

2016698er

1
2 An act relating to alcoholic beverages and tobacco;
3 amending s. 210.13, F.S.; revising applicability to
4 include other persons who may be subject to a
5 determination of tax on failure to file a return;
6 amending s. 561.01, F.S.; defining the term "railroad
7 transit station"; amending s. 561.20, F.S.; revising
8 the requirements to obtain and maintain a food service
9 establishment alcoholic beverage license; amending s.
10 561.29, F.S.; requiring the Division of Alcoholic
11 Beverages and Tobacco to grant a one-time written
12 waiver or extension of certain requirements to
13 specified licensees; revising the circumstances under
14 which a licensee may seek and the division may grant a
15 waiver or extension of the requirements; revising
16 compliance requirements for certain licensees;
17 creating s. 561.4205, F.S.; requiring an alcoholic
18 beverage distributor to charge a deposit for certain
19 alcoholic beverage sales; providing an inventory and
20 reconciliation process as an accounting alternative
21 for specified vendors; providing an inventory and
22 reconciliation process for malt beverage kegs;
23 amending s. 561.422, F.S.; authorizing the division to
24 issue temporary permits to charitable organizations,
25 municipalities, and counties to sell alcoholic
26 beverages for consumption on the premises of an event;
27 amending s. 563.06, F.S.; authorizing certain
28 licensees to fill or refill growlers under certain
29 conditions; amending s. 565.02, F.S.; authorizing

2016698er

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

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

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

52 210.13 Determination of tax on failure to file a return.—If
53 a dealer or other person required to remit the tax under this
54 part fails to file any return required under this part, or
55 having filed an incorrect or insufficient return, fails to file
56 a correct or sufficient return, as the case may require, within
57 10 days after the giving of notice to the dealer by the Division
58 of Alcoholic Beverages and Tobacco that such return or corrected

2016698er

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

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

83 561.01 Definitions.—As used in the Beverage Law:

84 (22) "Railroad transit station" means a platform or a
85 terminal facility where passenger trains operating on a guided
86 rail system according to a fixed schedule between two or more
87 cities regularly stop to load and unload passengers or goods.

2016698er

88 The term includes a passenger waiting lounge and dining, retail,
89 entertainment, or recreational facilities within the licensed
90 premises owned or leased by the railroad operator or owner.

91 Section 3. Paragraph (a) of subsection (2) of section
92 561.20, Florida Statutes, is amended to read:

93 561.20 Limitation upon number of licenses issued.—

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

97 1. Any bona fide hotel, motel, or motor court of not fewer
98 than 80 guest rooms in any county having a population of less
99 than 50,000 residents, and of not fewer than 100 guest rooms in
100 any county having a population of 50,000 residents or greater;
101 or any bona fide hotel or motel located in a historic structure,
102 as defined in s. 561.01(21), with fewer than 100 guest rooms
103 which derives at least 51 percent of its gross revenue from the
104 rental of hotel or motel rooms, which is licensed as a public
105 lodging establishment by the Division of Hotels and Restaurants;
106 provided, however, that a bona fide hotel or motel with no fewer
107 than 10 and no more than 25 guest rooms which is a historic
108 structure, as defined in s. 561.01(21), in a municipality that
109 on the effective date of this act has a population, according to
110 the University of Florida's Bureau of Economic and Business
111 Research Estimates of Population for 1998, of no fewer than
112 25,000 and no more than 35,000 residents and that is within a
113 constitutionally chartered county may be issued a special
114 license. This special license shall allow the sale and
115 consumption of alcoholic beverages only on the licensed premises
116 of the hotel or motel. In addition, the hotel or motel must

2016698er

117 derive at least 60 percent of its gross revenue from the rental
118 of hotel or motel rooms and the sale of food and nonalcoholic
119 beverages; provided that the provisions of this subparagraph
120 shall supersede local laws requiring a greater number of hotel
121 rooms;

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

128 3. Any condominium accommodation of which no fewer than 50
129 condominium units are wholly rentable to transients, which is
130 licensed under the provisions of chapter 509, and which is
131 located in any county having home rule under s. 10 or s. 11,
132 Art. VIII of the State Constitution of 1885, as amended, and
133 incorporated by reference in s. 6(e), Art. VIII of the State
134 Constitution, except that the license shall be issued only to
135 the person or corporation which operates the hotel or motel
136 operation and not to the association of condominium owners;

