

By the Committee on Regulated Industries and Senator Rossin

315-1765B-98

1 A bill to be entitled
2 An act relating to temporary licenses and
3 permits under the Beverage Law; amending ss.
4 561.331, 561.181, F.S.; declaring that a
5 temporary license under the Beverage Law is a
6 distinct and separate classification; providing
7 for limited validity; providing that, when a
8 temporary license expires for specified
9 reasons, the license not be continued or
10 extended; revising conditions for validity of
11 temporary licenses; amending s. 561.422, F.S.;
12 providing an exception for a municipality or
13 county with respect to limitations on temporary
14 permits; providing an effective date.

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

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18 Section 1. Section 561.331, Florida Statutes, is
19 amended to read:

20 561.331 Temporary license upon application for
21 transfer, change of location, or change of type or series.--

22 (1) It is the intent of the Legislature that a
23 temporary license is a distinct and separate classification
24 under the Beverage Law. The temporary license is valid only
25 for a limited time as prescribed in this section and is a
26 privilege that is extended when an application is in
27 compliance with this section. The granting of a temporary
28 license does not indicate that the applicant has demonstrated
29 its entitlement to the alcoholic beverage license for which it
30 is applying. When any temporary license expires because of the
31 issuance of a notice of intent to deny the application for

1 transfer, change of location, or change of type or series, it
2 is the further intent that such temporary license not be
3 continued or extended for any reason, including any proceeding
4 filed with any tribunal challenging the denial of the
5 application filed, and the expiration of the temporary license
6 is not agency action for the purposes of ss. 120.569 and
7 120.57.

8 (2)~~(1)~~ Upon the filing of a properly completed
9 application for transfer pursuant to s. 561.32, which
10 application does not ~~on its face~~ disclose any reason for
11 denying an alcoholic beverage license, by any purchaser of a
12 business which possesses a beverage license of any type or
13 series, the purchaser of such business and the applicant for
14 transfer are entitled ~~as a matter of right~~ to receive a
15 temporary beverage license of the same type and series as that
16 held by the seller of such business. The temporary license
17 will be valid for all purposes under the Beverage Law until a
18 notice of intent to deny the application is issued ~~denied~~ or
19 until 14 days after the application is approved. Such
20 temporary beverage license shall be issued by the district
21 supervisor of the district in which the application for
22 transfer is made upon the payment of a fee of \$100. A
23 temporary licensee purchaser, while operating under a valid
24 temporary license issued under the provisions of this
25 subsection, is subject to the same rights, privileges, duties,
26 and limitations of a beverage licensee as are provided by the
27 Beverage Law, except that purchases of alcoholic beverages
28 during the term of such temporary license shall be for cash
29 only. However, such cash-only restriction does not apply if
30 the entity holding a temporary license pursuant to this
31 section purchases alcoholic beverages as part of a

1 single-transaction cooperative purchase placed by a pool
2 buying agent or if such entity is also the holder of a state
3 beverage license authorizing the purchase of the same type of
4 alcoholic beverages as authorized under the temporary license.
5 (3)(2) Upon the filing of a properly completed an
6 application for change of location pursuant to s. 561.33 by
7 any qualified licensee who possesses a beverage license of any
8 type or series, which application does not ~~on its face~~
9 disclose any reason for denying an alcoholic beverage license,
10 the licensee is entitled ~~as a matter of right~~ to receive a
11 temporary beverage license of the same series as that license
12 held by the licensee to be valid for all purposes under the
13 Beverage Law until a notice of intent to deny the application
14 is issued ~~denied~~ or until 14 days after the application is
15 approved. Such temporary license shall be issued by the
16 district supervisor of the district in which the application
17 for change of location is made without the payment of any
18 further fee or tax. A temporary licensee, while operating
19 under a valid temporary license issued under the provisions of
20 this subsection is subject to the same rights, privileges,
21 duties, and limitations of a beverage licensee as are provided
22 by the Beverage Law.
23 (4)(3) Upon the filing of a properly completed
24 application to change the type or series of a beverage license
25 by any qualified licensee having a beverage license of any
26 type or series, which application does not ~~on its face~~
27 disclose any reason for denying an alcoholic beverage license,
28 the licensee is entitled ~~as a matter of right~~ to receive a
29 temporary beverage license of the type or series applied for,
30 which temporary license is valid for all purposes under the
31 Beverage Law until a notice of intent to deny the application

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

17 (5)~~(4)~~ Nothing in this section shall be construed to
18 permit the transfer or issuance of temporary licenses contrary
19 to the county-by-county limitation on the number of such
20 licenses based on population as provided in s. 561.20(1) or
21 any special act.

