties in which the  
207 licensee operates, a licensee under this subparagraph shall pay  
208 the annual state license tax set forth in s. 565.02(1)(b). A  
209 licensee under this subparagraph must maintain for a period of 3  
210 years all records required by the department by rule to  
211 demonstrate compliance with the requirements of this  
212 subparagraph, including licensed vendor receipts for the  
213 purchase of alcoholic beverages and records identifying each  
214 customer and the location and date of each catered event.  
215 Notwithstanding any provision of law to the contrary, any vendor  
216 licensed under s. 565.02(1) subject to the limitation imposed in  
217 subsection (1), may, without any additional licensure under this  
218 subparagraph, serve or sell alcoholic beverages for consumption  
219 on the premises of a catered event at which prepared food is  
220 provided by a caterer licensed under chapter 509. If a licensee  
221 under this subparagraph also possesses any other license under  
222 the Beverage Law, the license issued under this subparagraph  
223 shall not authorize the holder to conduct activities on the  
224 premises to which the other license or licenses apply that would  
225 otherwise be prohibited by the terms of that license or the  
226 Beverage Law. Nothing in this section shall permit the licensee  
227 to conduct activities that are otherwise prohibited by the  
228 Beverage Law or local law. The Division of Alcoholic Beverages  
229 and Tobacco is hereby authorized to adopt rules to administer  
230 the license created in this subparagraph, to include rules  
231 governing licensure, recordkeeping, and enforcement. The first  
232 \$300,000 in fees collected by the division each fiscal year



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233 pursuant to this subparagraph shall be deposited in the  
234 Department of Children and Families' Operations and Maintenance  
235 Trust Fund to be used only for alcohol and drug abuse education,  
236 treatment, and prevention programs. The remainder of the fees  
237 collected shall be deposited into the Hotel and Restaurant Trust  
238 Fund created pursuant to s. 509.072.

239  
240 However, any license heretofore issued to any such hotel, motel,  
241 motor court, or restaurant or hereafter issued to any such  
242 hotel, motel, or motor court, including a condominium  
243 accommodation, under the general law shall not be moved to a new  
244 location, such license being valid only on the premises of such  
245 hotel, motel, motor court, or restaurant. Licenses issued to  
246 hotels, motels, motor courts, or restaurants under the general  
247 law and held by such hotels, motels, motor courts, or  
248 restaurants on May 24, 1947, shall be counted in the quota  
249 limitation contained in subsection (1). Any license issued for  
250 any hotel, motel, or motor court under the provisions of this  
251 law shall be issued only to the owner of the hotel, motel, or  
252 motor court or, in the event the hotel, motel, or motor court is  
253 leased, to the lessee of the hotel, motel, or motor court; and  
254 the license shall remain in the name of the owner or lessee so  
255 long as the license is in existence. Any special license now in  
256 existence heretofore issued under the provisions of this law  
257 cannot be renewed except in the name of the owner of the hotel,  
258 motel, motor court, or restaurant or, in the event the hotel,  
259 motel, motor court, or restaurant is leased, in the name of the  
260 lessee of the hotel, motel, motor court, or restaurant in which  
261 the license is located and must remain in the name of the owner

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262 or lessee so long as the license is in existence. Any license  
263 issued under this section shall be marked "Special," and nothing  
264 herein provided shall limit, restrict, or prevent the issuance  
265 of a special license for any restaurant or motel which shall  
266 hereafter meet the requirements of the law existing immediately  
267 prior to the effective date of this act, if construction of such  
268 restaurant has commenced prior to the effective date of this act  
269 and is completed within 30 days thereafter, or if an application  
270 is on file for such special license at the time this act takes  
271 effect; and any such licenses issued under this proviso may be  
272 annually renewed as now provided by law. Nothing herein prevents  
273 an application for transfer of a license to a bona fide  
274 purchaser of any hotel, motel, motor court, or restaurant by the  
275 purchaser of such facility or the transfer of such license  
276 pursuant to law.