137 4. A food service establishment that has ~~Any restaurant~~
138 ~~having~~ 2,500 square feet of service area, is ~~and~~ equipped to
139 serve meals to 150 persons ~~full-course meals at tables~~ at one
140 time, and derives ~~deriving~~ at least 51 percent of its gross food
141 and beverage revenue from the sale of food and nonalcoholic
142 beverages during the first 60-day operating period and each 12-
143 month operating period thereafter. ~~A food service establishment,~~
144 ~~however, no restaurant~~ granted a special license on or after
145 January 1, 1958, pursuant to general or special law may not

2016698er

146 ~~shall~~ operate as a package store and may not sell, ~~nor shall~~
147 intoxicating beverages ~~be sold~~ under such license after the
148 hours of serving or consumption of food have elapsed. Failure by
149 a licensee to meet the required percentage of food and
150 nonalcoholic beverage gross revenues during the covered
151 operating period shall result in revocation of the license or
152 denial of the pending license application. A licensee whose
153 license is revoked or an applicant whose pending application is
154 denied, or any person required to qualify on the special license
155 application, is ineligible to have any interest in a subsequent
156 application for such a license for a period of 120 days after
157 the date of the final denial or revocation; or

158 5. Any caterer, deriving at least 51 percent of its gross
159 revenue from the sale of food and nonalcoholic beverages,
160 licensed by the Division of Hotels and Restaurants under chapter
161 509. Notwithstanding any other provision of law to the contrary,
162 a licensee under this subparagraph shall sell or serve alcoholic
163 beverages only for consumption on the premises of a catered
164 event at which the licensee is also providing prepared food, and
165 shall prominently display its license at any catered event at
166 which the caterer is selling or serving alcoholic beverages. A
167 licensee under this subparagraph shall purchase all alcoholic
168 beverages it sells or serves at a catered event from a vendor
169 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.
170 565.02(1) subject to the limitation imposed in subsection (1),
171 as appropriate. A licensee under this subparagraph may not store
172 any alcoholic beverages to be sold or served at a catered event.
173 Any alcoholic beverages purchased by a licensee under this
174 subparagraph for a catered event that are not used at that event

2016698er

175 must remain with the customer; provided that if the vendor
176 accepts unopened alcoholic beverages, the licensee may return
177 such alcoholic beverages to the vendor for a credit or
178 reimbursement. Regardless of the county or counties in which the
179 licensee operates, a licensee under this subparagraph shall pay
180 the annual state license tax set forth in s. 565.02(1)(b). A
181 licensee under this subparagraph must maintain for a period of 3
182 years all records required by the department by rule to
183 demonstrate compliance with the requirements of this
184 subparagraph, including licensed vendor receipts for the
185 purchase of alcoholic beverages and records identifying each
186 customer and the location and date of each catered event.
187 Notwithstanding any provision of law to the contrary, any vendor
188 licensed under s. 565.02(1) subject to the limitation imposed in
189 subsection (1), may, without any additional licensure under this
190 subparagraph, serve or sell alcoholic beverages for consumption
191 on the premises of a catered event at which prepared food is
192 provided by a caterer licensed under chapter 509. If a licensee
193 under this subparagraph also possesses any other license under
194 the Beverage Law, the license issued under this subparagraph
195 shall not authorize the holder to conduct activities on the
196 premises to which the other license or licenses apply that would
197 otherwise be prohibited by the terms of that license or the
198 Beverage Law. Nothing in this section shall permit the licensee
199 to conduct activities that are otherwise prohibited by the
200 Beverage Law or local law. The Division of Alcoholic Beverages
201 and Tobacco is hereby authorized to adopt rules to administer
202 the license created in this subparagraph, to include rules
203 governing licensure, recordkeeping, and enforcement. The first

2016698er

204 \$300,000 in fees collected by the division each fiscal year
205 pursuant to this subparagraph shall be deposited in the
206 Department of Children and Families' Operations and Maintenance
207 Trust Fund to be used only for alcohol and drug abuse education,
208 treatment, and prevention programs. The remainder of the fees
209 collected shall be deposited into the Hotel and Restaurant Trust
210 Fund created pursuant to s. 509.072.

