

By Senator McKay

26-1028A-00

See HB 4011

1 A bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing or deleting various statutory
4 provisions that have become obsolete, have had
5 their effect, have served their purpose, or
6 have been impliedly repealed or superseded;
7 amending s. 210.10, F.S., relating to general
8 powers of the Division of Alcoholic Beverages
9 and Tobacco; correcting an obsolete
10 cross-reference; amending ss. 210.151,
11 210.1605, 210.405, and 210.51, F.S.; revising
12 provisions relating to initial temporary
13 permits and renewal of permits to separate
14 provisions relating solely to cigarettes from
15 those relating to other tobacco products;
16 correcting terminology; repealing s. 550.72,
17 F.S., relating to a feasibility study of state
18 or municipal ownership of Hialeah Park;
19 amending s. 552.093, F.S.; deleting a provision
20 that allowed persons holding a valid explosives
21 license or permit for the period 1976-1977 to
22 be issued a license or permit without taking a
23 competency examination; providing an effective
24 date.

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

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28 Section 1. Subsection (2) of section 210.10, Florida
29 Statutes, is amended to read:

30 210.10 General powers of the Division of Alcoholic
31 Beverages and Tobacco.--

1 (2) The division and all officers and employees under
2 this part shall, in the administration thereof and in the
3 administration of the State Beverage Law, have all the
4 authority and power vested in officers and employees of the
5 division as provided by s. 20.165(9)~~561.07~~, and such power
6 and authority is hereby conferred upon the division and all
7 officers and employees under this part with respect to the
8 administration of this part and also with respect to the
9 administration of the Beverage Law.

10 Section 2. Section 210.151, Florida Statutes, is
11 amended to read:

12 210.151 Initial temporary cigarette ~~and other tobacco~~
13 ~~products~~ permits.--When a person has filed a completed
14 application which does not on its face disclose any reason for
15 denying a cigarette permit under s. 210.15, ~~or other tobacco~~
16 ~~products permit under s. 210.40~~, the Division of Alcoholic
17 Beverages and Tobacco of the Department of Business and
18 Professional Regulation shall issue a temporary initial permit
19 of the same type and series for which the application has been
20 submitted, which is valid for all purposes under this chapter.

21 (1) A temporary initial permit shall be valid for up
22 to 90 days and may be extended by the division for up to an
23 additional 90 days for good cause. The division may at any
24 time during such period grant or deny the permit applied for,
25 notwithstanding s. 120.60.

26 (2) A temporary initial permit expires and may not be
27 continued or extended beyond the date the division denies the
28 permit applied for; beyond 14 days after the date the division
29 approves the permit applied for; beyond the date the applicant
30 pays the permit fee and the division issues the permit applied
31

1 for; or beyond the date the temporary permit otherwise expires
2 by law, whichever date occurs first.

3 (3) Each applicant seeking a temporary initial
4 cigarette permit shall pay to the division for such permit a
5 fee of \$100. ~~Each applicant seeking a temporary initial permit~~
6 ~~for other tobacco products shall pay to the division for such~~
7 ~~permit a fee of \$25.~~

8 (4) Any fee or penalty collected under the provisions
9 of this section ~~act~~ shall be deposited into the Alcoholic
10 Beverage and Tobacco Trust Fund.

11 Section 3. Subsection (2) of section 210.1605, Florida
12 Statutes, is amended to read:

13 210.1605 Renewal of permit.--

14 (2) Any fee or penalty collected under the provisions
15 of this section ~~act~~ shall be deposited into the Alcoholic
16 Beverage and Tobacco Trust Fund.

17 Section 4. Section 210.405, Florida Statutes, is
18 amended to read:

19 210.405 Initial temporary permits ~~for cigarette and~~
20 ~~other tobacco products permits.~~--When a person has filed a
21 completed application which does not on its face disclose any
22 reason for denying a ~~cigarette~~ permit for ~~under s. 210.15, or~~
23 ~~other tobacco products permit~~ under s. 210.40, the Division of
24 Alcoholic Beverages and Tobacco of the Department of Business
25 and Professional Regulation shall issue a temporary initial
26 permit of the same type and series for which the application
27 has been submitted, which is valid for all purposes under this
28 chapter.

29 (1) A temporary initial permit shall be valid for up
30 to 90 days and may be extended by the division for up to an
31 additional 90 days for good cause. The division may at any

1 time during such period grant or deny the permit applied for,
2 notwithstanding s. 120.60.

3 (2) A temporary initial permit expires and may not be
4 continued or extended beyond the date the division denies the
5 permit applied for; beyond 14 days after the date the division
6 approves the permit applied for; beyond the date the applicant
7 pays the permit fee and the division issues the permit applied
8 for; or beyond the date the temporary permit otherwise expires
9 by law, whichever date occurs first.

10 (3) ~~Each applicant seeking a temporary initial~~
11 ~~cigarette permit shall pay to the division for such permit a~~
12 ~~fee of \$100.~~ Each applicant seeking a temporary initial permit
13 for other tobacco products shall pay to the division for such
14 permit a fee of \$25.

15 (4) Any fee or penalty collected under the provisions
16 of this section ~~act~~ shall be deposited into the Alcoholic
17 Beverage and Tobacco Trust Fund.

18 Section 5. Subsection (2) of section 210.51, Florida
19 Statutes, is amended to read:

20 210.51 Renewal of permit.--

21 (2) Any fee or penalty collected under the provisions
22 of this section ~~act~~ shall be deposited into the Alcoholic
23 Beverage and Tobacco Trust Fund.

24 Section 6. Section 550.72, Florida Statutes, is
25 repealed.

26 Section 7. Subsections (2) and (3) of section 552.093,
27 Florida Statutes, are amended to read:

28 552.093 Competency examinations required;
29 exceptions.--

30 (2) ~~Any licensee or permittee who possesses, on~~
31 ~~October 1, 1977, a valid license or permit for the period~~

1 ~~1976-1977 shall, upon proper application, be issued a license~~
2 ~~or permit without being required to submit to an examination~~
3 ~~of competency.~~Any licensee or permittee who allows his or her
4 license to lapse or whose license or permit is suspended or
5 revoked shall be required to submit to and satisfactorily pass
6 an examination prior to issuance of a license or permit.

7 (3) Each applicant ~~required to submit to a competency~~
8 ~~examination~~ shall be required to pay an examination fee of \$30
9 upon application for the required license or permit, which fee
10 shall apply to one scheduled examination attempt. Such fee
11 shall not be refundable in the event the applicant does not
12 appear for examination or does not successfully pass the
13 examination. If the applicant does not appear for examination
14 or does not successfully pass the examination, the applicant
15 shall submit an additional \$30 fee for each examination
16 scheduled.

17 Section 8. This act shall take effect upon becoming a
18 law.

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21 LEGISLATIVE SUMMARY

22 Repeals or deletes various statutory provisions that have
23 become obsolete, have had their effect, have served their
24 purpose, or have been impliedly repealed or superseded.
25 Repeals or deletes provisions relating to a feasibility
26 study of state or municipal ownership of Hialeah Park;
27 and a provision that allowed persons holding a valid
28 explosives license or permit for the period 1976-1977 to
29 be issued such a license or permit without taking a
30 competency examination. Revises provisions relating to
31 initial temporary permits and renewal of permits to
separate provisions relating solely to cigarettes from
those relating to other tobacco products.