

HB 933

2013

1 A bill to be entitled
2 An act relating to enforcement of the Beverage Law;
3 amending s. 562.41, F.S.; authorizing specified law
4 enforcement officers and employees of the Division of
5 Hotels and Restaurants of the Department of Business
6 and Professional Regulation to enter and search
7 certain establishments and structures; providing that
8 the acceptance of a caterer's license constitutes
9 agreement that a caterer's places of business are
10 subject to inspection and search without warrant by
11 such authorized employees and law enforcement
12 officers; providing an effective date.

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

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16 Section 1. Section 562.41, Florida Statutes, is amended to
17 read:

18 562.41 Searches; penalty.—

19 (1) Any authorized employee of the division, any sheriff,
20 any deputy sheriff, or any police officer may make searches of
21 persons, places, and conveyances of any kind whatsoever,
22 including an establishment or structure, other than a private
23 residence, where alcoholic beverages are being consumed or where
24 a caterer licensed by the division under chapter 509 is selling
25 or serving alcoholic beverages, in accordance with the laws of
26 this state for the purpose of determining whether or not the
27 provisions of the Beverage Law are being violated.

28 (2) Any authorized employee of the division, any sheriff,

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29 | any deputy sheriff, or any police officer may enter in the
30 | daytime any building or place, including an establishment or
31 | structure, other than a private residence, where alcoholic
32 | beverages are being consumed or where a caterer licensed by the
33 | division under chapter 509 is selling or serving alcoholic
34 | beverages, where any beverages subject to tax under the Beverage
35 | Law or which would be subject to tax thereunder if such
36 | beverages were manufactured in or brought into this state in
37 | accordance with the regulatory provisions thereof, or any
38 | alcoholic beverages, are manufactured, produced, or kept, so far
39 | as may be necessary, for the purpose of examining said
40 | beverages. When such premises are open at night, such officers
41 | may enter them while so open, in the performance of their
42 | official duties.

43 | (3) Any owner of such premises or person having the
44 | agency, superintendency, or possession of same, who refuses to
45 | admit such officer or to suffer her or him to examine such
46 | beverages, shall be guilty of a misdemeanor of the second
47 | degree, punishable as provided in s. 775.082 or s. 775.083.

48 | (4) Any person who shall forcibly obstruct or hinder the
49 | director, any division employee, any sheriff, any deputy
50 | sheriff, or any police officer in the execution of any power or
51 | authority vested in her or him by law, or who shall forcibly
52 | rescue or cause to be rescued any property if the same shall
53 | have been seized by such officer, or shall attempt or endeavor
54 | to do so, shall be guilty of a misdemeanor of the second degree,
55 | punishable as provided in s. 775.082 or s. 775.083.

56 | (5) Licensees, including caterers licensed by the division

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57 | under chapter 509 who are selling or serving alcoholic
58 | beverages, by the acceptance of their license, agree that their
59 | places of business, including an establishment or structure,
60 | other than a private residence, where alcoholic beverages are
61 | being consumed or where such a caterer is selling or serving
62 | alcoholic beverages, shall always be subject to be inspected and
63 | searched without search warrants by the authorized employees of
64 | the division and also by sheriffs, deputy sheriffs, and police
65 | officers during business hours or at any other time such
66 | premises are occupied by the licensee or other persons.

67 | Section 2. This act shall take effect July 1, 2013.