211
212 However, any license heretofore issued to any such hotel, motel,
213 motor court, or restaurant or hereafter issued to any such
214 hotel, motel, or motor court, including a condominium
215 accommodation, under the general law shall not be moved to a new
216 location, such license being valid only on the premises of such
217 hotel, motel, motor court, or restaurant. Licenses issued to
218 hotels, motels, motor courts, or restaurants under the general
219 law and held by such hotels, motels, motor courts, or
220 restaurants on May 24, 1947, shall be counted in the quota
221 limitation contained in subsection (1). Any license issued for
222 any hotel, motel, or motor court under the provisions of this
223 law shall be issued only to the owner of the hotel, motel, or
224 motor court or, in the event the hotel, motel, or motor court is
225 leased, to the lessee of the hotel, motel, or motor court; and
226 the license shall remain in the name of the owner or lessee so
227 long as the license is in existence. Any special license now in
228 existence heretofore issued under the provisions of this law
229 cannot be renewed except in the name of the owner of the hotel,
230 motel, motor court, or restaurant or, in the event the hotel,
231 motel, motor court, or restaurant is leased, in the name of the
232 lessee of the hotel, motel, motor court, or restaurant in which

2016698er

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

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

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

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

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

2016698er

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

283 1. The licensed premises has been physically damaged to
284 such an extent that active operation of the business at the
285 premises is impracticable;

286 2. Construction or remodeling is underway to relocate the
287 license to another location;

288 3. The licensed premises is prohibited from making sales as
289 the result of an order of a court of competent jurisdiction, or
290 the action or inaction of a governmental entity relating to the

2016698er

291 permitting, construction, or occupational capacity of the
292 physical location of the licensed premises.

293 (i) Failure of a any licensee having ~~issued a new or~~
294 ~~transfer~~ license issued under s. 561.20(1) after September 30,
295 1988, ~~under s. 561.20(1)~~ to maintain the licensed premises in an
296 active manner in which the licensed premises are open for
297 business to the public for the bona fide retail sale of
298 authorized alcoholic beverages during regular and reasonable
299 business hours for at least 8 hours a day for a period of 210
300 days or more during any 12-month period commencing 6 months
301 after the acquisition of the license by the licensee. It is the
302 intent of this act that for purposes of compliance with this
303 paragraph, a licensee shall operate the licensed premises in a
304 manner so as to maximize sales and tax revenues thereon; this
305 includes maintaining a reasonable inventory of merchandise,
306 including authorized alcoholic beverages, and the use of good
307 business practices to achieve the intent of this law. Any
308 attempt by a licensee to circumvent the intent of this law shall
309 be grounds for revocation or suspension of the alcoholic
310 beverage license. ~~The division may, upon written request of the~~
311 ~~licensee, give a written waiver of this requirement for a period~~
312 ~~not to exceed 12 months in cases where the licensee demonstrates~~
313 ~~that the licensed premises has been physically destroyed through~~
314 ~~no fault of the licensee, when the licensee has suffered an~~
315 ~~incapacitating illness or injury which is likely to be~~
316 ~~prolonged, or when the licensed premises has been prohibited~~
317 ~~from making sales as a result of any action of any court of~~
318 ~~competent jurisdiction. Any waiver given pursuant to this~~
319 ~~subsection may be continued upon subsequent written request~~

2016698er

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

- 343 1. The licensed premises has been physically damaged to
344 such an extent that active operation of the business at the
345 premises is impracticable;
346 2. Construction or remodeling is underway to relocate the
347 license to another location;
348 3. The licensed premises has been prohibited from making

2016698er

349 sales as the result of any order of any court of competent
350 jurisdiction, or any action or inaction of a governmental entity
351 relating to the permitting, construction, or occupational
352 capacity of the physical location of the licensed premises.

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

355 561.4205 Keg deposits; limited alternative inventory and
356 reconciliation process.—

357 (1) A distributor selling an alcoholic beverage to a vendor
358 in bulk, by recyclable keg or other similar reusable container,
359 for the purpose of sale in draft form on tap, must charge the
360 vendor a deposit, to be referred to as a "keg deposit," in an
361 amount not less than that charged to the distributor by the
362 manufacturer for each keg or container of the beverage sold. The
363 deposit amount charged to a vendor for a draft keg or container
364 of a like brand must be uniform. Charges made for deposits
365 collected or credits allowed for empty kegs or containers
366 returned must be shown separately on all sale tickets or
367 invoices. A copy of such sales tickets or invoices must be given
368 to the vendor at the time of delivery.

369 (2) In lieu of receiving a keg deposit, a distributor
370 selling alcoholic beverages by recyclable keg or other similar
371 reusable container for the purpose of sale in draft form to a
372 vendor identified in s. 561.01(18) or s. 565.02(6) or (7) shall
373 implement an inventory and reconciliation process with such
374 vendor in which an accounting of kegs is completed and any loss
375 or variance in the number of kegs is paid for by the vendor on a
376 per-keg basis equivalent to the required keg deposit. This
377 inventory and reconciliation process may occur twice per year,

2016698er

378 at the discretion of the distributor, but must occur at least
379 annually. Upon completion of an agreed upon keg inventory and
380 reconciliation, the vendor shall remit payment within 15 days
381 after receiving an invoice from the distributor. The vendor may
382 choose to establish and fund a separate account with the
383 distributor for the purpose of expediting timely payments.