277 Section 5. Paragraphs (h) and (i) of subsection (1) of  
278 section 561.29, Florida Statutes, are amended to read:

279 561.29 Revocation and suspension of license; power to  
280 subpoena.—

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

285 (h) Failure by the holder of any license under s. 561.20(1)  
286 to maintain the licensed premises in an active manner in which  
287 the licensed premises are open for the bona fide sale of  
288 authorized alcoholic beverages during regular business hours of  
289 at least 6 hours a day for a period of 120 days or more during  
290 any 12-month period commencing 18 months after the acquisition

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291 of the license by the licensee, regardless of the date the  
292 license was originally issued. Every licensee must notify the  
293 division in writing of any period during which his or her  
294 license is inactive and place the physical license with the  
295 division to be held in an inactive status. ~~The division may~~  
296 ~~waive or extend the requirement of this section upon the finding~~  
297 ~~of hardship, including the purchase of the license in order to~~  
298 ~~transfer it to a newly constructed or remodeled location.~~  
299 ~~However, during such closed period, the licensee shall make~~  
300 ~~reasonable efforts toward restoring the license to active~~  
301 ~~status.~~ This paragraph applies ~~shall apply~~ to all annual license  
302 periods commencing on or after July 1, 1981, but does ~~shall~~ not  
303 apply to licenses issued after September 30, 1988. The division  
304 shall, upon written request of the licensee, grant a one-time  
305 written waiver or extension of the requirements of this  
306 paragraph for a period not to exceed 12 months. Additionally,  
307 the division may, upon written request of the licensee, grant a  
308 waiver or extension of the requirements of this paragraph for a  
309 period not to exceed 12 months if the licensee demonstrates  
310 that:

- 311 1. The licensed premises has been physically damaged to  
312 such an extent that active operation of the business at the  
313 premises is impracticable;
- 314 2. Construction or remodeling is underway to relocate the  
315 license to another location;
- 316 3. The licensed premises has been prohibited from making  
317 sales as the result of any order of any court of competent  
318 jurisdiction, or any action or inaction of a local governmental  
319 entity relating to the permitting, construction, or occupational

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320 capacity of the physical location of the licensed premises.

321 (i) Failure of any licensee issued a new or transfer  
322 license after September 30, 1988, under s. 561.20(1) to maintain  
323 the licensed premises in an active manner in which the licensed  
324 premises are open for business to the public for the bona fide  
325 retail sale of authorized alcoholic beverages during regular and  
326 reasonable business hours for at least 8 hours a day for a  
327 period of 210 days or more during any 12-month period commencing  
328 6 months after the acquisition of the license by the licensee.  
329 It is the intent of this act that for purposes of compliance  
330 with this paragraph, a licensee shall operate the licensed  
331 premises in a manner so as to maximize sales and tax revenues  
332 thereon; this includes maintaining a reasonable inventory of  
333 merchandise, including authorized alcoholic beverages, and the  
334 use of good business practices to achieve the intent of this  
335 law. Any attempt by a licensee to circumvent the intent of this  
336 law shall be grounds for revocation or suspension of the  
337 alcoholic beverage license. ~~The division may, upon written~~  
338 ~~request of the licensee, give a written waiver of this~~  
339 ~~requirement for a period not to exceed 12 months in cases where~~  
340 ~~the licensee demonstrates that the licensed premises has been~~  
341 ~~physically destroyed through no fault of the licensee, when the~~  
342 ~~licensee has suffered an incapacitating illness or injury which~~  
343 ~~is likely to be prolonged, or when the licensed premises has~~  
344 ~~been prohibited from making sales as a result of any action of~~  
345 ~~any court of competent jurisdiction. Any waiver given pursuant~~  
346 ~~to this subsection may be continued upon subsequent written~~  
347 ~~request showing that substantial progress has been made toward~~  
348 ~~restoring the licensed premises to a condition suitable for the~~

