

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Renuart offered the following:

Amendment (with title amendment)

Remove lines 117-126 and insert:

Section 2. Section 567.01, Florida Statutes, is amended to read:

567.01 Petition, order, notice of election.—

(1) The board of county commissioners of each county shall order an election to decide whether the sale of intoxicating liquors, wines, or beer shall be prohibited or permitted in that ~~said county and if not prohibited, to decide the method of sale,~~ upon the presentation to said board at a regular or special meeting, of a written application asking for such a determination in the county in which said application is made signed by one-fourth of the registered voters of the county. The signature of each registered voter shall be personally signed to

543655

Approved For Filing: 4/22/2013 11:39:36 AM

Amendment No.

17 such application; provided, however, a copy of said petition
18 shall be dated and filed with the clerk of the circuit court of
19 the county in which such election is to be held prior to
20 procuring the signature of any registered voter thereon; and
21 such petition must be completed and presented to the board of
22 county commissioners within 120 days from the date said copy of
23 said petition is originally filed with the clerk of the circuit
24 court; and if not so done, said petition shall be held to be
25 invalid.

26 (2) The election so ordered shall be to decide ~~either:~~

27 ~~(a)~~ whether the sale of intoxicating liquors, wines, or
28 beer shall be prohibited or permitted in said county, and to
29 decide also whether such sale, if permitted by said election,
30 shall be restricted to sales by the package, ~~as hereinafter~~
31 ~~defined; or~~

32 ~~(3)(b)~~ After an a-prior election has authorized the such
33 sale of intoxicating liquors, wines, or beer and has restricted
34 the sales to by the package only, the board of county
35 commissioners shall order an election to decide whether
36 intoxicating liquors, wines, or beer shall be sold by the drink
37 for consumption on premises as provided in s. 567.07(2)(c) by a
38 majority vote of the board of county commissioners or when
39 application is made signed by one-tenth of the registered voters
40 of the county.

41 ~~(4)(3)~~ The term "Sales by the package" is defined to mean
42 sales made in sealed containers, for consumption off the
43 premises where sold.

Amendment No.

44 ~~(5)-(4)~~ Such an election shall not be ordered oftener than
45 once every 2 years. All orders for such election shall be in
46 writing and shall be entered upon the minutes of the board but
47 this requirement shall be directory only.

48 ~~(6)-(5)~~ Upon the making of the order for an election ~~as~~
49 ~~aforsaid~~, the board shall cause its clerk to give at least 30
50 days' notice of said election by publishing a copy of the order
51 for election in one newspaper in each and every town in said
52 county in which a newspaper or newspapers be published, and if
53 no newspaper be published within the county, then by posting at
54 least 10 copies of said order in 10 of the most public places in
55 said county, one of which shall be the courthouse door. Proof of
56 publication or proof of posting shall be filed with the board
57 and shall be made as provided by ss. 49.10 and 49.11, for making
58 proof of publication and proof of posting incident to
59 constructive service of process, except that the provisions of
60 said sections for recording shall not apply. All proofs of
61 publication and of posting shall be entered upon the minutes of
62 the board, but this requirement shall be directory only.

63 ~~(7)-(6)~~ It is the purpose and intent of the Legislature
64 that the ~~such~~ election shall obviate the necessity for holding
65 two separate elections, except as provided in s. 567.07(2)(c),
66 by determining in one election:

67 (a) Whether the sale of intoxicating liquors, wines, or
68 beer shall be prohibited or permitted, and

69 (b) If such sales are determined to be permitted, to
70 further determine whether the sales so made shall be limited to
71 sales by the package as herein before defined, or whether sales

543655

Approved For Filing: 4/22/2013 11:39:36 AM

Amendment No.

72 by the drink on the premises, as well as sales by the package,
73 may be permitted.

74
75 A majority of those legally voting at such election must cast
76 their votes for selling intoxicating liquors, wines, or beer in
77 order that the results of the election on the second question
78 shall be effective and binding.

