

CHAPTER 2018-133

Committee Substitute for House Bill No. 667

An act relating to the Beverage Law; amending s. 561.57, F.S.; providing for electronic orders received at a vendor's licensed place of business to be construed as a sale actually made at the vendor's licensed place of business; authorizing a vendor to make certain deliveries in a third-party vehicle under certain circumstances; requiring that the recipient's identity and age be verified and documented at the time of delivery; requiring that deliveries comply with age requirements for selling, giving, or serving alcoholic beverages; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 561.57, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

561.57 Deliveries by licensees.—

(1) Vendors shall be permitted to make deliveries away from their places of business of sales actually made at the licensed place of business; provided, telephone, electronic, or mail orders received at vendor's licensed place of business shall be construed as a sale actually made at the vendor's licensed place of business. Deliveries made by a vendor away from his or her place of business may be made in vehicles that are owned or leased by the vendor or in a third-party vehicle pursuant to a contract with a third party with whom the vendor has contracted to make deliveries, including, but not limited to, common carriers. By acceptance of an alcoholic beverage license, the vendor agrees that vehicles that are owned or leased by the vendor shall always be subject to inspection and search without a search warrant for the purpose of ascertaining that all provisions of the alcoholic beverage laws are complied with by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times the vehicle is being used to transport or deliver alcoholic beverages. A manufacturer possessing a vendor's license under s. 561.221(2) is not permitted to make deliveries under this subsection.

(2) Deliveries made by a manufacturer, ~~or distributor, or vendor~~ away from his or her place of business may be made only in vehicles ~~which~~ that are owned or leased by the licensee. By acceptance of an alcoholic beverage license and the use of such vehicles, the licensee agrees that such vehicle shall always be subject to be inspected and searched without a search warrant, for the purpose of ascertaining that all provisions of the alcoholic beverage laws are complied with, by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times the vehicle is being used to transport or deliver alcoholic beverages.

(6) Valid proof of the recipient's identity and age shall be verified and documented at the time of delivery. All deliveries made pursuant to this section, either by a licensee or third party, must comply with s. 562.11.

Section 2. This act shall take effect July 1, 2018.

Approved by the Governor March 30, 2018.

Filed in Office Secretary of State March 30, 2018.