

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Trujillo offered the following:

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

4 Between lines 112 and 113, insert:

5 Section 4. Section 565.04, Florida Statutes, is amended to
6 read:

7 565.04 Package store regulations; licenses; fees
8 ~~restrictions.~~

9 (1) As used in this section, the term "liquor package
10 store" means a vendor licensed under s. 565.02(1)(a).

11 (2) The division may issue a liquor package store license
12 to:

13 (a) For a Type "A" license, a vendor whose premises do not
14 have an opening permitting direct access to another building or

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15 room, except to a private office or storage room from which
16 patrons are excluded. Such liquor package stores ~~Vendors~~
17 ~~licensed under s. 565.02(1)(a)~~ shall not, in the licensed
18 premises, said place of business sell, offer, or expose for sale
19 any merchandise other than such beverages, and such liquor
20 package stores ~~places of business~~ shall be devoted exclusively
21 to such sales; provided, however, that such vendors shall be
22 permitted to sell bitters, grenadine, nonalcoholic mixer-type
23 beverages (not to include fruit juices produced outside this
24 state), fruit juices produced in this state, home bar, and party
25 supplies and equipment (including, but not limited to, glassware
26 and party-type foods), miniatures of no alcoholic content, and
27 tobacco products.

28 (b) For a Type "B" license, a vendor that is permitted to
29 sell, offer, or expose for sale nonalcoholic merchandise and is
30 not subject to limitation on access to another attached building
31 or room, subject to the following conditions:

32 1. A liquor package store shall have a separate area in
33 which distilled spirits are sold, offered, or exposed for sale
34 separate from nonalcoholic merchandise, except for alcoholic
35 mixer-type beverages, intended for sale to patrons. The licensed
36 premises includes the entire place of business, including the
37 separate area in which distilled spirits are sold, offered, or
38 exposed for sale. The separate area must be included in the
39 sketch provided with an application for licensure and must be
40 approved by the division before the license is issued.

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41 2. The separate area must have one entry-exit opening or
42 doorway through which a patron may enter or exit the separate
43 area. Entry-exit through the opening or doorway must pass
44 directly by a checkout station where an employee shall
45 physically monitor the opening or doorway at all times using
46 electronic video monitoring cameras or by his or her physical
47 position within the line of sight of the opening or doorway.

48 3. The separate area may consist of three walls or three
49 shelves, or any combination of walls and shelves, which are
50 completely enclosed from the back and side to prevent access to
51 distilled spirits by patrons not physically inside the separate
52 area. The fourth side of the separate area must include only the
53 opening or doorway and a checkout station between the separate
54 area and the remainder of the vendor's licensed premises.

55 4. Distilled spirits must be sold, offered, or exposed for
56 sale in the separate area in a manner that ensures that patrons
57 cannot access such distilled spirits without entering the
58 separate area within the line of sight of the employee.

59 5. The separate area of the licensed premises must include
60 one or more checkout stations. All checkout stations must be
61 included on the licensed premises sketch. The sale of distilled
62 spirits may be completed only at a checkout station in the
63 separate area, and distilled spirits may not be carried outside
64 of the separate area through the remainder of the licensed
65 premises before purchase. Distilled spirits must be packaged

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66 upon sale in a manner that indicates that the spirits were paid
67 for before the patron exited the separate area.

68 6. Patrons may purchase merchandise from elsewhere within
69 the licensed premises at a checkout station in the separate
70 area.

71 7. A liquor package store that meets the requirements of
72 this section may not be prohibited from having distilled spirits
73 stored or transported outside of the separate area of the
74 licensed premises if such beverages are secured.

75 8. During hours that distilled spirits may not be sold
76 pursuant to a provision of this state or a local or municipal
77 ordinance, the liquor package store shall close or otherwise
78 make the separate area inaccessible to patrons.

79 9. The employment exception in s. 562.13(2)(c) applies to
80 any place of business selling prescription medication or
81 groceries, which has been issued a Type "B" liquor package store
82 license; however, an employee under 21 years of age may not sell
83 any distilled spirits directly to any patron.

84 (3) All liquor package stores must:

85 (a) Meet all of the standards in the state's Responsible
86 Vendor Act, pursuant to ss. 561.701-561.706, related to reducing
87 access of alcoholic beverages to persons under 21 years of age.

88 (b) Prohibit the sale of distilled spirits at a patron
89 self-checkout station.

90 (c) Verify the age of each patron before completing a sale
91 of alcoholic beverages.

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92 (d) Ensure that the sale of distilled spirits at a
93 checkout station is completed by a cashier or employee 21 years
94 of age or older. A person under 21 years of age may not sell
95 distilled spirits to a patron in a liquor package store.

96 (4) A licensee may change the licensed premises diagram of
97 its liquor package store by filing an amended sketch or
98 permanent extension application with the division and receiving
99 approval from the division of such premises modifications.

100 (5) A Type "A" liquor package store licensee shall pay an
101 annual license fee pursuant to s. 565.02. A Type "B" liquor
102 package store licensee shall pay an annual license fee equal to
103 the sum of the annual license fee pursuant to s. 565.02 and an
104 additional amount as follows:

105 (a) For a vendor operating a place of business in a county
106 having a population of 100,000 or more, according to the latest
107 population estimate prepared pursuant to s. 186.901 for such
108 county, \$392.

109 (b) For a vendor operating a place of business in a county
110 having a population of at least 75,000, but less than 100,000,
111 according to the latest population estimate prepared pursuant to
112 s. 186.901 for such county, \$336.

113 (c) For a vendor operating a place of business in a county
114 having a population of at least 50,000, but less than 75,000,
115 according to the latest population estimate prepared pursuant to
116 s. 186.901 for such county, \$280.

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117 (d) For a vendor operating a place of business in a county
 118 having a population of at least 25,000, but less than 50,000,
 119 according to the latest population estimate prepared pursuant to
 120 s. 186.901 for such county, \$224.

121 (e) For a vendor operating a place of business in a county
 122 having a population of less than 25,000, according to the latest
 123 population estimate prepared pursuant to s. 186.901 for such
 124 county, \$168. ~~Such places of business shall have no openings~~
 125 ~~permitting direct access to any other building or room, except~~
 126 ~~to a private office or storage room of the place of business~~
 127 ~~from which patrons are excluded.~~

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

131 Remove line 14 and insert:
 132 565.02, F.S.; providing applicability; amending s.
 133 565.04, F.S.; defining the term "liquor package
 134 store"; authorizing the Division of Alcoholic
 135 Beverages and Tobacco of the Department of Business
 136 and Professional Regulation to issue liquor package
 137 store licenses; providing regulations and requirements
 138 for liquor package stores and liquor package store
 139 licenses; requiring specified fees; providing an

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