

By Senator Rossin

35-1213A-98

1 A bill to be entitled
 2 An act relating to the Beverage Law; amending
 3 ss. 561.181, 561.331, F.S.; providing that a
 4 temporary license is a separate and distinct
 5 classification under the Beverage Law;
 6 providing that any temporary license that
 7 expires because of the denial of the
 8 application for a permanent license may not be
 9 extended; amending s. 562.13, F.S.; prescribing
 10 certain unlawful acts of vendors licensed under
 11 the Beverage Law; providing an effective date.

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

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 15 Section 1. Section 561.181, Florida Statutes, is
 16 amended to read:

17 561.181 Temporary initial licenses.--

18 (1) A temporary license is a distinct and separate
 19 classification under the Beverage Law. The license is valid
 20 only for the limited time prescribed in this section and is a
 21 privilege that is extended when an application on its face
 22 complies with this section. When any temporary license expires
 23 because of the denial of the application for permanent
 24 license, such temporary license may not be continued or
 25 extended for any reason, including any appeal or other court
 26 action filed with any tribunal on behalf of the temporary
 27 licensee.

28 ~~(2)~~(1)(a) When any person has filed a properly
 29 completed application which does not on its face disclose any
 30 reason for denying an alcoholic beverage license, the division
 31 shall issue to such person a temporary initial license of the

1 same type and series for which the application has been
2 submitted, to be valid for all purposes under the Beverage
3 Law, except as provided in paragraphs (a) and (b)~~paragraph~~
4 ~~(b)~~.

5 (b) A license issued under this section entitles a
6 vendor to purchase alcoholic beverages for cash only. This
7 paragraph does not apply:

8 1. If the entity holding the temporary initial license
9 is also the holder of a beverage license authorizing the
10 purchase of the same type of alcoholic beverages as is
11 authorized under the temporary license.

12 2. To purchases made as part of a single-transaction
13 cooperative purchase placed by a pool buying agent.

14 3. When the temporary initial license has expired for
15 any reason.

16 (3)~~(2)~~ The temporary initial license shall be valid
17 until the application is denied or until 14 days after the
18 application is approved.

19 (4)~~(3)~~ A temporary initial license shall expire and
20 shall not be continued or extended beyond the date the
21 division denies the application for license, beyond 14 days
22 after the date the division approves the application for
23 license, beyond the date the applicant pays the license fee
24 for and the division issues the license applied for, or beyond
25 the date the temporary initial license otherwise expires by
26 law, whichever date occurs first.

27 (5)~~(4)~~ Each applicant seeking a temporary initial
28 license shall pay to the division for such license a fee equal
29 to one-fourth of the annual license fee for the type and
30 series of license being applied for or \$100, whichever is
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1 greater, which fee shall be deposited into the General Revenue
2 Fund.

3 Section 2. Section 561.331, Florida Statutes, is
4 amended to read:

5 561.331 Temporary license upon application for
6 transfer, change of location, or change of type or series.--

7 (1) A temporary license is a distinct and separate
8 classification under the Beverage Law. The license is valid
9 only for the limited time prescribed in this section and is a
10 privilege that is extended when an application on its face
11 complies with this section. When any temporary license expires
12 because of the denial of the application for permanent
13 license, such temporary license may not be continued or
14 extended for any reason, including any appeal or other court
15 action filed with any tribunal on behalf of the temporary
16 licensee.

17 (2)~~(1)~~ Upon the filing of a properly completed
18 application for transfer pursuant to s. 561.32, which
19 application does not on its face disclose any reason for
20 denying an alcoholic beverage license, by any purchaser of a
21 business which possesses a beverage license of any type or
22 series, the purchaser of such business and the applicant for
23 transfer are entitled as a matter of right to receive a
24 temporary beverage license of the same type and series as that
25 held by the seller of such business. The temporary license
26 will be valid for all purposes under the Beverage Law until
27 the application is denied or until 14 days after the
28 application is approved. Such temporary beverage license shall
29 be issued by the district supervisor of the district in which
30 the application for transfer is made upon the payment of a fee
31 of \$100. A temporary licensee, while purchaser operating under

1 a valid temporary license issued under ~~the provisions~~ of this
2 subsection, is subject to the same rights, privileges, duties,
3 and limitations of a beverage licensee as are provided by law,
4 except that purchases of alcoholic beverages during the term
5 of such temporary license shall be for cash only. However,
6 such cash-only restriction does not apply if the entity
7 holding a temporary license pursuant to this section purchases
8 alcoholic beverages as part of a single-transaction
9 cooperative purchase placed by a pool buying agent or if such
10 entity is also the holder of a state beverage license
11 authorizing the purchase of the same type of alcoholic
12 beverages as authorized under the temporary license.

13 ~~(3)(2)~~ Upon the filing of a properly completed ~~an~~
14 application for change of location pursuant to s. 561.33 by
15 any qualified licensee who possesses a beverage license of any
16 type or series, which application does not on its face
17 disclose any reason for denying an alcoholic beverage license,
18 the licensee is entitled as a matter of right to receive a
19 temporary beverage license of the same series as that license
20 held by the licensee to be valid for all purposes under the
21 Beverage Law until the application is denied or until 14 days
22 after the application is approved. Such temporary license
23 shall be issued by the district supervisor of the district in
24 which the application for change of location is made without
25 the payment of any further fee or tax. A temporary licensee,
26 while operating under a valid temporary license issued under
27 ~~the provisions~~ of this subsection, is subject to the same
28 rights, privileges, duties, and limitations of a beverage
29 licensee as are provided by law.

30 ~~(4)(3)~~ Upon the filing of a properly completed
31 application to change the type or series of a beverage license

1 by any qualified licensee having a beverage license of any
2 type or series, which application does not on its face
3 disclose any reason for denying an alcoholic beverage license,
4 the licensee is entitled as a matter of right to receive a
5 temporary beverage license of the type or series applied for,
6 which temporary license is valid for all purposes under the
7 Beverage Law until the application is denied or until 14 days
8 after the application is approved. Such temporary license
9 shall be issued by the district supervisor of the district in
10 which the application for change of type or series is made.
11 If the fee for the type or series or license applied for is
12 greater than the fee for the license then held by the
13 applicant, the applicant for such temporary license must pay a
14 fee in the amount of \$100 or one-fourth of the difference
15 between the fees, whichever amount is greater. A fee is not
16 required for an application for a temporary license of a type
17 or series for which the fee is the same as or less than the
18 fee for the license then held by the applicant. ~~The holder of~~
19 A temporary licensee, while operating under a valid temporary
20 license issued ~~license~~ under the provisions of this subsection
21 is subject to the same rights, privileges, duties, and
22 limitations of a beverage licensee as are provided by law.

23 (5)~~(4)~~ Nothing in this section shall be construed to
24 permit the transfer or issuance of temporary licenses contrary
25 to the county-by-county limitation on the number of such
26 licenses based on population as provided in s. 561.20(1), or
27 any special act.

28 Section 3. Present subsection (3) of section 562.13,
29 Florida Statutes, is redesignated as subsection (4) and a new
30 subsection (3) is added to that section to read:

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