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349 ~~resumption of sales or toward allowing for a court having~~  
350 ~~jurisdiction over the premises to release said jurisdiction, or~~  
351 ~~that an incapacitating illness or injury continues to exist.~~  
352 ~~However, in no event may the waivers necessitated by any one~~  
353 ~~occurrence cumulatively total more than 24 months. Every A~~  
354 licensee shall notify the division in writing of any period  
355 during which his or her license is inactive and place the  
356 physical license with the division to be held in an inactive  
357 status. For the purpose of calculating compliance with the  
358 requirements of this paragraph, a license that is acquired in a  
359 transaction that is not an arm's length transaction, including  
360 transfers from relatives, affiliates, subsidiaries, and other  
361 related entities, retains and is subject to the first related  
362 transferor's date of acquisition and related periods of  
363 operation. The division shall, upon written request of the  
364 licensee, grant a one-time written waiver or extension of the  
365 requirements of this paragraph for a period not to exceed 12  
366 months. Additionally, the division may, upon written request of  
367 the licensee, grant a waiver or extension of the requirements of  
368 this paragraph for a period not to exceed 12 months if the  
369 licensee demonstrates that:

- 370 1. The licensed premises has been physically damaged to  
371 such an extent that active operation of the business at the  
372 premises is impracticable;
- 373 2. Construction or remodeling is underway to relocate the  
374 license to another location;
- 375 3. The licensed premises has been prohibited from making  
376 sales as the result of any order of any court of competent  
377 jurisdiction, or any action or inaction of a local governmental

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378 entity relating to the permitting, construction, or occupational  
379 capacity of the physical location of the licensed premises.

380 Section 6. Section 561.4205, Florida Statutes, is created  
381 to read:

382 561.4205 Keg deposits; limited alternative inventory and  
383 reconciliation process.—

384 (1) A distributor selling an alcoholic beverage to a vendor  
385 in bulk, by recyclable keg or other similar reusable container,  
386 for the purpose of sale in draft form on tap, must charge the  
387 vendor a deposit, to be referred to as a "keg deposit," in an  
388 amount not less than that charged to the distributor by the  
389 manufacturer for each keg or container of the beverage sold. The  
390 deposit amount charged to a vendor for a draft keg or container  
391 of a like brand must be uniform. Charges made for deposits  
392 collected or credits allowed for empty kegs or containers  
393 returned must be shown separately on all sale tickets or  
394 invoices. A copy of such sales tickets or invoices must be given  
395 to the vendor at the time of delivery.

396 (2) In lieu of receiving a keg deposit, a distributor  
397 selling alcoholic beverages by recyclable keg or other similar  
398 reusable container for the purpose of sale in draft form to a  
399 vendor identified in s. 561.01(18) or s. 565.02(6) or (7) shall  
400 implement an inventory and reconciliation process with such  
401 vendor in which an accounting of kegs is completed and any loss  
402 or variance in the number of kegs is paid for by the vendor on a  
403 per-keg basis equivalent to the required keg deposit. This  
404 inventory and reconciliation process may occur twice per year,  
405 at the discretion of the distributor, but must occur at least  
406 annually. Upon completion of an agreed upon keg inventory and

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407 reconciliation, the vendor shall remit payment within 15 days  
408 after receiving an invoice from the distributor. The vendor may  
409 choose to establish and fund a separate account with the  
410 distributor for the purpose of expediting timely payments.

411 Section 7. Section 561.422, Florida Statutes, is amended to  
412 read:

413 561.422 Municipalities, counties, and nonprofit civic  
414 organizations; temporary permits.-

415 (1) Upon the filing of an application, presentation of a  
416 local building and zoning permit, and payment of a fee of \$25  
417 per permit, the director of the division may issue a permit  
418 authorizing a municipality, a county, or a ~~bona fide~~ nonprofit  
419 civic organization to sell alcoholic beverages for consumption  
420 on the premises of an event only, for a period not to exceed 3  
421 days, subject to any state law or municipal or county ordinance  
422 regulating the time for selling such beverages. All net profits  
423 from sales of alcoholic beverages collected during the permit  
424 period must be retained by the municipality, county, or  
425 nonprofit civic organization. Any such municipality, county, or  
426 nonprofit civic organization may be issued only three such  
427 permits per calendar year; however, the director of the division  
428 may issue more than three permits per calendar year to a  
429 municipality or county if such permits are for events that have  
430 been authorized by a majority vote of the governing body of the  
431 municipality or county at a duly noticed public meeting. The  
432 sworn application filed by a municipality or county for a  
433 temporary permit under this section must be signed by the chief  
434 executive officer of the municipality or county.