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

386 561.422 Nonprofit civic organizations, charitable
387 organizations, municipalities, and counties; temporary permits.-
388 Upon the filing of an application, presentation of a local
389 building and zoning permit, and payment of a fee of \$25 per
390 permit, the director of the division may issue a permit
391 authorizing a bona fide nonprofit civic organization, charitable
392 organization, municipality, or county to sell alcoholic
393 beverages for consumption on the premises only, for a period not
394 to exceed 3 days, subject to any state law or municipal or
395 county ordinance regulating the time for selling such beverages.
396 All net profits from sales of alcoholic beverages collected
397 during the permit period by a nonprofit or civic organization
398 must be retained by such organizations ~~the nonprofit civic~~
399 ~~organization.~~ All net profits from sales of alcoholic beverages
400 collected during the permit period by a municipality or county
401 must be donated to a nonprofit civic or charitable organization
402 within 90 days after the permitted event. A municipality or
403 county may only be issued such a temporary permit if it has
404 attempted to solicit a qualified nonprofit civic or charitable
405 organization to conduct such sales but has been unable to find
406 such a qualifying organization in a reasonably practicable

2016698er

407 manner and timeframe. A nonprofit ~~Any such~~ civic organization,
408 charitable organization, municipality, or county may be issued
409 no more than 12 ~~only three such~~ permits per calendar year.
410 Notwithstanding other provisions of the Beverage Law, a
411 nonprofit ~~any~~ civic organization, charitable organization,
412 municipality, or county licensed under this section may purchase
413 alcoholic beverages from a distributor or vendor licensed under
414 the Beverage Law. The division may adopt rules and conduct
415 audits to ensure compliance with this section.

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

419 563.06 Malt beverages; imprint on individual container;
420 size of containers; exemptions.—

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

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

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

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

432 3. A vendor holding a license under s. 563.02(1)(b)-(f), s.
433 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless such license
434 restricts the sale of malt beverages to sale for consumption
435 only on the premises of such vendor.

2016698er

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

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

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

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

446 d. The growlers meet the labeling and sealing requirements
447 of paragraph (b).

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

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

452 565.02 License fees; vendors; clubs; caterers; and others.—

453 (2) An ~~Any~~ operator of railroads or sleeping cars, or a
454 vendor in a railroad transit station, in this state may obtain a
455 license to keep for sale and to sell the beverages mentioned in
456 the Beverage Law ~~on passenger trains~~ upon the payment of an
457 annual license tax of \$2,500, ~~the tax to be paid~~ to the
458 division. A municipality or county may not require an additional
459 license or levy a tax for the privilege of selling such
460 beverages.

461 (a) Operators of railroads or sleeping cars in this state
462 are authorized ~~Such license shall authorize the holder thereof~~
463 to keep for sale and to sell all beverages mentioned in the
464 Beverage Law for consumption upon any dining, club, parlor,

2016698er

465 buffet, or observation car of a passenger train in which
466 certified copies of the licenses issued to the operators are
467 posted. Certified copies of such licenses shall be issued by the
468 division upon the payment of a \$10 fee ~~operated by it in this~~
469 ~~state, but such beverages may be sold only to passengers upon~~
470 ~~the cars and must be served for consumption thereon. It is~~
471 ~~unlawful for such licensees to purchase or sell any liquor~~
472 ~~except in miniature bottles of not more than 2 ounces. A Every~~
473 ~~such license~~ for the sale of alcoholic beverages on a passenger
474 train shall be good throughout the state. Except for alcoholic
475 beverages sold within the licensed premises of a railroad
476 transit station, it is unlawful for such licensees to purchase
477 or sell any liquor on a passenger train except in miniature
478 bottles of not more than 2 ounces. No license shall be required,
479 ~~or tax levied by any municipality or county, for the privilege~~
480 ~~of selling such beverages for consumption in such cars. Such~~
481 ~~beverages shall be sold only on cars in which are posted~~
482 ~~certified copies of the licenses issued to such operator. Such~~
483 ~~certified copies of such licenses shall be issued by the~~
484 ~~division upon the payment of a tax of \$10.~~

485 (b) A vendor in a railroad transit station is authorized to
486 keep for sale and to sell all beverages mentioned in the
487 Beverage Law. A license issued to a vendor in a railroad transit
488 station may not be transferred to locations beyond the railroad
489 transit station. The alcoholic beverages sold are for
490 consumption on the licensed premises and may be consumed in all
491 areas within the railroad transit station and on a passenger
492 train. Operators of railroads and sleeping cars shall keep
493 separate the alcoholic beverages intended for sale on passenger

2016698er

494 trains and the alcoholic beverages intended for sale in the
495 railroad transit station.

