

House Bill No. 209

An act relating to alcohol sales; amending s. 567.01, F.S.; providing for local option elections to determine sales of intoxicating liquors, wines, or beer by the drink; amending s. 567.06, F.S.; providing ballot instructions for local option elections; amending s. 567.07, F.S.; providing for a local option election for sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises; providing an effective date.

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

Section 1. Subsections (2) and (6) of section 567.01, Florida Statutes, are amended to read:

567.01 Petition, order, notice of election.—

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

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

(b) After a prior election has authorized such sale and has restricted sales to by the package only, whether intoxicating liquors, wines, or beer shall be sold by the drink for consumption on premises as provided in s. 567.07(2)(c).

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

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

(b) If such sales are determined to be permitted, to further determine whether the sales so made shall be limited to sales by the package as herein before defined, or whether sales by the drink on the premises, as well as sales by the package, may be permitted.

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

Section 2. Subsection (3) is added to section 567.06, Florida Statutes, to read:

567.06 Form of ballot; canvassing votes.—

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

by the drink for consumption on premises, ballot instructions shall be presented in the following form:

INSTRUCTIONS: Local Option Election on the Following Question:

THE QUESTION BEFORE THE ELECTORATE is to decide whether intoxicating liquors, wines, or beer, containing more than 6.243 percent of alcohol by volume, may be sold by the drink for consumption on premises in () County, Florida.

For Sales by the Drink:

followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the question and a "no" vote will indicate rejection.

Section 3. Section 567.07, Florida Statutes, is amended to read:

567.07 Results of election.—

(1) ~~If Should~~ a majority of those legally voting at any election under s. 567.01 cast their votes "Against Selling Intoxicating Liquors, Wines, or Beer" on question number 1, then no intoxicating liquors, wines, or beer shall be sold in the county in which ~~the said~~ election was held until otherwise determined by an election, which shall not be held oftener than once in every 2 years.

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

(a) No intoxicating liquors, wines, or beer shall be sold in said county that are not contained in sealed containers,~~—~~and

(b) No intoxicating liquors, wines, or beer shall be consumed in said county on the premises where such intoxicating liquors, wines, or beer are sold or on any other premise under the control, either directly or indirectly, of the licensee, until otherwise determined in an election, which shall not be held oftener than once in every 2 years.

(c) After the expiration of 2 years, an election pursuant to s. 567.01(2)(b) may be held to determine the sole question of whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises. If a majority of those legally voting cast their votes for selling intoxicating liquors, wines, or beer by the drink for consumption on premises, such alcoholic beverages may be sold as otherwise provided by law in that county until otherwise determined in an election, which shall not be held oftener than once every 2 years. If a majority of those legally voting cast their vote against the sale of intoxicating liquors, wines, or beer by the drink for consumption on premises, sales by the package only shall continue.

Section 4. This act shall take effect July 1, 1999.

Approved by the Governor June 18, 1999.

Filed in Office Secretary of State June 18, 1999.