435 (2) Notwithstanding other provisions of the Beverage Law,

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436 any municipality, county, or nonprofit civic organization  
437 licensed under this section may purchase alcoholic beverages  
438 from a distributor or vendor licensed under the Beverage Law.

439 (3) All alcoholic beverages purchased for sale by a  
440 municipality or county which remain unconsumed after an event  
441 must be properly stored and secured by the municipality or  
442 county.

443 Section 8. Paragraph (a) of subsection (7) of section  
444 563.06, Florida Statutes, is amended to read:

445 563.06 Malt beverages; imprint on individual container;  
446 size of containers; exemptions.-

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

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

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

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

458 3. A vendor holding a license under s. 563.02(1)(b)-(f), s.  
459 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), if such licensed  
460 vendor receives a health inspection and certification under s.  
461 561.17(2) unless such license restricts the sale of malt  
462 beverages to sale for consumption only on the premises of such  
463 vendor.

464 4. A vendor holding a license under s. 563.02(1)(a) or s.



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465 564.02(1)(a), having held that license in current, active status  
466 on June 30, 2015, subject to the following requirements:

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

470 b. The growlers are filled or refilled by the vendor or the  
471 vendor's employee, who must be age 18 or older.

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

474 d. The growlers meet labeling or sealing requirements set  
475 forth in paragraph (b).

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

478 Section 9. Subsection (2) of section 565.02, Florida  
479 Statutes, is amended to read:

480 565.02 License fees; vendors; clubs; caterers; and others.-

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

488 (a) Operators of railroads or sleeping cars in this state  
489 are authorized to ~~Such license shall authorize the holder~~  
490 ~~thereof to~~ keep for sale and sell all beverages mentioned in the  
491 Beverage Law for consumption upon any dining, club, parlor,  
492 buffet, or observation car of a passenger train in which  
493 certified copies of the licenses issued to the operators are

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494 posted. Certified copies of such licenses shall be issued by the  
495 division upon the payment of a fee of \$10 ~~operated by it in this~~  
496 ~~state, but such beverages may be sold only to passengers upon~~  
497 ~~the cars and must be served for consumption thereon. It is~~  
498 ~~unlawful for such licensees to purchase or sell any liquor~~  
499 ~~except in miniature bottles of not more than 2 ounces. Every~~  
500 such license for the sale of alcoholic beverages on a passenger  
501 train shall be good throughout the state. Except for alcoholic  
502 beverages sold within the licensed premises of a railroad  
503 transit station, it is unlawful for such licensees to purchase  
504 or sell any liquor on a passenger train except in miniature  
505 bottles of not more than 2 ounces ~~No license shall be required,~~  
506 ~~or tax levied by any municipality or county, for the privilege~~  
507 ~~of selling such beverages for consumption in such cars. Such~~  
508 ~~beverages shall be sold only on cars in which are posted~~  
509 ~~certified copies of the licenses issued to such operator. Such~~  
510 ~~certified copies of such licenses shall be issued by the~~  
511 ~~division upon the payment of a tax of \$10.~~

512 (b) Vendors in a railroad transit station are authorized to  
513 keep for sale and sell all beverages mentioned in the Beverage  
514 Law. Licenses issued to vendors in a railroad transit station  
515 may not be transferred to locations beyond the railroad transit  
516 station. The alcoholic beverages sold are for consumption on the  
517 licensed premises and may be consumed in all areas within the  
518 railroad transit station and on the passenger train. Operators  
519 of railroads and sleeping cars shall keep separate the alcoholic  
520 beverages intended for sale on passenger trains and the  
521 alcoholic beverages intended for sale in the railroad transit  
522 station.

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523 Section 10. Section 565.04, Florida Statutes, is amended to  
524 read:

525 565.04 Package store restrictions.—

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

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

544 Section 11. This act shall take effect July 1, 2016.

545