

**ENROLLED
2017 Legislature****CS for CS for SB 106**

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2 An act relating to vendors licensed under the Beverage
3 Law; amending s. 562.13, F.S.; revising applicability
4 to specify circumstances under which persons under the
5 age of 18 years who are employed in specified
6 businesses are excluded from certain employment
7 prohibitions; providing that failure to comply with a
8 restriction on monthly revenue from the sale of
9 alcoholic beverages is unlawful if a minor is employed
10 during a month that the restriction is exceeded;
11 amending s. 565.04, F.S.; limiting the package store
12 restrictions to vendors located within a certain
13 distance of a school; providing an exception for
14 current licenses with some restrictions; providing
15 applicability; providing an expiration date; providing
16 a restriction on the sale of distilled spirits below
17 the specified container sizes; prohibiting the
18 issuance of a package store license for specified
19 locations or businesses; providing an exception;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (c) of subsection (2) of section
25 562.13, Florida Statutes, is amended to read:

26 562.13 Employment of minors or certain other persons by
27 certain vendors prohibited; exceptions.—

28 (2) This section shall not apply to:

29 (c) Persons under the age of 18 years who are employed in a
30 retail drugstore ~~drugstores~~, grocery store ~~stores~~, department
31 store ~~stores~~, florist shop ~~florists~~, specialty gift shop ~~shops~~,
32 or automobile service station whose license fees are specified
33 in s. 563.02(1), s. 564.02(1), or s. 565.02(1)(a), if such
34 vendor derives 30 percent or less of its monthly gross revenue
35 from sales of alcoholic beverages. This exception applies only
36 if the minor employees are supervised by a person 18 years of
37 age or older who verifies that any purchaser of alcoholic
38 beverages is 21 years of age or older and who approves the sale
39 of alcoholic beverages to such purchaser. Failure to comply with
40 the restriction on monthly revenue from the sale of alcoholic
41 beverages is unlawful if a person under the age of 18 years is
42 employed in the licensed premises during a month that the
43 restriction is exceeded ~~stations which have obtained licenses to~~
44 ~~sell beer or beer and wine, when such sales are made for~~

45 ~~consumption off the premises.~~

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47 However, a minor to whom this subsection otherwise applies may
48 not be employed if the employment, whether as a professional
49 entertainer or otherwise, involves nudity, as defined in s.
50 847.001, on the part of the minor and such nudity is intended as
51 a form of adult entertainment.

52 Section 2. Subsection (1) of section 565.04, Florida
53 Statutes, is amended, present subsection (2) of that section is
54 redesignated as subsection (5), and a new subsection (2) and
55 subsections (3) and (4) are added to that section, to read:

56 565.04 Package store restrictions.—

57 (1)(a) The division may not issue a license under s.
58 565.02(1)(a) for any location or business located within 1,000
59 feet of a public or private elementary school, middle school, or
60 secondary school.

61 (b) Notwithstanding paragraph (a), a vendor ~~vendors~~
62 licensed under s. 565.02(1)(a) on or before June 30, 2017, for a
63 licensed premises located within 1,000 feet of a public or
64 private elementary school, middle school, or secondary school,
65 may maintain and renew the beverage license for that premises
66 but may ~~shall~~ not in said place of business sell, offer, or
67 expose for sale any merchandise other than such beverages, and
68 such place ~~places~~ of business shall be devoted exclusively to
69 such sales; provided, however, that such vendor ~~vendors~~ shall be
70 permitted to sell bitters, grenadine, nonalcoholic mixer-type
71 beverages (not to include fruit juices produced outside this
72 state), fruit juices produced in this state, home bar, and party
73 supplies and equipment (including but not limited to glassware
74 and party-type foods), miniatures of no alcoholic content, and
75 tobacco products. Such places of business shall have no openings
76 permitting direct access to any other building or room, except
77 to a private office or storage room of the place of business
78 from which patrons are excluded.

79 (2)(a) A vendor licensed under s. 565.02(1)(a) may not in
80 such place of business sell, offer, or expose for sale any
81 merchandise other than such beverages, and such place of
82 business shall be devoted exclusively to such sales; however,
83 such vendor may sell bitters, grenadine, nonalcoholic mixer-type
84 beverages (not to include fruit juices produced outside this
85 state), fruit juices produced in this state, home bar, party
86 supplies and equipment (including, but not limited to, glassware
87 and party-type foods), miniatures of no alcoholic content, and
88 tobacco products. Such place of business may not have openings
89 permitting direct access to any other building or room, except
90 to a private office or storage room of the place of business
91 from which patrons are excluded.

92 (b) Paragraph (a) does not apply to a vendor:

93 1. After July 1, 2018:

94 a. At the vendor's place of business if the vendor has only
95 one place of business.

96 b. At 25 percent of the vendor's places of business if the
97 vendor has an interest, directly or indirectly, in more than one
98 place of business;

99 2. After July 1, 2019, at two of the vendor's places of
100 business, or, if the vendor has an interest, directly or
101 indirectly, in two or more places of business, 50 percent of the
102 vendor's places of business; and

103 3. After July 1, 2020, at three of the vendor's places of
104 business, or, if the vendor has an interest in three or more
105 places of business, 75 percent of the vendor's places of
106 business.

107
108 If the percentage of the vendor's places of business results in
109 a fraction of 0.50 or more, the number of the vendor's places of
110 business at which paragraph (a) does not apply shall be
111 increased to the next greater whole number. A vendor licensed
112 under s. 565.02(1)(a) must notify the Division of Alcoholic
113 Beverages and Tobacco, in writing, of the places of business to
114 which paragraph (a) will not apply.

115 (c) This subsection expires June 30, 2021.

116 (3)(a) A vendor licensed under s. 565.02(1)(a) may not in
117 such place of business sell, offer, or expose for sale distilled
118 spirits in containers of 200 milliliters or less or 6.8 ounces
119 or less except from a restricted area where access is restricted
120 to the vendor or employees of such vendor.

121 (b) Paragraph (a) does not apply to a vendor's place of
122 business if such place of business is devoted exclusively to the
123 sale of alcoholic beverages; however, such vendor at such place
124 of business may sell bitters, grenadine, nonalcoholic mixer-type
125 beverages (not to include fruit juices produced outside this
126 state), fruit juices produced in this state, home bar, party
127 supplies and equipment (including, but not limited to, glassware
128 and party-type foods), miniatures of no alcoholic content, and
129 tobacco products. Such place of business may not have openings
130 permitting direct access to any other building or room, except
131 to a private office or storage room of the place of business
132 from which patrons are excluded.

133 (4) The division may not issue a license under s.
134 565.02(1)(a) for any location or business that includes a
135 gasoline service station or a motor fuel retail outlet, as
136 defined in s. 526.303(14), unless the location of the premises
137 consists of a minimum of 10,000 square feet of retail space for
138 the general public.

139 Section 3. This act shall take effect July 1, 2017.