79 Section 3. Subsection (1) of section 561.14, Florida
80 Statutes, is amended to read:

81 561.14 License and registration classification.—Licenses
82 and registrations referred to in the Beverage Law shall be
83 classified as follows:

84 (1) Manufacturers licensed to manufacture alcoholic
85 beverages and distribute the same at wholesale to licensed
86 distributors and to no one else within the state, unless
87 authorized by statute. Persons engaged in the business of
88 distilling, rectifying, or blending spirituous liquors licensed
89 under s. 565.03(2) ~~565.03(1)(a)1. and (b)~~ shall sell and
90 distribute such beverages at wholesale only to other
91 manufacturers and to licensed distributors and to no one else
92 within this state.

93 Section 4. Subsection (3) of section 567.06, Florida
94 Statutes, is amended to read:

95 567.06 Form of ballot; canvassing votes.—

96 (3) However, for a local option election authorized by s.
97 567.01(3) ~~567.01(2)(b)~~ on the sole question of whether
98 intoxicating liquors, wines, or beer may be sold by the drink

Amendment No.

99 for consumption on premises, ballot instructions shall be
100 presented in the following form:

101 INSTRUCTIONS: Local Option Election on the Following Question:
102 THE QUESTION BEFORE THE ELECTORATE is to decide whether
103 intoxicating liquors, wines, or beer, containing more than 6.243
104 percent of alcohol by volume, may be sold by the drink for
105 consumption on premises in () County, Florida.

106 For Sales by the Drink:
107 followed by the word "yes" and also by the word "no," and shall
108 be styled in such a manner that a "yes" vote will indicate
109 approval of the question and a "no" vote will indicate
110 rejection.

111 Section 5. Paragraph (c) of subsection (2) of section
112 567.07, Florida Statutes, is amended to read:

113 567.07 Results of election.—

114 (2) If a majority of those legally voting at any such
115 election cast their votes "For Selling Intoxicating Liquors,
116 Wines, or Beer" on question number 1 and a majority of votes
117 legally cast on question number 2 be cast "For Sales by the
118 Package Only," then:

119 (c) After the expiration of 2 years, an election pursuant
120 to s. 567.01(3) ~~567.01(2)(b)~~ may be held to determine the sole
121 question of whether intoxicating liquors, wines, or beer may be
122 sold by the drink for consumption on premises. If a majority of
123 those legally voting cast their votes for selling intoxicating
124 liquors, wines, or beer by the drink for consumption on
125 premises, such alcoholic beverages may be sold as otherwise
126 provided by law in that county until otherwise determined in an

543655

Approved For Filing: 4/22/2013 11:39:36 AM

Amendment No.

127 | election, which shall not be held oftener than once every 2
128 | years. If a majority of those legally voting cast their vote
129 | against the sale of intoxicating liquors, wines, or beer by the
130 | drink for consumption on premises, sales by the package only
131 | shall continue.

132 | Section 6. (1) The Legislature declares that it would not
133 | have enacted individually the amendments to ss. 565.03 and
134 | 561.14, Florida Statutes, and expressly finds the amendments to
135 | those provisions not to be severable. If a court of competent
136 | jurisdiction determines any provision of those sections as
137 | amended by this act to be in conflict with any law of this
138 | state, a federal law or regulation, the State Constitution, or
139 | the United States Constitution, or to be otherwise invalid for
140 | any reason, it is the intent of the Legislature that the
141 | amendments to ss. 565.03 and 561.14, Florida Statutes, shall be
142 | void, that such invalidity shall void only those changes made by
143 | this act to ss. 565.03 and 561.14, Florida Statutes, and that no
144 | other law be affected.

145 | (2) If a provision of s. 567.01, s. 567.06, s. or 567.07,
146 | Florida Statutes, as amended by this act, or if the application
147 | of those sections as amended by this act to any person or
148 | circumstance is held invalid, the invalidity does not affect
149 | other provisions or applications of the act which can be given
150 | effect without the invalid provision or application, and to this
151 | end the amendments to ss. 567.01, 567.06, and 567.07, Florida
152 | Statutes, are severable.

153 |
154 | -----

Amendment No.

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

155
156
157
158
159
160
161
162
163
164

Remove line 16 and insert:
authority; amending s. 567.01, F.S.; providing that a
county commission may order an election on the sale of
alcoholic beverages for consumption on premise under
certain conditions; amending ss. 561.14, 567.06, and
567.07, F.S.; conforming cross-references; providing
legislative intent with respect to the severability or
nonseverability of specified amendments made by the
act; providing an