22 Section 2. Section 561.181, Florida Statutes, is
23 amended to read:

24 561.181 Temporary initial licenses.--

25 (1) It is the intent of the Legislature that a
26 temporary license is a distinct and separate classification
27 under the Beverage Law. The temporary license is valid only
28 for a limited time as prescribed in this section and is a
29 privilege that is extended when an application is in
30 compliance with this section. The granting of a temporary
31 license does not indicate that the applicant has demonstrated

1 its entitlement to the alcoholic beverage license for which it
2 is applying. When any temporary license expires because of the
3 issuance of a notice of intent to deny the application filed,
4 it is the further intent that such temporary license not be
5 continued or extended for any reason, including any proceeding
6 filed with any tribunal challenging the denial of the
7 application filed, and the expiration of the temporary license
8 is not agency action for the purposes of ss. 120.569 and
9 120.57.

10 (2)~~(1)~~(a) When any person has filed a properly
11 completed application which does not ~~on its face~~ disclose any
12 reason for denying an alcoholic beverage license, the division
13 shall issue to such person a temporary initial license of the
14 same type and series for which the application has been
15 submitted, to be valid for all purposes under the Beverage
16 Law, except as provided in paragraph (b).

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

20 1. If the entity holding the temporary initial license
21 is also the holder of a beverage license authorizing the
22 purchase of the same type of alcoholic beverages as is
23 authorized under the temporary license.

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

26 (3)~~(2)~~ The temporary initial license shall be valid
27 until a notice of intent to deny the application for license
28 is issued ~~denied~~ or until 14 days after the application is
29 approved.

30 (4)~~(3)~~ A temporary initial license shall expire and
31 shall not be continued or extended beyond the date the

1 | division issues a notice of intent to deny ~~denies~~ the
2 | application for license, beyond 14 days after the date the
3 | division approves the application for license, beyond the date
4 | the applicant pays the license fee for and the division issues
5 | the license applied for, or beyond the date the temporary
6 | initial license otherwise expires by law, whichever date
7 | occurs first.

8 | (5)~~(4)~~ Each applicant seeking a temporary initial
9 | license shall pay to the division for such license a fee equal
10 | to one-fourth of the annual license fee for the type and
11 | series of license being applied for or \$100, whichever is
12 | greater, which fee shall be deposited into the General Revenue
13 | Fund.

14 | Section 3. Section 561.422, Florida Statutes, is
15 | amended to read:

16 | 561.422 Nonprofit civic organizations; temporary
17 | permits.--

18 | (1) Upon the filing of an application and payment of a
19 | fee of \$25 per permit, the director of the division may issue
20 | a permit authorizing a bona fide nonprofit civic organization
21 | to sell alcoholic beverages for consumption on the premises
22 | only, for a period not to exceed 3 days, subject to any state
23 | law or municipal or county ordinance regulating the time for
24 | selling such beverages.

25 | (2) Any such civic organization may be issued only
26 | three such permits per calendar year. However, the
27 | three-permit limitation does not apply to any municipality or
28 | county that may be issued permits under the provisions of this
29 | section.

30 | (3) Notwithstanding other provisions of the Beverage
31 | Law, any civic organization licensed under this section may

1 purchase alcoholic beverages from a distributor or vendor
2 licensed under the Beverage Law.

3 Section 4. This act shall take effect July 1, 1998.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 SB 1558

8

8 Provides legislative intent that a temporary license expires
9 once the division denies an application for a permanent
10 license and that such temporary license not be continued for
11 any reason, including a proceeding challenging the denial.

12 Exempts a city or municipality from the limit under s.
13 561.422, F.S., of three temporary permits per year.

14 Eliminates provisions in the original bill that prohibited an
15 alcoholic beverage vendor from employing a person under the
16 age of 18 as a manager.

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