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

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

500 2. "Base rate" means an amount equal to the total taxes and
501 surcharges paid by all permittees pursuant to the Beverage Law
502 and chapter 210 for sales of alcoholic beverages, cigarettes,
503 and other tobacco products taking place between January 1, 2015,
504 and December 31, 2015, inclusive, divided by the sum of the
505 annual capacities of all vessels permitted pursuant to former s.
506 565.02(9), Florida Statutes 2015, for calendar year 2015.

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

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

510 a. Affixed to a vessel;

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

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

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

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

522 (c) Upon the filing of an application and payment of an

2016698er

523 annual fee of \$1,100, the director is authorized to issue a
524 permit authorizing the operator, or, if applicable, his or her
525 concessionaire, of a passenger vessel which has cabin-berth
526 capacity for at least 75 passengers, and which is engaged
527 exclusively in foreign commerce, to sell alcoholic beverages,
528 cigarettes, and other tobacco products on the vessel for
529 consumption on board only:

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

533 2.(b) At any time while the vessel is located in Florida
534 territorial waters and is in transit to or from international
535 waters.

536
537 One such permit shall be required for each such vessel and shall
538 name the vessel for which it is issued. No license shall be
539 required or tax levied by any municipality or county for the
540 privilege of selling beverages, cigarettes, or other tobacco
541 products for consumption on board such vessels. The beverages,
542 cigarettes, or other tobacco products so sold may be purchased
543 outside the state by the permittee, and the same shall not be
544 considered as imported for the purposes of s. 561.14(3) solely
545 because of such sale. The permittee is not required to obtain
546 its beverages, cigarettes, or other tobacco products from
547 licensees under the Beverage Law or chapter 210. Each permittee,
548 ~~but it~~ shall keep a strict account of the quarterly capacity of
549 each of its vessels ~~all such beverages sold within this state~~
550 and shall make quarterly ~~monthly~~ reports to the division on
551 forms prepared and furnished by the division. ~~A permittee who~~

2016698er

552 ~~sells on board the vessel beverages withdrawn from United States~~
553 ~~Bureau of Customs and Border Protection bonded storage on board~~
554 ~~the vessel may satisfy such accounting requirement by supplying~~
555 ~~the division with copies of the appropriate United States Bureau~~
556 ~~of Customs and Border Protection forms evidencing such~~
557 ~~withdrawals as importations under United States customs laws.~~

558 (d) Each Such permittee shall pay to the state a an ~~excise~~
559 tax for beverages, cigarettes, and other tobacco products sold
560 pursuant to this subsection in an amount equal to the base rate
561 multiplied by the permittee's quarterly capacity during the
562 calendar quarter, less any tax or surcharge already paid by a
563 licensed manufacturer or distributor pursuant to the Beverage
564 Law or chapter 210 on beverages, cigarettes, and other tobacco
565 products sold by the permittee pursuant to this subsection
566 during the quarter for which tax is due ~~section, if such excise~~
567 ~~tax has not previously been paid, in an amount equal to the tax~~
568 ~~which would be required to be paid on such sales by a licensed~~
569 ~~manufacturer or distributor.~~

570 (e) A vendor holding such permit shall pay the tax
571 quarterly ~~monthly~~ to the division at the same time he or she
572 furnishes the required report. Such report shall be filed on or
573 before the 15th day of each calendar quarter ~~month~~ for the
574 quarterly capacity sales occurring during the previous calendar
575 quarter ~~month~~.

576 (f) By August 1, 2016, each permittee shall report the
577 annual capacity for each of its vessels for calendar year 2015
578 to the division on forms prepared and furnished by the division.
579 By September 1, 2016, the division shall calculate the base rate
580 and report it to each permittee. The base rate shall also be

2016698er

581 published in the Florida Administrative Register and on the
582 department's website.

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

585 Section 9. Section 565.04, Florida Statutes, is amended to
586 read:

587 565.04 Package store restrictions.—

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

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

606 Section 10. Except as otherwise expressly provided in this
607 act and except for this section, which shall take effect upon
608 this act becoming a law, this act shall take effect July 1,
609 2016.