

## Fact Sheet

### Governor Rick Scott Veto Request

#### SB106 Vendors Licensed Under the Beverage Law

##### Background

**SB 106, if enacted, would remove a current state law that requires hard alcohol/spirits be sold in standalone package stores. Walmart, Target, Walgreens and other retail establishments, including convenience stores, have sought passage of the legislation for the past four legislative sessions. The efforts of the FERLC and other organizations have successfully lobbied against passage during those four annual sessions. It is noteworthy that Publix has supported our position by joining the opposition to the proposed legislation.**

**The motivation of these retail outlets is to boost revenue by not only selling hard alcohol to patrons who purposefully travel to the establishment with a specific spirit purchase in mind, but also to make it more convenient to customers by positioning endcap displays of hard liquor to attract the impulse buyer who came to the store with other purchases in mind.**

**If available options increase in these high traffic retail store locations, overall sales of hard liquor statewide will increase, potentially substantially. If sales go up annually, say anywhere from 15 – 30%, we can also expect social costs already attributed to alcohol consumption here in Florida such as DWI arrests and fatalities, domestic abuse and addiction to alcohol to also increase in similar percentages.**

**Many Walmart, Sam's Club, and Walgreens locations already have separate package store entrances on their premises. Noting their year after year attempts to pass this legislation to remove the so-called "wall" of separation, points to what I believe is their internal research that supports substantial increased alcohol sales when their customers are not required to enter a separate door, conducting a separate transaction to purchase their liquor.**

**Proponents of the legislation claim they are simply updating arcane laws dating back to the days of Prohibition that have long outgrown their usefulness. They have campaigned that this is an issue rooted in open and free markets whereby the customer by way of their alcohol purchasing choices should dictate where hard alcohol is sold.**

**SB 106 passed the full Florida Senate on March 23<sup>rd</sup> by a vote of 21 to 17. HB 81 was the companion bill in the Florida House until it was procedurally tabled and SB 106 became the operative bill. There were numerous razor thin, close committee votes on HB 81 as it moved through the process, staying alive but definitely on life support courtesy of House leadership.**

**When SB 106 saw it's final vote in the Florida House on April 26<sup>th</sup> it passed by only one vote: 58 to 57. However, after the final vote was registered, 5 members of the House that were not present on the chamber floor when the final vote occurred cast NO votes. Another member changed his vote from Yes vote to a NO vote. So in reality, judging the true sediment of the Florida House, the bill would have FAILED to pass by a vote of 57 to 63.**

### **Talking Points**

**This legislation is referred to in the press as “The Wall Bill” or the “Wheaties & Whiskey” bill.**

**Suggesting that Florida’s hard alcohol retail sales laws are archaic and in need of updating flies in the face of our U.S. Constitution and Bill of Rights. We still embrace and uphold these very wise and well thought out Constitutional laws we live by today. Just as the Founding Father’s got it right, Florida’s previous lawmakers got it right in restricting and requiring strict oversight of hard alcohol sales with the current standalone package store requirements.**

**Big box stores like Walmart’s Supercenters already have chronic shoplifting issues. Numerous news reports around the state support the narrative that local law enforcement agencies already have had significant resources taken out of service daily to arrest and write up reports on alleged Walmart shoplifters. One lady in Walmart’s Lake City location had consumed 5 cans of beer INSIDE the Superstore before the sales clerks realized what she was doing. Teenagers will undoubtedly be drawn to the big box stores in increasing numbers to steal or drink the unsupervised hard alcohol. Small package stores clerks can spot a potential underage patron usually on the spot and request them to leave the adult retail establishment. The current system is optimum in curtailing hard alcohol theft.**

**Hard alcohol should not be sold on the shelves of family friendly stores. Other harmful products, cigarettes and pornography are NOT sold openly on the shelves of family friendly shelves. There is precedence in not placing this potentially harmful product on open family friendly store shelves.**

**Many package stores require their employees to be 21 years of age. Consider the big box store locations where many teenagers are employed to stock the shelves of the store. Again, matching teenagers with the stockroom supply of hard alcohol is also a tempting situation that can avoid with the current distribution system.**

**In addition to underage teenagers acquiring hard liquor from their parents’ home inventory, or the home supply of one of their friend’s parents, many gain access to alcohol by getting their friends who have turned 21 to purchase it for them. Increased convenience of alcohol acquisition will only make it easier for teenagers to gain access through older friends.**

Research by the Spirits industry point to Millennials shifting preferences from beer and wine to hard alcohol. Easing access to millennials with this trending change should also be considered.

Not a single constituent, not one, came to Tallahassee asking for this change in the liquor law. No one came to Tallahassee testifying in committee they had a problem gaining access to hard alcohol through Florida's current package store distribution system. Only the retailers themselves with their high profile, high priced lobbyist have sought out this change.

### [Message to Governor Rick Scott](#)

Please veto SB 106.

Choose from the above background/talking points to craft your personal communication to the Governor asking for his veto. Time is of the essence. He could sign the bill into law **AT ANY MOMENT**. The Governor has until a May 24<sup>th</sup> deadline to either sign the bill, veto the bill, or allow it to become law without his signature.

Overnight a letter to the Governor (especially if you are a leader of an organization or a church) or sending a detailed email is the preferred mode of communication.

If you know the Governor personally, calling him to discuss the veto is very important.

Remember snail mail is the lowest option as it takes time to be delivered.

### [Governor Scott Contact Information](#)

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